



MEMORANDUM

TO: Jennifer Lancashire, Consultant Planner - Becca

FROM: Rosalind Squire, Contract Planner, Community Development Department

DATE: 15 January 2021

FILE NO: RM120928V2, RM190790 (land use), RM190789 (Subdivision), RM190791 (Land disturbance) and RM191308 (Water permit) - Integrity Care Group Ltd

RE: **Integrity Care Group Ltd – Provision of Reserves**

Background

My name is Rosalind Squire, I have worked for the Community Development Department of the Tasman District Council as a contract reserves planner for 16 years. I am also an independent planning consultant assisting with the processing of a wide variety of regional and district resource consents for Councils. I also worked as consent planner and senior consent planner for the Tasman District Council for over 20 years and currently work 0.5 FTE as a Senior Analyst for the Ministry for Primary Industries.

In my role at the Council I work with the reserves team to review subdivision and land use applications and make recommendations to consents staff regarding the acquisition of reserves to achieve the level of service provision specified in Council policy documents. The Reserves and Facilities Manager, Senior Horticultural Officer and other reserves staff have been part of the team considering this application and the Reserves and Facilities Manager has reviewed this memorandum prior to it being finalised.

Introduction

This memorandum provides advice with respect to the provision of reserves as part of the development proposal from the Integrity Care Group Ltd.

Connectivity through the site is addressed in the Development Engineer, Dugald Ley's memorandum. He notes that connectivity is provided via a shared path through the development and via the Link road (Iris Drive) between Fairose and Langdale Drive. He notes the statements in the

RM120928V2, RM190790 (land use), RM190789 (Subdivision), RM190791 (Land disturbance) and RM191308 (Water permit) - Integrity Care Group Ltd - Memorandum from Community Development – Provision of Reserves

application that access to the walkways and greenspaces will be available to the Public and that the Applicant is willing to discuss ways this can be provided other than vesting. He notes that an “Easement in gross” in favour of the Council, is usually the best option to secure public access.

At the time of writing no legal mechanism had been finalised to secure the abovementioned connectivity.

Context

Application

The applications for land use and subdivision consents (and associated land disturbance and water permits) were lodged 1 July 2019. The Officers report outlines the application and the planning context for the development and is not repeated here, except to note for the purpose of this advice, that the site is zoned residential and is subject to indicative reserve and road notations on the relevant planning map as shown in Figure 1 below.



Figure 1 – Location of indicative reserve and road

Further Information

Further information was sought on 12 November 2019.

The further information request acknowledged that the development would result in the provision of some high quality open spaces and facilities within the development for residents and that the amenity evident in the existing development is high. It also acknowledged that the applicant recognised the need to meet public open space requirements and that it was open to options to provide that. It also noted the statements in the AEE that the park spaces (linked by a shared path) would be readily available for public use, but that they would not be vested as public reserves.

The further information request sought clarification as to where the public open space and connectivity would be provided and how it would be protected for use by the wider community in perpetuity.

The applicant provided the plans (20 August 2019) shown in Figure 2 below and noted the areas the Applicant proposed to make available for public use. This included the shared path within the green corridor from the open space area adjacent to the care facility. The Applicant noted that this would provide a combined total area of publicly available open space of 2,500m².

