

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2024] NZEnvC 296

IN THE MATTER OF

an appeal under clause 14(1) of
Schedule 1 to the Resource Management
Act 1991 in relation to Private Plan
Change 21 to the Auckland Unitary Plan

BETWEEN

EDEN EPSOM RESIDENTIAL
PROTECTION SOCIETY
INCORPORATED

(ENV-2020-AKL-079)

Appellant

AND

AUCKLAND COUNCIL

Respondent

AND

SOUTHERN CROSS HOSPITALS
LIMITED

Requestor

Court: Environment Court Judge J A Smith
Commissioner S Myers
Commissioner G Paine

Hearing: 8 November 2024

Last case event: 15 November 2024

Appearances: J M Savage for Eden Epsom Residential Protection Society
Incorporated (**Appellant**)
B Tree and A N Langford for Southern Cross Hospitals Limited
(**Requestor**)
W M C Randal for Auckland Council (**Respondent**)

Date of Decision: 22 November 2024

Date of Issue: 22 November 2024

Eden Epsom Residential Protection Society Incorporated v Auckland Council



FINAL DECISION OF THE ENVIRONMENT COURT

- A: The special character overlay and provisions relating to demolition controls in relation to 149, 151 and 153 Gillies Avenue are removed.
- B: The Southern Cross Hospital site (3 Brightside Road) and 149, 151 and 153 Gillies Avenue are rezoned to Healthcare Facility and Hospital zone (HFH) subject to special provisions annexed as “C”.
- C: Changes are to be made to the wording in accordance with this decision. The final document is annexed hereto and marked “C”. The Council is directed to include PPC21 as part of the AUP.
- D: The parties agree that there are no issues as to costs on settling the final wording. The costs application regarding the substantive hearing will be addressed by a separate decision.

REASONS

Introduction

[1] Eden Epsom Residential Protection Society Incorporated (**the Society**) appealed against a decision of a majority of independent Council Commissioners approving Proposed Private Plan Change 21 (**PPC21**) to the Auckland Unitary Plan (operative in part) (**AUP**). PPC21 was to enable expansion and intensification of development of an existing private hospital at 3 Brightside Road, Epsom, including onto three adjoining residential lots on Gillies Avenue purchased by the requestor Southern Cross Hospitals Limited (**Southern Cross / Requestor**).

[2] The decision was appealed to the Environment Court which rejected PPC21.¹ That decision was appealed to the High Court which cancelled the Environment Court decision and remitted the matter back the Environment Court for reconsideration.² Subsequently this division was appointed to rehear the matter.

[3] On 5 July 2024, the Court issued a decision (**Decision**) confirming the decision of the independent Council Commissioners on the Plan Change request, in the following particulars:³

- (1) 3 Brightside Road (the current Southern Cross Hospital site) is rezoned to Healthcare Facility and Hospital zone (HFH) with amendments to the current provisions for this particular site;
- (2) 149, 151 and 153 Gillies Avenue are rezoned to HFH with amendments to the HFH zone provisions to be finalised; and
- (3) The special character overlay and provisions relating to demolition controls in respect of the two properties 151 and 153 Gillies Avenue are removed.

[4] The Court directed that “the final wording of PPC21 provisions meeting the Court’s comments is to be prepared by the Requestor.”⁴

[5] In accordance with that direction, Southern Cross filed provisions on 16 August 2024. The Court then directed the parties to circulate any altered wording sought. The Society and the Council circulated memoranda setting out altered wording on 9 and 13 September 2024 respectively. On 27 September 2024, Southern Cross provided its preferred wording with a brief explanation in response to the points raised by the Society and the Council. A copy of the Requestor’s preferred wording following feedback from the Appellant and Respondent is attached as “**A**”.

[6] The Court as a whole looked at these provisions and considered there was some degree of subtlety and complexity to them, and that it would be more efficient for the

¹ *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2022] NZEnvC 60.

² *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948.

³ *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2024] NZEnvC 161, at A and [215].

⁴ *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2024] NZEnvC 161, at B and [216].

Court to hold a further hearing and make a decision on the individual changes sought.

The further hearing

[7] Ms Tree helpfully provided an outline of the matters that she understood to be agreed and those that require further decision by this Court.

[8] All parties agreed that we could work through the issues in a piecemeal way, dealing with each of the areas of disagreement and recording our decision on each of those to the extent we were able at the hearing, or reserving a particular issue if we are not able to reach a decision.

Matters agreed between the parties

[9] The first part of the hearing engaged with the issues that Southern Cross understood to be resolved.

[10] It was confirmed with the Council and the Society that the written wording of the following provisions are agreed between the parties:

- (a) H25.4.1 Activity Table (A22);
- (b) H25.5 Notification;
- (c) H25.6 Standards;
- (d) H25.6.1.1 Building heights;
- (e) H25.7.1 Matters of control; and
- (f) H25.8 (new heading) Assessment – restricted discretionary activities.

[11] It is noted that there is a subtlety to this and in relation to H25.6.1.1 the plan or map itself is not agreed between the parties and that is a matter that we have to make a separate decision on.

[12] There is also largely agreement about the wording of H25.7.2 Assessment

criteria for Controlled activities. However, the Appellant seeks that the word ‘unreasonably’ be inserted between ‘without’ and ‘compromising’ in the penultimate line to that provision (H25.7.2(4)). Accordingly, the matter will be dealt with as part of the remaining issues.

[13] For those provisions where there is agreement, those changes are confirmed by consent and form part of the final set of provisions that were filed by Southern Cross consequent upon this decision (attached as “C”).

Matters not agreed between the parties

[14] During the hearing the Court moved through each of the other provisions not agreed between the parties to make decisions. The Court made it clear to the parties that at the end of the process, we would need to revisit whether all of those consequences are appropriate, and that may require us to consider the matter subsequent to the hearing when we had a chance to view our individual decisions, so the decisions delivered orally during the hearing should be taken as tentative views subject to an overall view on the matter.

[15] Having viewed the submissions and the provisions, we considered that it was unlikely there would be any further changes unless it was to improve wording and clarity of the provisions as a result of other changes.

Special controls for the HFH zone – H25.6.1.2

[16] This issue focuses on the map contained at H25.6.1.2 Brightside Hospital Plan and the annotations on it.

[17] The Requestor’s plan shows an area of 20 metres by 10 metres at the junction of Brightside Road and Gillies Avenue, and a 10 by 10 metre area at the northern end of the Gillies Avenue site. Beyond that, it has separation areas along the back boundary delineated but no particular one shown along Brightside Road. It shows a 10-metre set back from Gillies Avenue.

[18] The Appellant seeks a more comprehensive outcome which is summarised as

changing the area at the corner of Gillies Avenue and Brightside Road to one that is 20 metres by 15 metres, adding a number of trees identified as 4, 5, 10, 11 and 13, and having a 10-metre building line set back from Brightside Road on both aspects, with a non-complying status for any buildings or activities within that area.

[19] This raises a number of issues, and the starting point from the Court’s point of view is its decisions about the special controls from paragraphs [203] to [212] of its decision. We do not cite those in detail because we think the decision is very clear, but we note, for example, that in respect to the further provisions the decision states:⁵

Beyond that, the protections of the existing trees proposed by the Requestor and other proposals for setbacks etc., are acceptable.

We note that in the Requestor in the final proposal “F” has also included a standard for the three-metre front yard at the Brightside Hospital to “be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard”.

We conclude these provisions would help maintain character and amenity while prov[id]ing for efficient and effective use of the site for the hospital. The Requestor already intends to maintain the large Jacaranda and Pōhutukawa trees on the Hospital site, as well as setbacks to its northern boundaries.

[20] We do not think there is any real doubt about those provisions. Accordingly, the request by the Appellant to include a 10-metre setback upon Brightside Hospital has no basis as the issue has already been decided. Accordingly, that aspect of the matter is discounted.

