

2. ST GEORGE'S – HEATON STREET

Officer responsible Environmental Services Manager	Author Jane Donaldson , DDI 371-1651
Corporate Plan Output: City Plan/Resource Consents	

The purpose of this report is to advise the Committee on recommendations made by the Heaton Street Residents' Committee at the last meeting of the Resource Management Committee on 2 March 2001.

At that meeting the Resource Management Committee received a deputation regarding the proposed demolition of a dwelling at 146 Heaton Street adjacent to St George's entranceway. The deputation departed somewhat from this theme by discussing also residents' concerns about traffic safety and a pending application by St George's to relocate the hospital's entranceway on Heaton Street.

The residents tabled the following recommendations:

1. That a variation be actioned immediately in accordance with the recommendations from Boffa Miskell.
2. That a peer review be undertaken of the traffic management in relation to St George's and the surrounding roads, with the view that the Council may initiate its own action if it deems it necessary.
3. That the Council write to the St George's Board requesting that they consider an opportunity under Section 127 of the Resource Management Act and that they request that St George's defer any plan for demolition or removal, allowing an opportunity for all parties to negotiate.
4. That the Council confirm its position with the residents on these matters by Wednesday 7 March 2001.
5. That the Council must publicly notify the change to the hospital entranceway.

Comment on each of the recommendations is as follows:

1. On 24 November 2000 the Resource Management Subcommittee considered a report on the zoning status of 146 Heaton Street, which advocated that no further action should be taken at this stage in initiating a Variation to correct the zoning anomaly of the site used for vehicle access to St George's and the adjoining property at 146 Heaton Street. A copy of that report is attached. The information was received by the Subcommittee.
2. The traffic-related aspects of the St George's expansion were processed by the Council's Senior Traffic Planner. As part of his detailed analysis of the effects of the expansion on the surrounding road network, Mr Edwards consulted with various City Streets staff, and considered the objectives of the Merivale Traffic Management Plan prepared by the Council for the area. The various consent conditions correctly reflect the role of the various frontage roads surrounding the site, and recognise that Heaton Street is the appropriate frontage road for the main site access.

Mr Edwards identified operational problems with the current access layout onto Heaton Street. Essentially, the problems arise from an inadequate access design, rather than an incorrect access location. Preliminary plans have been prepared which will address many of the operational concerns raised by residents. These plans include improvements to the access design and also the road layout on Heaton Street outside the access. The plans have been audited by City Streets staff, and have the approval of the Council's Major Roads & Transport Improvements Engineer, Mr Brian Neill. The plans do not require the relocation of the Heaton Street access to the hospital.

3. The attached telefax message dated 8 October 1999 from Aidan Prebble (Solicitor, Legal Services Unit) to Mr David Lynch refers. Clauses 4.1 – 4.3 outline the requirements for a change to a condition of a resource consent.

There are some difficulties with this approach. Firstly, only St George's can apply for a change of conditions. The Council cannot require them to do so. Secondly, Section 127 requires there to be a change of circumstances, such as agreement on a traffic management plan. This may never eventuate. Thirdly, St George's is entitled to apply for a fresh consent for the new entrance (including demolition of the house at 146 Heaton Street) and bring the traffic matters into this assessment.

An application under Section 127 would probably need to be notified because it is considered unlikely that written approvals could be obtained from Leinster Road residents who were submitters to the 1999 application by St George's. As St George's is about to lodge an application for resource consent in any case, it is difficult to see what could be achieved through an application under Section 127 as opposed to a fresh application.

4. The Chairman indicated to the residents at the meeting on 2 March that it would not be possible to report back on these matters by Wednesday 7 March 2001, but that the matters they had raised would be addressed as soon as was reasonably practicable.
5. As the Committee is aware, it is the Council that makes decisions on notification/non-notification, not residents or applicants. It is not possible to say definitely before the application has been received and considered that it will be publicly notified, however St George's has been advised that public notification is highly likely.

Chairman's Comments:

It is accepted that a mapping error led to a transposition of the zoning for the St George's Hospital entranceway and the neighbouring residential property. While this is regretted, the Council needs to consider what the effect of a Variation would be. It would not prevent the demolition of the residence in question, but simply control the nature of the replacement. Likewise it would not prevent St George's applying for a resource consent to use the site as a hospital entranceway, which would have to be tested against the requirements of Part 2, and Sections 104 and 105 of the Resource Management Act in which the granting of consent is by no means an improbable outcome.

As far as the request made for consideration of a change of conditions to the 1999 consent is concerned, the decision was properly made after a notified application in which a number of St George's neighbours gave evidence. For the Council to suggest a review of conditions would clearly undermine the rights of those submitters who were concerned about Leinster Road traffic. The city Plan clearly envisages directing major traffic flows away from local roads on to arterials, and the conditions imposed by the panel were such as might reasonably have been anticipated by those deciding whether to submit it would be inappropriate for the Council to take any action on this request.

I was concerned that an attempt was made by the deputation to talk about an application which has not yet been received. That must be processed under Section 94 in terms of a decision on notification and then under Part 2, and Sections 104 and 105. It is impossible to determine in advance what the outcome will be of an application that has not been received. I believe that what was heard fell short of prejudicing any members of the Committee from participating in future hearings, but wish to indicate that some of those speaking should have known better than to try to raise such matters.

Chairman's

Recommendation: That the information be received.