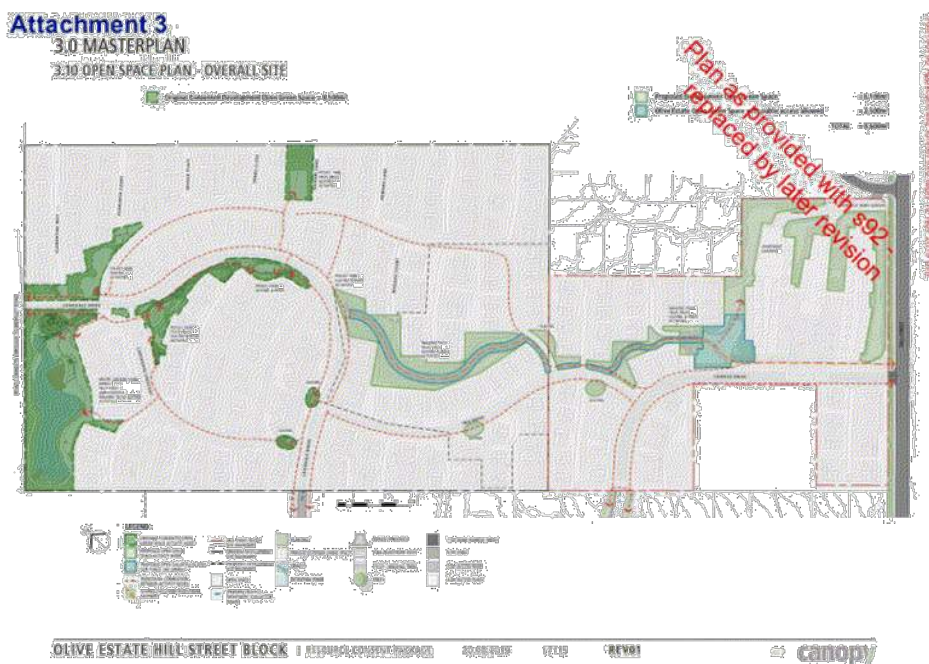


Figure 2 – Plan submitted with the further information

The mechanism proposed by the Applicant to ensure the land would be available for public use was by way of a volunteered condition on the land use consent. They stated that they were happy to liaise with the Council over the detail of the wording of such a condition. However, they noted that there were some key matters that would need to be covered in a condition as follows:

- (a) the design, construction and maintenance would be the responsibility of Olive Estate;
- (b) in recognition of the close proximity of the spaces to the villas and care facility there would need to be some ability for Olive Estate to ask individuals to leave if they are behaving anti-socially and causing a nuisance to residents; and
- (c) the timing of when public access is to be made available so that it would be consistent with the construction and operational schedule.

They stated that they would be happy to liaise with the Council over appropriate signage to identify the location of the green spaces available for public use. They noted that they understood the Council's wish to ensure that the land is made available for public use into the future and that is consistent with their intention. They noted that in addition to the fact that the condition on the land use consent must be complied with on a continuing basis, the condition could also be included in a covenant in favour of the Council registered against the title. They stated that such a condition would only be volunteered on the basis that there is no reserve vested in the Council and that it is given an appropriate offset when calculating the reserve fund contributions payable.

They stated that a Heads of Agreement could also be entered into with respect to this space (similar to the heads of agreement relating to maintenance within the road reserve areas for the original development) if that would be useful.

Public notification and submissions

The applications were publicly notified on 30 May 2020. They received 76 submissions, 60 submissions in opposition and 14 in support, with 37 stating that they wished to be heard. There were 47 submissions that referred to the lack of provision of a public reserve, 19 submitters live near the site, 6 live within the wider Richmond area and the remaining 22 live in the Tasman District or elsewhere. There were a number of pro-forma submissions that

refer to the lack of the provision of a public reserve and request a refuse/decline decision.

Figure 3 shows the location of submitters properties (shown in blue) who live within 500m (shown as a green circle) of the indicative reserve on the TRMP planning maps and referred to the lack of provision of a public reserve.



Figure 3 - Location of submitters that referred to the lack of provision of a public reserve

The following key points were raised by submitters in opposition to the lack of provision of a public reserve within the site (*Note: I have quoted the submission points and have not included submissions which repeat the same issue/request*):

- Consistency with the provisions of the TRMP;
- Council should not grant an exemption to provide a public reserve;
- An exemption would set a precedent;
- Expectation that as much green space as possible would be provided in developments;
- The proposed development is very intensive and public reserves should be an integral part of any such development;

- Reserves are important contributors to a communities mental health and wellbeing;
- Reserves provide destinations for walking and safe venues for outdoor activities which is a growing need in this “screen” focused era;
- Open space proposed is fragmented and not suitable as a public reserve;
- Lack of a reserve greenspace vested in Council is inconsistent with the current policy and the character of Richmond;
- No provision for public reserves for locals (children) to use or play or relax on. The small separate private areas that have been allocated are not user friendly to the public and it would appear that locals would not be welcome to use them;
- There are very few public reserves in this vicinity. There is a small park that has been installed beside the Lakehouse in Olive Grove. This area does not feel like a public park. I have taken my children to this park but have not felt comfortable there. It feels like it belongs to Olive Grove and is provided for the use of Olive Grove residents and their visitors;
- The site needs to have at least one park not less than 1,400m² not spread out across the site, with guaranteed unrestricted public access. Not doing so may result in an area that does not look or feel like a public reserve – rather an open space for residents;
- Richmond is growing and there will be more development in the areas and some is likely to be infilling. Green space is vital to the overall liveability of a place, wellbeing and important social contact, which is especially important to those in their latter years;
- Unconscionable to build a residential development that does not provide a public reserve to the standard required by the TRMP. Unbuilt pieces of land scattered through the development does not constitute a public reserve;
- Reserves are an important element of an urban neighbourhood or rural area, they provide opportunities for recreation and social contact, and their spaciousness contrasts with built development;
- The application does not meet council obligations to provide community green space as under the TRMP and Reserves General Policy. This has the potential to create a shortfall of green spaces in Richmond, impacting on environmental services and quality of life;
- The proposed pockets of green space will not remotely achieve the same public amenity outcome as a consolidated area, and as they are not to be publicly vested Olive Estate can and will restrict access at any time. During COVID-19 they erected signs to deter the public from