[21] So far as the areas for the retained trees and the status of what occurs between them, these relate to the two blocks that this Court explicitly said were to be retained and that any development within those areas was to be considered as non-complying. We do not think there is any doubt about the size of those areas. Any attempt to reduce them is already the subject of the decision of this Court. So that must be a minimum of 15 by 15 at the southern end and 10 by 10 at the northern end.

[22] Mr Savage raised that it appears Ms Tree acknowledges that the roots of the

⁵ *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2024] NZEnvC 161, at [209] – [211].

Tulip tree may not be fully protected by this and therefore, seeks an extension of five metres to the north. Given that common position, we consider the real issue is what can occur within that area rather than whether it should be added to the protected area. We see no basis to go beyond 10 metres from the road and therefore we would add to the area in the south an area of five by 10 metres, with the five metres in north-southerly direction and the 10 metres in the east-westerly direction.

[23] This leads us to the final issue which is what did we mean by requiring any development to be non-complying. We agree with Ms Tree that it is not intended that this would prevent beautification works or seating or even pathways that did not interfere with the trees to improve and make these areas more in keeping with the amenity of the three metre setback already proposed, the Jacaranda and Pōhutukawa trees, or the area at the rear of the site which is kept for patients and staff to use as a restful and peaceful area.

[24] Such works seems entirely compatible with the intent to protect both of those areas. This is both the protected areas on Gillies Avenue.

[25] Accordingly, we feel that we should clarify this by saying that any building development within those areas is to be considered as a non-complying activity. We think that was implicit in our decision anyway, but to remove any doubt we would add the word “building”. The wording should be addressed in A23 as follows:

New buildings, or additions to existing buildings, or removal of retained trees or retained stone walls, within Landscape Areas 1 and 2 on Plan H25.6.1.2, at Brightside Hospital.

And NC in the activity status column

[26] Accordingly, we would actually envisage those areas being utilised as part of the peaceful setting of the area, not only for the benefit of the hospital but as a more passive amenity to the wider community. We saw those areas as being two significant compensations to maintain the special character of this area generally.

[27] So far as the rock wall is concerned, we feel that we should also mention that we really see nothing to change the plans in any way. We note that we did say that

the other provisions seem to us to be acceptable, and they could be subject to modification as a restricted discretionary activity within the central area of the Gillies Avenue site. We understand that applies to buildings as well.

[28] So, the effect would be that the northern 10 by 10 metre block, the 15 by 15 metre block, and a smaller block immediately to the north of that of five by 10 metres, would be subject to the non-complying status. The balance of the site would fall within the general provisions. We suspect that this may also address a number of the other issues that remain extant, and we now go on to look at those to ensure that they are in general keeping with our full decision.

The wording of H25.6.3.1(2) Yards

[29] The parties then moved to discuss the issue as regarding yards which arises under H25.6.3.1(2).

[30] The wording sought by Southern Cross is included in “A”. There are additions sought by the Appellant which include inserting ‘side and rear yards’ after the word ‘front’ and before ‘yard’, and then at the end inserting a further two sentences: “This is to ensure ongoing amenity, including visual mitigation for adjacent residential areas. At least 10 percent of each required yard must be planted and continually retained with trees at least three metres high.”.

[31] The parties have differing views on this. Ms Tree supports the Southern Cross position that this is unnecessary and not covered by the decision in any way.

[32] So far as the decision itself is concerned, the relevant section remains between paragraphs [203] and [212]. It is clear, looking at [209], that there were setbacks proposed and those are shown in the diagrams at ‘A’, ‘B’, ‘C’ and ‘D’. It was intended that they were provided, so there was no real argument about that. The use of just the words ‘front yard’ is difficult for us to understand in that context. We think the real issue turns upon the requirement not only to note that there are side and rear yards, but the additional wording sought by the residents relating as to what should be planted.

[33] When we look at paragraphs [211] and [212], we conclude that these guide the s 32 analysis in this case. We have a twofold task here, as we have already discussed, to maintain character and amenity while allowing for the effective and efficient use of the site.

[34] Quite simply, the setbacks are already provided by Southern Cross, so they do not affect the efficient and effective use of the site. The requirement to keep them planted is simply a character and amenity matter and does not affect the effective use of the site. Our conclusion therefore is relatively straight forward. We consider that the additional first sentence sought by the residents, namely “This is to ensure ongoing amenity, including visual mitigation for adjacent residential areas” is appropriate and reflects one of the key purposes of these provisions. To that effect, the side and rear yards should be added. They are already provided for in the plan and for the most part, as we understand them, have already got some form of planting within them.

[35] The last sentence as proposed by the Appellant is the one that troubles us. To begin specifying what sort of plants must be present and what height they must be retained at etc., introduces a novel aspect. We are worried that although some residents might be happy with trees that might continue to grow well above the three-metre height, there are others who would find that onerous and affecting their own amenity.

[36] For our part, we conclude that we should not specify the planting required. There is no requirement in terms of the plan to dictate how that planting might occur. Accordingly, we have concluded that we should delete the last sentence, but otherwise the wording as proposed by the Appellant is acceptable.

[37] We accordingly consider that looking at the tests under ss 32 and 32AA in particular this meets the balance in this case given that it does not impinge upon the efficient or effective use of the site and will provide some more certainty about amenity.

[38] We state that the planting that is there now, at least as we recall it on the frontage, is appropriate. There may be some need for some of the side and rear yards

to be looked at, but our recollection is this was shown in the planting programme anyway.

The wording of H25.6.7 Development in accordance with Brightside Hospital plan

[39] The provisions sought by Southern Cross are appended in “**A**”. However, by the end of the submissions on this, Ms Tree’s position was that Item 3 of H25.6.7 could be deleted and instead provisions inserted as A23 or A23 and A24 to address the non-complying status for Landscape Areas 1 and 2.

[40] We annexe hereto as “**B**” the proposed wording of the Appellant because there are a number of changes sought in this provision. We deal with them in turn, together with our conclusions.

[41] Item 1 of H25.6.7 relates to areas generally on the site. Although it might include Areas 1 and 2, it would have more general application for other areas because, as we have said, Areas 1 and 2 will have a special provision relating to their status. Nevertheless, the intention of Item 1 is to apply to features, being the retained trees and the retained stone walls. As can be seen, Mr Savage’s clients would like to:

- (a) change the wording from ‘retain’ to ‘include’;
- (b) include in (b) ‘...and stone wall gaps infilled to match existing adjoining walls’;
and
- (c) include ‘Removal of the identified features in (a) and (b) above is a non-complying activity’.

[42] Again, relying on paragraphs [203] to [212], it was not the Court’s intention that the areas outside Areas 1 and 2 would be significantly different in wording to those proposed by Southern Cross at the hearing. We do not consider the word ‘retain’ is more appropriate than ‘include’. We consider that there is no need to include ‘...and stone wall gaps infilled to match existing adjoining walls’, because they are existing already and, as we have noted, some have other particular features already in them. It

follows that the removal of those features in itself is not a non-complying activity, but, as we have made clear in relation to Area 1 and 2, that is the clear intention which we will address in due course when we come back to A23 and A24. Accordingly, we would retain the wording as suggested by Southern Cross.

[43] Under Item 2 of H25.6.7, the word ‘including’ has been sought to be added by the Appellant. Quite simply, we agree with Ms Tree that it adds uncertainty, and we prefer the clarity of the provision as stated. Accordingly, we conclude that the word ‘including’ should not be added.

[44] As to Points E and F and the addition of Brightside Road, we consider we have already addressed this earlier in our discussion about setbacks. We do not consider that a general 10 metre setback on Brightside Road is appropriate and accordingly, we adopt the wording as suggested by Southern Cross in “**A**” for Item 2.

[45] We now move to the questions of Items 3 and 4. Item 3 is clearly addressing Areas A and B, which are also known in the Southern Cross provision as Landscape Areas 1 and 2. We have already discussed in general that we consider that new buildings and the like should be excluded from those areas. Having looked at this and particularly the wording of Item 1, we are reinforced in our view that within Areas 1 and 2 retained trees and retained stone walls should be the subject of non-complying status for removal.