walking on the footpaths. The current proposal is inconsistent with Council policies and objectives;

- The combined 2,500m² public reserve area is made up of two different types of reserve functions (stormwater channel/walkway and recreational activity – the latter delivers an area of approximately 1,100m²). This will not meet the communities need or the intention of TDC's TRMP Reserves Levels of Service;
- The recreation reserve is in the wrong location; and
- Lack of enforceable commitment of Olive Estate to provide a purposeful area of reserve space given the number of residents to reside in the development area.

Most submitters who referred to the lack of provision of a public reserve sought that Council refuse/decline the consent. However, submitters noted that if consent is granted the following key points were raised:

- The applicant submit a proposal that does include sufficient public reserve;
- Create a public reserve centred around the existing pond and include paths, seats and native plantings;
- Public reserve/greenspace is coherent and respects environmental and TDC reserve plan/strategy that facilitates mental and physical wellbeing;
- The subdivision should include the reserve area that is required by Council to meet its levels of service for provision of open space for the surrounding community. The reserve should be fully vested and visible and accessible to the surrounding community as a public space;
- Vest the site of the proposed facility as a park;
- Recommend that a park is vested with the Council and that the applicant could work with council staff on the design of the park, if it continues to have concerns and the council is amenable. The applicant could also have an agreement with the council on maintenance, if it is still of concern and could maintain the park for the council to its standard as long as that is higher than the current council park standards. The design and agreement should have input from the local residents, within and surrounding the park;
- Develop and vest the appropriate reserve area located adjacent to Fairrose Drive, so as to comply with Council's reserve policies;
- Provide a public recreational reserve that fully (and functionally) meets the surrounding community needs and complies with TDC's TRMP Reserves Levels of Service and Age Friendly policies;

- Place reserve in a more visible and suitable location (not next to the Care Centre);
- Comply with all current TDC policies regarding recreational space especially in regard to the large number of residents proposed to be housed on the high density dwelling facilities that Olive Estate is proposing to establish in villas, units and care facilities; and
- The reserve area be kept in perpetuity and maintained to a suitable surface standard for the use by elderly residents.

A number of submitters who live within the existing development supported the lack of the vesting of the reserve and raised the following key points:

- The reserve land requirement should not be a requirement of the resource consent as it is not a public residential housing subdivision; and
- The existing Lakehouse with its indoor facilities and extensive outdoor lakeside entertainment areas is available to all resident/visitors and the public.

Amendments following notification

Following notification the application plans were amended (8 October 2020 plans) to incorporate changes to the care facility, no amendments to the provision of public open space were made. The updated plans are shown in Figure 4 below and show general open space areas.



Figure 4 – Amended plans following amendments in response to submissions

In response to a request for clarification in early November 2020, the resubmitted plans were added to in order to include the previously identified areas that were proposed to be made available to the public by a condition of the land use consent and a covenant on the title in favour of Council. These plans are included in Figure 5 below.



Figure 5 – Amended plans clarifying the areas to be made available to the public

Provisions of relevant policy documents

There are a number of policy documents that are relevant to the provision of reserves and open spaces in the Tasman District. The relevant policy documents include the:

- Tasman District Council Long Term Plan;
- Reserves Activity Management Plan; and
- Open Space Strategy.

Tasman District Council Long Term Plan 2018 – 2028 (LTP)

The LTP outlines the services and projects that Council is planning over the next 10 years, and a summary of the financial impacts. It states the vision for the District and the Community Outcomes which indicate how Council will promote community well-being – socially, culturally, economically and environmentally. The LTP sets out the services and projects Council is planning to undertake to contribute to those Community Outcomes, the costs of providing the services and activities, and how they will be funded. The end result, is an all-encompassing document that outlines what the community

can expect over the next ten years and how Council, with the help of the community and other organisations, will work to achieve these outcomes.