[46] We do not see the purpose in retaining Item 3. Although Mr Savage says that it adds some clarity, we might equally say it could add room for argument and debate. In our view, we want to carve out very clearly Areas 1 and 2 to discourage any attempts to develop or compromise those areas.

[47] This leads us to the question of Item 4. We note that ‘development’ there goes a little further than building, and that arguably some structures such as a carpark or driveway might be argued not to be building. We are unclear as to the exact wording in the Auckland Unitary Plan.

[48] It is our intention that the setbacks and landscaped areas be utilised for

character and amenity purposes, but the question of how far this Court should go in retrofitting the Auckland Unitary Plan to deal with these issues in a precise way is a real issue for us. We only state clearly our view that it is not intended that there be carparking or driveways within protected areas.

[49] In terms of the plan provisions if the rest of the plan was subject to such accuracy, we would be spending very many years trying to correct it. We feel that this would be going too far in the circumstances of this case. The intent of the protection of those two areas is clear in our view, and any activity that sought to modify Area 1 or 2 would probably be subject to some review or appeal.

[50] Accordingly, we conclude, in the circumstances, that Item 4 is not necessary given that the status of the activity will be addressed for Landscape Area 1 and Landscape Area 2. The Commissioners feel that having the non-complying status upfront, if we can put it that way, will avoid any lack of clarity about what the clear intent of the provision is.

[51] Accordingly, we would not adopt Item 3 or 4, and otherwise adopt the wording of Southern Cross.

A23 and A24 activity status

[52] We then went on to discuss the A23 and A24 activity status, and this led us back to Items 3 and 4 of H25.6.7. The concern for the parties is that other development, for example, car parking or driveways or other things might affect the trees indirectly. The Court's concern is that it is getting into too greater a level of detail when we get down to these matters and we, in the end, consider that this is something of a storm in a teacup.

[53] We have concluded that there should be an Item 3 in H25.6.7 to the effect that to manage adverse effects on streetscape character and amenity, Areas 1 and Area 2, as identified by the Court in this decision and in the modified figure H25.6.1.2, must be retained as landscaped areas.

[54] We then moved to consider A23, and we concluded that a single provision A23 will be sufficient. New buildings or additions to existing buildings or the removal of trees or the stone walls in the landscaped Areas 1 and 2, marked on the plan H25.6.1.2 Brightside Hospital, are non-compliant. In our view that is sufficient. Where there is doubt there could be suitable arguments as to whether or not the activity was non-complying or restricted discretionary, we consider that to some extent those matters will turn on questions of degree.

H25.7.2 Assessment criteria

[55] We now move to consider whether the word ‘unreasonably’ should be included in H25.7.2(4). Ms Tree is concerned that it sort of adds another element of uncertainty. This is a criterion, and it does seem to the Court that it would avoid an argument that there is any compromise whatsoever. We do not think it adds anything either way. In short, our overall view is that ‘unreasonably’ is not an unreasonable word to include and therefore we adopt it.

H25.8.1 Matters of discretion and H25.8.2 Assessment criteria

[56] We understand the final issue of difference between the parties is in relation to H25.8 Assessment – restricted discretionary activities – H25.8.1 Matters of discretion and H25.8.2 Assessment criteria. As it transpired, we are also unanimous on this issue.

[57] We need to keep in mind that the context of this is that construction of buildings up to 16 metres is permitted, is restricted discretionary up to 21 metres, and full discretionary beyond 21 metres. In relation to the restricted discretionary, it only applies in Area 2 not in Area 1. So that is 21 metres for Area 2. We note that Area 1 and 2 are different to Landscape Areas 1 and 2 on the Outline Plan.

[58] The designs that were shown to us at the hearing were the ones that were around the 16-metre figure and there was an intent to try and encourage buildings to be in that range.

[59] Overall, our feeling as a Court is that the objective of the provisions is of

increasing scrutiny with height, and are intended to achieve a more designed approach as one begins to exceed those threshold heights.

[60] Overall, we are unanimous that matters of discretion and criteria are appropriate. When we look at those that are proposed, in our view these are relatively modest. They include the effects on privacy of immediate residential neighbours, the building design and appearances, and the effects of visual dominance. Similarly, the criteria themselves relate back to various provisions of the plan and policies, and include particularly:

- (a) at H25.8.2(4)(b)(i), ‘the extent to which building design and appearance is visually compatible with and complementary to the residential and streetscape character of the surrounding neighbourhood’; and
- (b) at H25.8.2(4)(c)(i), ‘the extent to which the design features can be used to break up the bulk of the building and minimise visual dominance by, for example, varying building materials and colours, elevations, and the use of architectural features and recesses within the design of elevations, without unreasonably compromising the functional requirements of the use of the building’.

[61] The Court recalls that at the hearing there were discussions about things such as mansard roof and the relatively sympathetic construction of the existing Brightside Hospital buildings.

[62] Overall, we do not consider those type of criteria unreasonable once one begins to exceed 16 metres. Certainly over 21 metres, these criteria become of some importance. Accordingly, we have concluded that the provisions as sought by the Appellant should be included both as Item 4 in both H25.8.1 and H25.8.2 as annexed hereto and marked “**B**”.

Conclusion

[63] Ms Tree was to file a final set of provisions. She subsequently filed these on 15 November 2024 with no issues raised by other parties. These are attached as “**C**”

and are adopted as the final provisions.

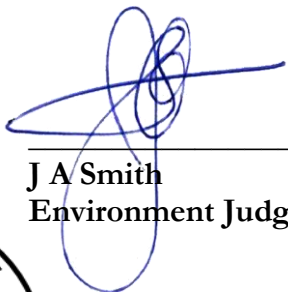
[64] The special character overlay and provisions relating to demolition controls in relation to 149, 151 and 153 Gillies Avenue are removed.

[65] The Southern Cross Hospital site (3 Brightside Road) and 149, 151 and 153 Gillies Avenue are rezoned to Healthcare Facility and Hospital zone (HFH) subject to special provisions annexed as “C”.

[66] Changes are to be made to the wording in accordance with this decision. The final document is annexed hereto and marked “C”. The Council is directed to include PPC21 as part of the AUP.

[67] The parties agree that there are no issues as to costs on settling the final wording. The Court has found the assistance of counsel very helpful in what is a relatively complex set of differences between the parties. An application for costs on the substantive hearing is still to be resolved. This will be addressed in a separate decision.

For the Court:



J A Smith
Environment Judge



"A"

Amendments to the HFH zone (including proposed in the Requestors reply) are shown in **red**.

The Requestor's amendments interpreting the decision are shown in **purple** below.

The Requestor's proposed amendments to provisions following feedback from the Appellant and Respondent are provided in **green** below.

H25. Special Purpose – Healthcare Facility and Hospital Zone

H25.1. Zone description

The Special Purpose – Healthcare Facility and Hospital Zone applies to several of Auckland's hospitals and healthcare facilities. These are generally large, land-extensive facilities with a range of activities related to their primary function. The sites generally consist of extensive and highly visible buildings and substantial parking areas.

The zone enables a range of healthcare related and supporting activities to cater for the diverse requirements of the users, employees and visitors to the hospitals and healthcare facilities.

H25.2. Objectives

- (1) The efficient operation and development of hospitals and healthcare facilities to support the community's healthcare needs is enabled.
- (2) A comprehensive range of hospital and healthcare activities, buildings and infrastructure, and accessory buildings and activities are provided for.
- (3) The adverse effects of hospital and healthcare activities, buildings and infrastructure, and accessory buildings and activities on adjacent areas are avoided, remedied or mitigated.

H25.3. Policies

- (1) Enable a range of hospital and healthcare facilities to meet the health and wellbeing needs of the community.
- (2) Enable for a range of non-healthcare activities provided they:
 - (a) do not compromise the efficient use of the zone for hospital and healthcare activities; and
 - (b) avoid, remedy or mitigate significant adverse effects, including traffic effects.
- (3) Minimise the effects of supporting activities and services on the amenity values of the adjacent land.
- (4) Minimise significant adverse effects of overshadowing, visual dominance and loss of visual privacy on adjacent properties by use of graduated building heights and by locating higher buildings away from the zone boundary.
- (5) Provide for additional building height in identified locations, where it:
 - (a) enables the efficient operation of the hospital or healthcare facility; and
 - (b) can be accommodated without significant adverse effects on adjacent properties.
- (6) Require new buildings and significant additions to buildings that adjoin streets and public open spaces to be designed to contribute to the maintenance and enhancement of amenity values while enabling the efficient use of the site.

- (7) Encourage new buildings to be designed to provide a high standard of amenity and safety.

H25.4. Activity table

Table H25.4.1 specifies the activity status of land use and development activities in the Special Purpose - Healthcare Facility and Hospital Zone pursuant to section 9(3) of the Resource Management Act 1991.

Table H25.4.1 Activity Table

Activity		Activity status
Use		
Accommodation		
(A1)	Boarding houses	RD
(A2)	Visitor accommodation	RD
(A3)	Dwellings accessory to healthcare facilities	P
(A4)	Supported residential care	P
(A5)	Dwellings not specified above	D
(A6)	Retirement villages	D
Community		
(A7)	Care centres	P
(A8)	Community facilities	P
(A9)	Education facilities	P
(A10)	Healthcare facilities	P
(A11)	Hospitals	P
(A12)	Informal recreation and leisure	P
(A13)	Organised sport and recreation	P
(A14)	Information facilities	P
(A15)	Public amenities	P
(A16)	Artworks	P
(A17)	Tertiary education facilities accessory to healthcare	P
(A18)	Buildings, alterations, additions and demolition unless otherwise specified below	P
(A19)	Conversion of buildings or part of buildings to dwellings	D
(A20)	New buildings or additions to existing buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone	RD
(A21)	New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone	RD
<u>(A22)</u>	<u>New buildings, or additions to existing buildings that increase the building footprint by more than 20 per cent, at Brightside Hospital</u>	<u>C</u>

H25.5. Notification

- (1) Any application for resource consent for any of the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:
 - (a) new buildings or additions to existing buildings that increase the building footprint by more than 20 per cent that are visible from and located within 10m of a public road or open space zone; and
 - (b) new parking buildings visible from and located within 10m of a public road or a residential zone or open space zone.; and
 - (c) new buildings, or additions to existing buildings that increase the building footprint by more than 20 per cent, at Brightside Hospital.
- (2) Any application for resource consent for an activity listed in Table H25.4.1 Activity table and which is not listed in H25.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

H25.6. Standards

All activities listed as a permitted, controlled or restricted discretionary activity in Table H25.4.1 Activity table must comply with the following standards.

Where a healthcare facility comprises multiple adjoining sites zoned Special Purpose – Healthcare Facility and Hospital Zone, the sites will be treated as a single site for the purposes of applying the following standards.

H25.6.1. Building height

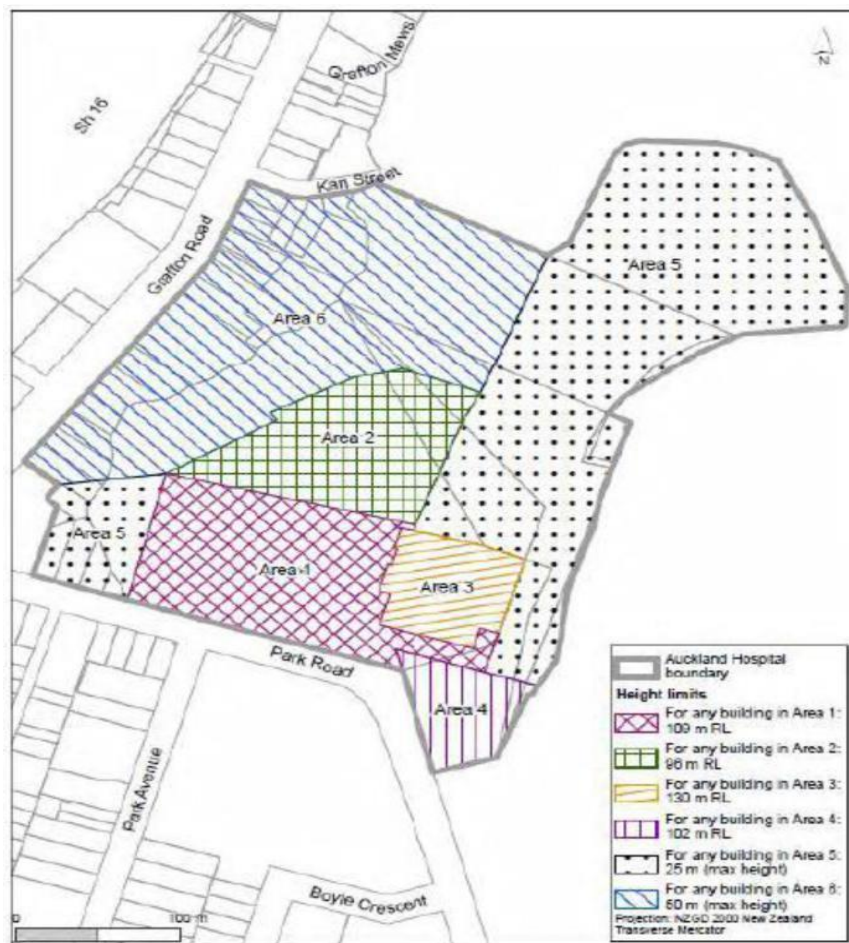
- (1) Buildings heights are specified in Table H25.6.1.1 Building heights and Figure H25.6.1.1 Auckland Hospital permitted building heights.

Table H25.6.1.1: Building heights

Site area	Permitted activity standard	Restricted discretionary activity standard	Discretionary activity standard
Sites with a total site area up to 4ha	Up to 16m	Between 16m and up to 25m	Greater than 25m
Sites with a total site area greater than 4ha	Up to 26m	Between 26m and up to 35m	Greater than 35m
Sites subject to the Height Variation Control	Up to the height specified on the Height Variation Control	Infringements to the Height Variation Control and up to 35m	Infringements to the Height Variation Control and greater than 35m

Auckland Hospital buildings	p to the height specified in Figure H25.6.1.1	Buildings infringing the height specified in Figure H25.6.2.1 and up to 35m	Buildings infringing the height specified in Figure H25.6.1.1 and greater than 35m
Brightside Hospital buildings	Up to the height specified in Figure H25.6.1.2	Area 1 - N/A Area 2 – Buildings infringing the height specified in Figure H25.6.1.2 and up to 21m	Area 1 - Buildings infringing the height specified in Figure H25.6.1.2 Area 2 – Buildings infringing the height specified in Figure H25.6.1.2 and greater than 21m

Figure H25.6.1.1 Auckland Hospital permitted building heights



(2) The building heights in Figure H25.6.1.1 Auckland Hospital permitted building heights for Areas 1 to 4 are measured using Reduced Levels (RL in terms of NZVD2016). Areas 5 and 6 are measured as per the Plan definition of height.

Figure H25.6.1.2 Brightside Hospital Plan



(3) The permitted building heights in Figure H25.6.1.2 Brightside Hospital Plan for Areas 1 and 2 are measured as per the Plan definition of height.

Purpose of the Brightside Hospital building height limits: to manage adverse effects of building dominance on the amenity of adjacent residential properties.

H25.6.2. Height in relation to boundary

(1) Where a site in the Special Purpose – Healthcare Facility and Hospital Zone directly adjoins a site in another zone, the height in relation to boundary standard that applies in the adjoining zone applies to the adjoining Special Purpose - Healthcare Facility and Hospital Zone boundary.