The LTP outlines why the Community Development Department does what it does and states that the provision of open spaces and recreational facilities contributes to the development of healthy, active, functioning communities. Council recognises that it plays a key role in creating the environment in which communities can prosper and enjoy improved health and wellbeing. It states that Council aims to ensure that adequate parks and reserves are provided for the community and that these are managed and maintained in a way that meets community expectations and encourages community involvement.

The stated goal is to provide parks, reserves and recreational facilities that promote the physical, psychological, environmental and social wellbeing of communities in Tasman District and to also provide amenities that meet the needs of residents and visitors.

One of the key issues identified is the need to respond to our increasing, ageing population and ensure that facilities and recreational opportunities are fit for purpose. The number of retired people is forecast to increase significantly in the next 15 years and this will result in changing use and demand for parks, reserves and community facilities. For example, more demand is anticipated for urban reserve land, sports parks, walkways, cycleways, community housing, the Aquatic Centre, libraries and other fit-for-purpose, higher quality indoor spaces. By contrast, the proportion of young people as a percentage of the total population is predicted to decline significantly over time.

The LTP includes levels of service for the provision of reserves, these are shown in Figure 6 below.

OUR LEVEL OF SERVICE – WHAT COUNCIL WILL DO AND HOW IT WILL MEASURE PERFORMANCE OVER THE 10 YEARS FROM 2018–2028

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF:	CURRENT PERFORMANCE
An interconnected open space network and recreation facilities that provide a range of leisure opportunities and meet the needs of users and the community.	At least 85% of respondents rate their satisfaction with recreational facilities (which include playing fields and neighbourhood reserves) as "fairly satisfied" or better in the annual residents' surveys.	<p>Achieved.</p> <p>87% of residents and 89% of users were fairly satisfied or very satisfied with our recreational facilities in 2017, 7% of residents and 7% of users were not very satisfied in 2017. These results compare to 92% of residents and 94% of users were fairly satisfied or very satisfied in 2016. 5% of residents and 4% of users were not very satisfied in 2016.</p> <p>The results tend to indicate that we are providing the recreational amenities that our residents require.</p> <p>See Figure A 'Satisfaction with Recreational Facilities' on page 194.</p>
	At least 85% of properties zoned Residential are located within 500 metres of open space.	85%

Figure 6 – Level of service provision for reserves

Reserves and Facilities Activity Management Plan 2018

The Reserves and Facilities Activity Management Plan (RF AMP) describes the strategies and works programmes for the Reserves and Facilities activity. It outlines how Council intends to meet the objective of delivering the required level of service to existing and future users in an efficient and cost effective way.

The RF AMP reflects the outcomes and levels of service sought by the LTP. The RF AMP outlines how our reserves and facilities contribute to the Council's Community Outcomes (Figure 7 below).

Community Outcomes	Does Our Activity Contribute to the Community Outcome?	Discussion
Our urban and rural environments are people-friendly, well-planned, accessible and sustainably managed.	Yes	<p>We provide:</p> <ul style="list-style-type: none"> • Protection and enhancement of open space and an interconnected open space network. • Neighbourhood and community parks within walking distance of homes.

Figure 7 – Community Outcomes for reserves and facilities

A detailed analysis of all parks, reserves and community facilities has been undertaken as part of the District Growth Strategy work. Figure 8 below summarises the existing provision of reserves and facilities in Richmond (as at 2017) and highlights potential gaps based on future growth projections.