(2) Where a site in the Special Purpose – Healthcare Facility and Hospital Zone directly adjoins a site in another zone that does not specify a height in relation to boundary standard, the yard and/or setback standard in the adjoining zone applies to the adjoining the Special Purpose – Healthcare Facility and Hospital Zone boundary.

(3) Where a site in the Special Purpose – Healthcare Facility and Hospital Zone adjoins a site in an open space zone, buildings must not project beyond a 45 degree recession plane measured from a point 8.5m vertically above ground level along the open space zone boundary.

H25.6.3. Yards

(1) The yards in Table H25.6.3.1 must be provided.

Table H25.6.3.1 Yards

Yard	Dimension
Front yard, except where the properties adjoining the zone on that road frontage are in the Business – Mixed Use Zone or one of the business centre zones	3m
Side and rear yards - where the site adjoins a site in a residential zone, open space zone or the Future Urban Zone	3m
Riparian yard	5m from the edge of permanent and intermittent streams
Lake side yard	20m
Coastal protection yard	25m, or as otherwise specified in Appendix 6

(2) At Brightside Hospital the 3m front yard required by standard H25.6.3.1 (excluding access points) must be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard.

H25.6.4. Maximum impervious area

(1) The maximum impervious area must not be greater than 80 per cent.

H25.6.5. Screening

(1) Any outdoor storage or rubbish collection areas that directly face and are visible from a residential zone or public open space adjoining a boundary with, or on the opposite side of the road from, a Special Purpose – Hospital and Healthcare Facility Zone, must be screened from those areas by a solid wall or fence at least 1.8m high.

H25.6.6. Dwellings accessory to a healthcare activity

(1) Detached dwellings accessory to a healthcare facility must comply with the following Residential – Mixed Housing Suburban Zone standards:

- (a) H4 Residential – Mixed Housing Suburban Zone – Standard H4.6.11;
- (b) H4 Residential – Mixed Housing Suburban Zone – Standard H4.6.12; and
- (c) H4 Residential – Mixed Housing Suburban Zone – Standard H4.6.13.

(2) Attached dwellings accessory to a healthcare facility must comply with the following Residential – Terrace Housing and Apartment Buildings Zone standards:

- (a) H6 Residential – Terrace Housing and Apartment Buildings Zone – Standard H6.6.13;
- (b) H6 Residential – Terrace Housing and Apartment Buildings Zone – Standard H6.6.14; and
- (c) H6 Residential – Terrace Housing and Apartment Buildings Zone – Standard H6.6.15.

H25.6.7. Development in accordance with Brightside Hospital Plan

(1) To manage adverse effects on adjacent areas including streetscape character and amenity, development at Brightside Hospital must retain the following identified features on Figure H25.6.1.2 Brightside Hospital Plan;

(a) Retained trees; and

(b) Retained stone walls.

(2) To manage adverse effects of building scale and location on adjacent residential properties, any building at Brightside Hospital must be set back to the building line identified on Figure H25.6.1.2 Brightside Hospital Plan as follows:

(a) At Point A, new buildings or additions to buildings must be setback 3m from the northern boundary; and

(b) At Point B, new buildings or additions to buildings must be setback 6m from the western boundary.

(c) At Point C, new buildings or additions to buildings must be setback 6m from the northern boundary. -

(d) At Point D, new buildings or additions to buildings must be setback 10m from the Gillies Avenue boundary.

(3) To manage adverse effects on streetscape character and amenity, Area 1 (of 10m x 10m) and 2 (of 10m x 20m) as identified on Figure H25.6.1.2 must be retained as landscaped areas. [Any ground level development within these landscaped areas is a non-complying activity. Any breach of this rule will be considered separately and will not affect the overall activity status of a resource consent application. For the avoidance of doubt, general rules C1.5 and C1.6 do not apply in relation to an activity which breaches this rule.]

H25.7. Assessment – controlled activities

~~There are no controlled activities in this section.~~

H25.7.1 Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

(1) effects on the privacy of immediate residential neighbours;

(2) building design and appearance;

(3) site travel management; and

(4) effects of visual dominance.

H25.7.2 Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

(1) For H25.7.1(1):

(a) Policy 25.3(4);

(2) For H25.7.1(2):

(a) the extent to which building design and appearance is visually compatible with and complementary to the residential and streetscape character of the surrounding neighbourhood; and

(b) Policies 25.3(2)(b), 25.3(3), 25.3(6) and 25.3(7); and

(3) For H25.7.1(3):

(a) the extent to which single use vehicle trips to and from the site are minimised with travel management measures; and

(b) Policy 25.3(2)(b).

(4) For H25.7.1(4):

(a) the extent to which design features can be used to break up the bulk of the building and minimise visual dominance by, for example, varying building materials and colours, elevations, and the use of architectural features and recesses within the design of elevations, without compromising the functional requirements of the use of the building.

H25.8 Assessment – restricted discretionary activities

H25.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

(1) Visitor accommodation and boarding houses:

- (a) effects on adjoining properties, especially residential properties including effects of overshadowing and loss of privacy; and
- (b) on-site amenity.

(2) New buildings or additions to buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone:

- (a) the effects of the building design and external appearance on the adjoining streetscape and adjoining land zoned open space.

(3) New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone:

- (a) the effects of the building design and external appearance on the adjoining streetscape and adjoining land zoned open space; and
- (b) the adverse effects on amenity values of adjoining land zoned residential.

H25.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) Visitor accommodation and boarding houses:
 - (a) whether the development complies with H6 Residential - Terrace Housing and Apartment Buildings Zone – Rule H6.6.13 or meets the purpose of the standard.
- (2) New buildings or additions to buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone:
 - (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the use of the building;
 - (b) the extent to which the visual effects of the building can be softened by landscaping; and
 - (c) the extent to which any service elements (roof plant, exhaust and intake units and roof equipment) that could be viewed from the road or public open space zone can be integrated as part of the façade or roof of the building.
- (3) New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone:
 - (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the use of the building;
 - (b) the extent to which the visual effects of the building can be softened by landscaping; and
 - (c) the extent to which any service elements (roof plant, exhaust and intake units and roof equipment) that could be viewed from the road or public open space zone can be integrated as part of the façade or roof of the building.

H25.9. Special information requirements

There are no special information requirements in this section.

"B"

H25.6.7. Development in accordance with Brightside Hospital Plan

(1) To manage adverse effects on adjacent areas including streetscape character and amenity, development at Brightside Hospital must ~~retain~~ include the following identified features on Figure H25.6.1.2 Brightside Hospital Plan:

(a) Retained trees; and

(b) Retained stone walls and stone wall gaps infilled to match existing adjoining walls

Removal of the identified features in (a) and (b) above is a non-complying activity.

(2) To manage adverse effects of building scale and location on adjacent residential properties, any building at Brightside Hospital must be set back to the building line identified on Figure H25.6.1.2 Brightside Hospital Plan including as follows:

(a) At Point A, new buildings or additions to buildings must be setback 3m from the northern boundary; and

(b) At Point B, new buildings or additions to buildings must be setback 6m from the western boundary.

(c) At Point C, new buildings or additions to buildings must be setback 6m from the northern boundary.

(d) At Points D, E and F new buildings or additions to buildings must be setback 10m from the Gillies Avenue boundary and Brightside Road boundaries.

(3) To manage adverse effects on streetscape character and amenity along Gillies Avenue and at the corner of Brightside Road, Area A (of 10m x 10m) and Area B (of 15m x 15m 20m) as identified on Figure H25.6.1.2 shall must be retained as landscaped areas to ensure the ongoing protection of existing trees identified in (1) above. Any ground level development within these landscaped areas is a non-complying activity. Any breach of this rule will be considered separately under C1.5 and will not affect the overall activity status of a resource consent application under C1.6.