Settlement Area	Overview of parks, reserves and community facilities and future demand
Richmond Settlement Area	<p>The Richmond community is currently serviced by a range of parks, reserves and community facilities, including: four pools at the Richmond Aquatic Centre (learn to swim, hydrotherapy, mainlane pool and wave pool) and pools at Waiwera, Henley and Richmond Primary Schools; a total of 27 meeting rooms (two at the Richmond Town Hall, two at Hope Recreation Hall, three at Henley School, two at Waiwera College, six at Hope Community Church, two at the Headingly Centre, one at New Life Church, one at the Richmond Athletic Club, two at the District Library, two at Richmond School and two at Waiwera Intermediate and Waiwera Old Boys Rugby Clubrooms). Hope Recreation Reserve provides a community hall and lodge.</p> <p>Council is close to meeting the desired levels of service for most facilities in Richmond. Except for recreation centres, although Richmond appears to fall below the target levels of service for pools (at the District average level of supply), it has the advantage of proximity to a major regional facility (the Richmond Aquatic Centre).</p> <p>The levels of service at 2038 at medium population projections highlight a short-fall in levels of service for pools and recreation centres. Asset types, such as pools and recreation centres, may need to be provided for in future LTPs. Council's forward planning through to 2038 needs to cover the provision of additional indoor recreation space for informal multi-use activities.</p> <p>There are over 13 kilometres of walkways within the settlement area and over nine hectares of neighbourhood reserves. There are 14 playgrounds on existing reserves and additional playgrounds at Henley, St Paul's, Richmond Primary and Waiwera Intermediate Schools. There are 15 toilets provided at the Richmond Mall and seven toilets within existing reserves. The development of Tasman's Great Taste Trail adjoining the western boundary of the settlement is popular and has also added to the existing levels of service for cycleways.</p> <p>Ben Cooper Park provides for junior football (three fields) and cricket. Hope Recreation Reserve provides ten tennis courts, a pelanque area and dog agility area. Jubilee Park provides twelve tennis courts, a skate park, cricket block, beach volleyball and rugby and touch fields. There are additional sports fields at Henley School, Waiwera Intermediate and Waiwera College.</p> <p>The target level of service for cemeteries is to provide sufficient plots to last a minimum of 20 years. Richmond Cemetery only has a sufficient number of plots for the next 20 years, so the level of service is not currently being met.</p> <p>Neighbourhood Reserve provision is measured by the distance from households. This considers equity of access. A gap in the existing level of service provision for open space (using a 500 metre distance from the centre of neighbourhood reserves in Richmond) is evident in the vicinity of Roeske Street. Consultation with the Ministry of Education undertaken as part of the development of the Open Space Strategy indicated that the playing fields at both Waiwera Intermediate and Secondary School are available (and encouraged) to be used by the Waiwera Community for recreational use.</p> <p>Major projects planned for the Richmond Settlement Area in the 2018 – 2028 period include the ongoing development of parks and reserves, walkways/cycleways, including the Estuary walkway, replacement of the six Astroturf courts at the Hope Recreation Reserve and the purchase of land for a new cemetery in the 2018/2019 year. Council's forward planning through to 2038 needs to cover the provision of additional public toilets on reserves these could be provided from funding from Reserve Financial Contributions received from subdivision development. Further developments are planned for the Saxton Field complex within the 2018 – 2028 period including further development of new playing fields, walkways/cycleways, car parks and roads, and renewal of an existing hockey turf and the athletics track.</p>

Figure 8 – Overview of parks, reserves and community facilities and future demand

The RF AMP outlines Council's approach to demand for new or upgraded reserves or facilities that arise from the needs of the existing population i.e. meeting the level of service standards, changing habits, and population growth. It notes that Council intends to maintain its awareness of these issues and plans to provide parks, reserves and community facilities which meet the communities' expectations. In relation to parks and reserves, the impact of the trends and results of background investigations have identified the following specific actions to be undertaken during the term of this AMP:

- ongoing development of walking and cycling tracks and networks at various locations;
- improved off-road walking and cycling opportunities; and
- purchase of reserve land in new subdivisions.

Open Space Strategy

The intent of the Open Space Strategy is to help maximise the benefit the environment, residents and visitors gain from Council's investment in the District's open spaces by responding to changes in demand resulting from

population growth and age profiles, as well as seeking to better link existing areas of open space for improved ecological values and recreation access.

The key questions the Strategy sought to understand were:

- Is open space located in the right place and does it have the right level of public access?
- Is it being used appropriately?
- Are its natural and cultural heritage qualities being adequately protected?
- Are the correct facilities provided?
- How will Council manage the provision of open space as demand changes and grows?

The Strategy notes that the Richmond Ward has open spaces centred around urban neighbourhood reserves, sports fields and gardens. Beyond the urban area, reserves and other public open spaces exist on the margins of the Waimea River, Waimea Inlet, Richmond Hills and Aniseed Valley. The majority of these reserves are owned and maintained by the Council with the exception of public conservation land within the Hackett catchment and the confluence with the Aniseed River.

It also notes that Planned intensification of the residential area (The Tasman Resource Management Plan provides for the intensification of an area surrounding the CBD) may lead to the review of how open space is delivered, with a focus on how the development of existing (and any new reserves) can better provide for a wider range of uses, rather than simply purchasing additional reserve land.