(4) Development (including any structure, driveway, car park and pathways) within the setback to the building line identified in (2) above and within the landscaped areas identified in (3) above is a non-complying activity. As with the definition of Yards in the Plan, these setbacks and landscaped areas must be kept clear and unobstructed by buildings from the ground upwards. Any breach of this rule will be considered under C1.5 of the Auckland Unitary Plan and will have the usual overall activity status of a resource consent application under C1.6 of the Auckland Unitary Plan.

H25.8 Assessment – restricted discretionary activities

H25.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

(1) Visitor accommodation and boarding houses:

- (a) effects on adjoining properties, especially residential properties including effects of overshadowing and loss of privacy; and
- (b) on-site amenity.

(2) New buildings or additions to buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone:

- (a) the effects of the building design and external appearance on the adjoining streetscape and adjoining land zoned open space.

(3) New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone:

- (a) the effects of the building design and external appearance on the adjoining streetscape and adjoining land zoned open space; and
- (b) the adverse effects on amenity values of adjoining land zoned residential.

(4) For building height for Brightside Hospital buildings under H25.6.1 Building height:

- (a) effects on the privacy of immediate residential neighbours;
- (b) building design and appearance; and
- (c) effects of visual dominance.

H25.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) Visitor accommodation and boarding houses:
 - (a) whether the development complies with H6 Residential - Terrace Housing and Apartment Buildings Zone – Rule H6.6.13 or meets the purpose of the standard.
- (2) New buildings or additions to buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone:
 - (a) the extent to which design features can be used to break up the bulk of the building, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the use of the building;
 - (b) the extent to which the visual effects of the building can be softened by landscaping; and
 - (c) the extent to which any service elements (roof plant, exhaust and intake units and roof equipment) that could be viewed from the road or public open space zone can be integrated as part of the façade or roof of the building.
- (3) New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone:
 - (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the use of the building;
 - (b) the extent to which the visual effects of the building can be softened by landscaping; and
 - (c) the extent to which any service elements (roof plant, exhaust and intake units and roof equipment) that could be viewed from the road or public open space zone can be integrated as part of the façade or roof of the building.
- (4) For building height for Brightside Hospital buildings under H25.6.1 Building height:
 - (a) For H25.8.1(4)(a):
 - (i) Policy 25.3(4)
 - (b) For H25.8.1(4)(b):
 - (i) The extent to which building design and appearance is visually compatible with and complementary to the residential and streetscape character of the

surrounding neighbourhood; and

(ii) Policies 25.3(2)(b), 25.3(3), 25.3(6) and 25.3(7); and

(c) For H25.8.1(4)(c):

(i) the extent to which design features can be used to break up the bulk of the building and minimise visual dominance by, for example, varying building materials and colours, elevations, and the use of architectural features and recesses within the design of elevations, without unreasonably compromising the functional requirements of the use of the building.

“C”

H25. Special Purpose – Healthcare Facility and Hospital Zone

H25.1. Zone description

The Special Purpose – Healthcare Facility and Hospital Zone applies to several of Auckland's hospitals and healthcare facilities. These are generally large, land-extensive facilities with a range of activities related to their primary function. The sites generally consist of extensive and highly visible buildings and substantial parking areas.

The zone enables a range of healthcare related and supporting activities to cater for the diverse requirements of the users, employees and visitors to the hospitals and healthcare facilities.

H25.2. Objectives

- (1) The efficient operation and development of hospitals and healthcare facilities to support the community's healthcare needs is enabled.
- (2) A comprehensive range of hospital and healthcare activities, buildings and infrastructure, and accessory buildings and activities are provided for.
- (3) The adverse effects of hospital and healthcare activities, buildings and infrastructure, and accessory buildings and activities on adjacent areas are avoided, remedied or mitigated.

H25.3. Policies

- (1) Enable a range of hospital and healthcare facilities to meet the health and wellbeing needs of the community.
- (2) Enable for a range of non-healthcare activities provided they:
 - (a) do not compromise the efficient use of the zone for hospital and healthcare activities; and
 - (b) avoid, remedy or mitigate significant adverse effects, including traffic effects.
- (3) Minimise the effects of supporting activities and services on the amenity values of the adjacent land.
- (4) Minimise significant adverse effects of overshadowing, visual dominance and loss of visual privacy on adjacent properties by use of graduated building heights and by locating higher buildings away from the zone boundary.
- (5) Provide for additional building height in identified locations, where it:
 - (a) enables the efficient operation of the hospital or healthcare facility; and
 - (b) can be accommodated without significant adverse effects on adjacent properties.
- (6) Require new buildings and significant additions to buildings that adjoin streets and public open spaces to be designed to contribute to the maintenance and enhancement of amenity values while enabling the efficient use of the site.
- (7) Encourage new buildings to be designed to provide a high standard of amenity and safety.

H25.4. Activity table

Table H25.4.1 specifies the activity status of land use and development activities in the Special Purpose - Healthcare Facility and Hospital Zone pursuant to section 9(3) of the Resource Management Act 1991.

Table H25.4.1 Activity Table

Activity		Activity status
Use		
Accommodation		
(A1)	Boarding houses	RD
(A2)	Visitor accommodation	RD
(A3)	Dwellings accessory to healthcare facilities	P
(A4)	Supported residential care	P
(A5)	Dwellings not specified above	D
(A6)	Retirement villages	D
Community		
(A7)	Care centres	P
(A8)	Community facilities	P
(A9)	Education facilities	P
(A10)	Healthcare facilities	P
(A11)	Hospitals	P
(A12)	Informal recreation and leisure	P
(A13)	Organised sport and recreation	P
(A14)	Information facilities	P
(A15)	Public amenities	P
(A16)	Artworks	P
(A17)	Tertiary education facilities accessory to healthcare	P
(A18)	Buildings, alterations, additions and demolition unless otherwise specified below	P
(A19)	Conversion of buildings or part of buildings to dwellings	D
(A20)	New buildings or additions to existing buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone	RD
(A21)	New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone	RD
<u>(A22)</u>	<u>New buildings, or additions to existing buildings that increase the building footprint by more than 20 per cent, at Brightside Hospital</u>	<u>C</u>
<u>(A23)</u>	<u>New buildings, or additions to existing buildings, or removal of retained trees or retained stone walls, within Landscape Areas 1 and 2 on Plan H25.6.1.2, at Brightside Hospital</u>	<u>NC</u>

H25.5. Notification

- (1) Any application for resource consent for any of the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:
 - (a) new buildings or additions to existing buildings that increase the building footprint by more than 20 per cent that are visible from and located within 10m of a public road or open space zone; and
 - (b) new parking buildings visible from and located within 10m of a public road or a residential zone or open space zone.; and
 - (c) new buildings, or additions to existing buildings that increase the building footprint by more than 20 per cent, at Brightside Hospital.
- (2) Any application for resource consent for an activity listed in Table H25.4.1 Activity table and which is not listed in H25.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

H25.6. Standards

All activities listed as a permitted, controlled or restricted discretionary activity in Table H25.4.1 Activity table must comply with the following standards.

Where a healthcare facility comprises multiple adjoining sites zoned Special Purpose – Healthcare Facility and Hospital Zone, the sites will be treated as a single site for the purposes of applying the following standards.

H25.6.1. Building height

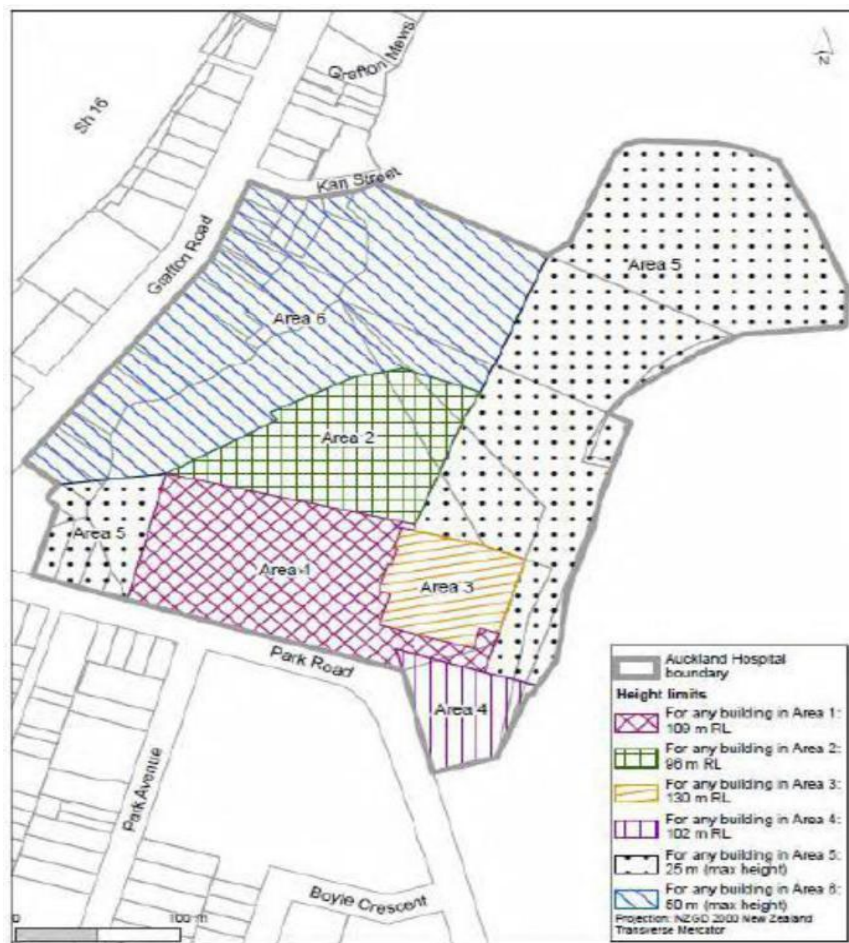
- (1) Buildings heights are specified in Table H25.6.1.1 Building heights and Figure H25.6.1.1 Auckland Hospital permitted building heights.

Table H25.6.1.1: Building heights

Site area	Permitted activity standard	Restricted discretionary activity standard	Discretionary activity standard
Sites with a total site area up to 4ha	Up to 16m	Between 16m and up to 25m	Greater than 25m
Sites with a total site area greater than 4ha	Up to 26m	Between 26m and up to 35m	Greater than 35m
Sites subject to the Height Variation Control	Up to the height specified on the Height Variation Control	Infringements to the Height Variation Control and up to 35m	Infringements to the Height Variation Control and greater than 35m

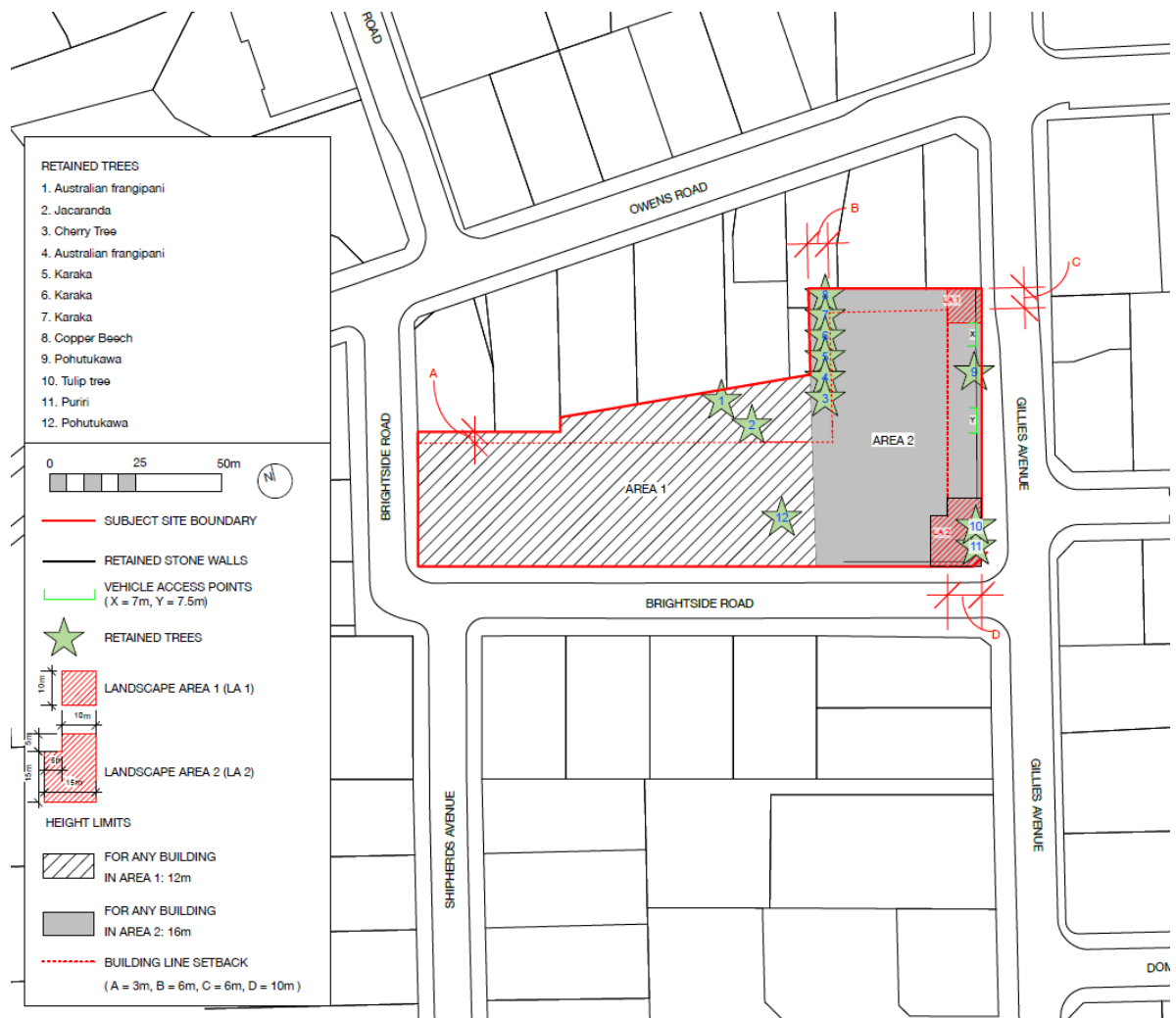
Auckland Hospital buildings	p to the height specified in Figure H25.6.1.1	Buildings infringing the height specified in Figure H25.6.2.1 and up to 35m	Buildings infringing the height specified in Figure H25.6.1.1 and greater than 35m
<u>Brightside Hospital buildings</u>	<u>Up to the height specified in Figure H25.6.1.2</u>	<u>Area 1 - N/A</u> <u>Area 2 – Buildings infringing the height specified in Figure H25.6.1.2 and up to 21m</u>	<u>Area 1 - Buildings infringing the height specified in Figure H25.6.1.2</u> <u>Area 2 – Buildings infringing the height specified in Figure H25.6.1.2 and greater than 21m</u>

Figure H25.6.1.1 Auckland Hospital permitted building heights



(2) The building heights in Figure H25.6.1.1 Auckland Hospital permitted building heights for Areas 1 to 4 are measured using Reduced Levels (RL in terms of NZVD2016). Areas 5 and 6 are measured as per the Plan definition of height.

Figure H25.6.1.2 Brightside Hospital Plan



(3) The permitted building heights in Figure H25.6.1.2 Brightside Hospital Plan for Areas 1 and 2 are measured as per the Plan definition of height.

Purpose of the Brightside Hospital building height limits: to manage adverse effects of building dominance on the amenity of adjacent residential properties.

H25.6.2. Height in relation to boundary

(1) Where a site in the Special Purpose – Healthcare Facility and Hospital Zone directly adjoins a site in another zone, the height in relation to boundary standard that applies in the adjoining zone applies to the adjoining Special Purpose - Healthcare Facility and Hospital Zone boundary.

(2) Where a site in the Special Purpose – Healthcare Facility and Hospital Zone directly adjoins a site in another zone that does not specify a height in relation to boundary standard, the yard and/or setback standard in the adjoining zone applies to the adjoining the Special Purpose – Healthcare Facility and Hospital Zone boundary.

(3) Where a site in the Special Purpose – Healthcare Facility and Hospital Zone adjoins a site in an open space zone, buildings must not project beyond a 45 degree recession plane measured from a point 8.5m vertically above ground level along the open space zone boundary.

H25.6.3. Yards

(1) The yards in Table H25.6.3.1 must be provided.

Table H25.6.3.1 Yards

Yard	Dimension
Front yard, except where the properties adjoining the zone on that road frontage are in the Business – Mixed Use Zone or one of the business centre zones	3m
Side and rear yards - where the site adjoins a site in a residential zone, open space zone or the Future Urban Zone	3m
Riparian yard	5m from the edge of permanent and intermittent streams
Lake side yard	20m
Coastal protection yard	25m, or as otherwise specified in Appendix 6

(2) At Brightside Hospital the 3m front, side and rear yards required by standard H25.6.3.1 (excluding access points) must be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard. This is to ensure ongoing amenity including visual mitigation for adjacent residential areas.

H25.6.4. Maximum impervious area

(1) The maximum impervious area must not be greater than 80 per cent.

H25.6.5. Screening

(1) Any outdoor storage or rubbish collection areas that directly face and are visible from a residential zone or public open space adjoining a boundary with, or on the opposite side of the road from, a Special Purpose – Hospital and Healthcare Facility Zone, must be screened from those areas by a solid wall or fence at least 1.8m high.

H25.6.6. Dwellings accessory to a healthcare activity

(1) Detached dwellings accessory to a healthcare facility must comply with the following Residential – Mixed Housing Suburban Zone standards:

- (a) H4 Residential – Mixed Housing Suburban Zone – Standard H4.6.11;
- (b) H4 Residential – Mixed Housing Suburban Zone – Standard H4.6.12; and
- (c) H4 Residential – Mixed Housing Suburban Zone – Standard H4.6.13.

(2) Attached dwellings accessory to a healthcare facility must comply with the following Residential – Terrace Housing and Apartment Buildings Zone standards:

- (a) H6 Residential – Terrace Housing and Apartment Buildings Zone – Standard H6.6.13;
- (b) H6 Residential – Terrace Housing and Apartment Buildings Zone – Standard H6.6.14; and
- (c) H6 Residential – Terrace Housing and Apartment Buildings Zone – Standard H6.6.15.

H25.6.7. Development in accordance with Brightside Hospital Plan

(1) To manage adverse effects on adjacent areas including streetscape character and amenity, development at Brightside Hospital must retain the following identified features on Figure H25.6.1.2 Brightside Hospital Plan;

(a) Retained trees; and

(b) Retained stone walls.

(2) To manage adverse effects of building scale and location on adjacent residential properties, any building at Brightside Hospital must be set back to the building line identified on Figure H25.6.1.2 Brightside Hospital Plan as follows:

(a) At Point A, new buildings or additions to buildings must be setback 3m from the northern boundary; and

(b) At Point B, new buildings or additions to buildings must be setback 6m from the western boundary.

(c) At Point C, new buildings or additions to buildings must be setback 6m from the northern boundary. -

(d) At Point D, new buildings or additions to buildings must be setback 10m from the Gillies Avenue boundary.

(3) To manage adverse effects on streetscape character and amenity, Landscape Areas 1 and 2 as identified on Figure H25.6.1.2 must be retained as landscaped areas.

H25.7. Assessment – controlled activities

~~There are no controlled activities in this section.~~

H25.7.1 Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

(1) effects on the privacy of immediate residential neighbours;

(2) building design and appearance;

(3) site travel management; and

(4) effects of visual dominance.

H25.7.2 Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

(1) For H25.7.1(1):

(a) Policy 25.3(4);

(2) For H25.7.1(2):

(a) the extent to which building design and appearance is visually compatible with and complementary to the residential and streetscape character of the surrounding neighbourhood; and

(b) Policies 25.3(2)(b), 25.3(3), 25.3(6) and 25.3(7); and

(3) For H25.7.1(3):

(a) the extent to which single use vehicle trips to and from the site are minimised with travel management measures; and

(b) Policy 25.3(2)(b).

(4) For H25.7.1(4):

(a) the extent to which design features can be used to break up the bulk of the building and minimise visual dominance by, for example, varying building materials and colours, elevations, and the use of architectural features and recesses within the design of elevations, without unreasonably compromising the functional requirements of the use of the building.

H25.8 Assessment – restricted discretionary activities

H25.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

(1) Visitor accommodation and boarding houses:

- (a) effects on adjoining properties, especially residential properties including effects of overshadowing and loss of privacy; and
- (b) on-site amenity.

(2) New buildings or additions to buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone:

- (a) the effects of the building design and external appearance on the adjoining streetscape and adjoining land zoned open space.

(3) New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone:

- (a) the effects of the building design and external appearance on the adjoining streetscape and adjoining land zoned open space; and
- (b) the adverse effects on amenity values of adjoining land zoned residential.

(4) For building height for Brightside Hospital buildings under H25.6.1 Building height:

- (a) effects on the privacy of immediate residential neighbours;
- (b) building design and appearance; and
- (c) effects of visual dominance.

H25.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) Visitor accommodation and boarding houses:
 - (a) whether the development complies with H6 Residential - Terrace Housing and Apartment Buildings Zone – Rule H6.6.13 or meets the purpose of the standard.
- (2) New buildings or additions to buildings that increase the building footprint by more than 20 per cent, that are visible from and located within 10m of a public road or an open space zone:
 - (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the use of the building;
 - (b) the extent to which the visual effects of the building can be softened by landscaping; and
 - (c) the extent to which any service elements (roof plant, exhaust and intake units and roof equipment) that could be viewed from the road or public open space zone can be integrated as part of the façade or roof of the building.
- (3) New parking buildings visible from and located within 10m of a public road or a residential zone or open space zone:
 - (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the use of the building;
 - (b) the extent to which the visual effects of the building can be softened by landscaping; and
 - (c) the extent to which any service elements (roof plant, exhaust and intake units and roof equipment) that could be viewed from the road or public open space zone can be integrated as part of the façade or roof of the building.

(4) For building height for Brightside Hospital buildings under H25.6.1 Building height:

- (a) For H25.8.1(4)(a):
 - (i) Policy 25.3(4)

(b) For H25.8.1(4)(b):

(i) The extent to which building design and appearance is visually compatible with and complementary to the residential and streetscape character of the surrounding neighbourhood; and

(ii) Policies 25.3(2)(b), 25.3(3), 25.3(6) and 25.3(7); and

(c) For H25.8.1(4)(c):

(i) the extent to which design features can be used to break up the bulk of the building and minimise visual dominance by, for example, varying building materials and colours, elevations, and the use of architectural features and recesses within the design of elevations, without unreasonably compromising the functional requirements of the use of the building.

H25.9. Special information requirements

There are no special information requirements in this section.

RETAINED TREES

1. Australian frangipani

2. Jacaranda

3. Cherry Tree

4. Australian frangipani

5. Karaka

6. Karaka

7. Karaka

8. Copper Beech

9. Pohutukawa

10. Tulip tree

11. Puriri

12. Pohutukawa

0

25

50m

N

SUBJECT SITE BOUNDARY

RETAINED STONE WALLS

VEHICLE ACCESS POINTS
(X = 7m, Y = 7.5m)

RETAINED TREES

10m

10m

LANDSCAPE AREA 1 (LA 1)

5m

15m

LANDSCAPE AREA 2 (LA 2)

HEIGHT LIMITS

FOR ANY BUILDING
IN AREA 1: 12m

FOR ANY BUILDING
IN AREA 2: 16m

BUILDING LINE SETBACK
(A = 3m, B = 6m, C = 6m, D = 10m)