The desired outcomes from the provision and management of open space include:

- To ensure that the whole open space network provides an adequate range and distribution of open space values across Tasman District and a range of potential uses to maintain and enhance our quality of life, both now and in the future;
- Tasman District Council identifies and implements agreed, community-driven open space acquisition, development and management programmes via its reserves, activity management and resource management plans (particularly the TRMP) and Long Term Plan;
- Management and provision of the open space network, including both public and private land, is effectively coordinated;

- An adequate open space network is secured over time, considering growing demands for recreation space, the need to maintain and improve environmental values, and the often limited opportunities to protect strategic land in perpetuity; and
- Careful use of open space in the region is promoted and managed, considering, in particular, cultural and environmental values and changing demographics. Modern open space and urban design principles are used to provide for the multiple use of open space, including for utility services – such as storm water management – and recreation, while sustaining natural values.

Section 7 of the Strategy clarifies how Council will achieve the outcomes stated. It notes that the existing levels of service for open space provision in Council's activity management plans and Reserves General Policies are considered appropriate. It notes that in peri-urban settings, reserve acquisition guided by structure planning in newly zoned areas and minimum size standards. In terms of the quality of open space, survey results and other satisfaction measures used by Council indicate that the quality of open space in Tasman is considered to be, in the main, very good. The Strategy notes that Resilience is an emerging management concept for open space and managing for resilience can include:

- Supporting enhanced community cohesion by providing quality open space areas which encourage interaction between different sectors of the community and individuals.
- Providing spaces which serve civil defence purposes for safe congregation, triage and other unexpected uses in the event of natural disasters. These may include activities which damage open space values but which are considered essential in accordance with the Civil Defence Emergency Management Act 2002.

Assessment

Staff from the Reserves and Facilities Department have considered the application, the structure planning in the Richmond South Development Area in Tasman Resource Management Plan (TRMP), the provisions of the Long Term Plan, Reserves and Facilities Activity Management Plan and the Open Space Strategy.

The location and size of the indicative reserve in the TRMP (Figure 1 above) provides a clear indication that a reserve is recommended in this location in order for Council to meet its levels of service for reserve provision in the area.

Figure 9 below illustrates the existing reserve provision in the vicinity of the application site (using the central point of existing accessible reserves in the vicinity of the application site and a 500 metre buffer area) and the location of the indicative reserve in the TRMP (shown as a red point). The indicative reserve was included in the structure plan for the Richmond South Development Area in order to address a gap in the level of service for urban neighbourhood recreation reserves in areas zoned for greenfield residential development.



Figure 9 – Existing reserve provision in the vicinity of the application site

While the application states that the land shown in Figure 5 above would be available for public use by way of a volunteered condition on the land use consent and a covenant on the title is acknowledged, it is subject to the following conditions:

- (a) the design, construction and maintenance would be the responsibility of Olive Estate;
- (b) in recognition of the close proximity of the spaces to the villas and care facility there would need to be some ability for Olive Estate to ask individuals

to leave if they are behaving anti-socially and causing a nuisance to residents; and

(c) the timing of when public access is to be made available so that it would be consistent with the construction and operational schedule.

It is also only volunteered on the basis that there is no reserve vested in the Council and that the Applicant is given an appropriate offset when calculating the reserve financial contributions payable for the development.

This is an unconventional approach that has not been proposed before and we can see no compelling reason for Council to accept it as it would not guarantee unrestricted public access, would be developed, managed and maintained by a third party, but would require that Council offset reserve financial contributions. In addition, from a general reserves design and management perspective, the proposed ownership/ management structure, location and design may result in an area that does not look or feel like a public reserve – rather an open space for Integrity Care residents next to the care facility.

It is acknowledged that that walking/cycling connectivity can be provided through the site by easements rather than Council ownership. However, to date the mechanism to provide for recreation space in residential areas within the Tasman District has been via the vesting of recreation reserves owned and managed by Council.

Reserve staff have recommended throughout the process so far, that the development needs to look outwards to the neighbouring community and provide unrestricted access to a publicly managed reserve and shared paths through the site to connect to the wider network. This is considered to be the most appropriate way to achieve the outcomes sought by the policy documents that relate to reserve provision and community outcomes.

Our recommendation has, and continues to be, that a visible and accessible recreation reserve of 2,000 – 2,500m² vest at the intersection of Fairrose and Iris Drive. This would provide an area that is visible and accessible and managed in a manner that looks and feels like a public recreation reserve not an accessory open space area to the care facility.

As there are no reserve financial contributions due on the subdivision application, a valuation of the land would be sought and compensation provided at the time the reserve vests.

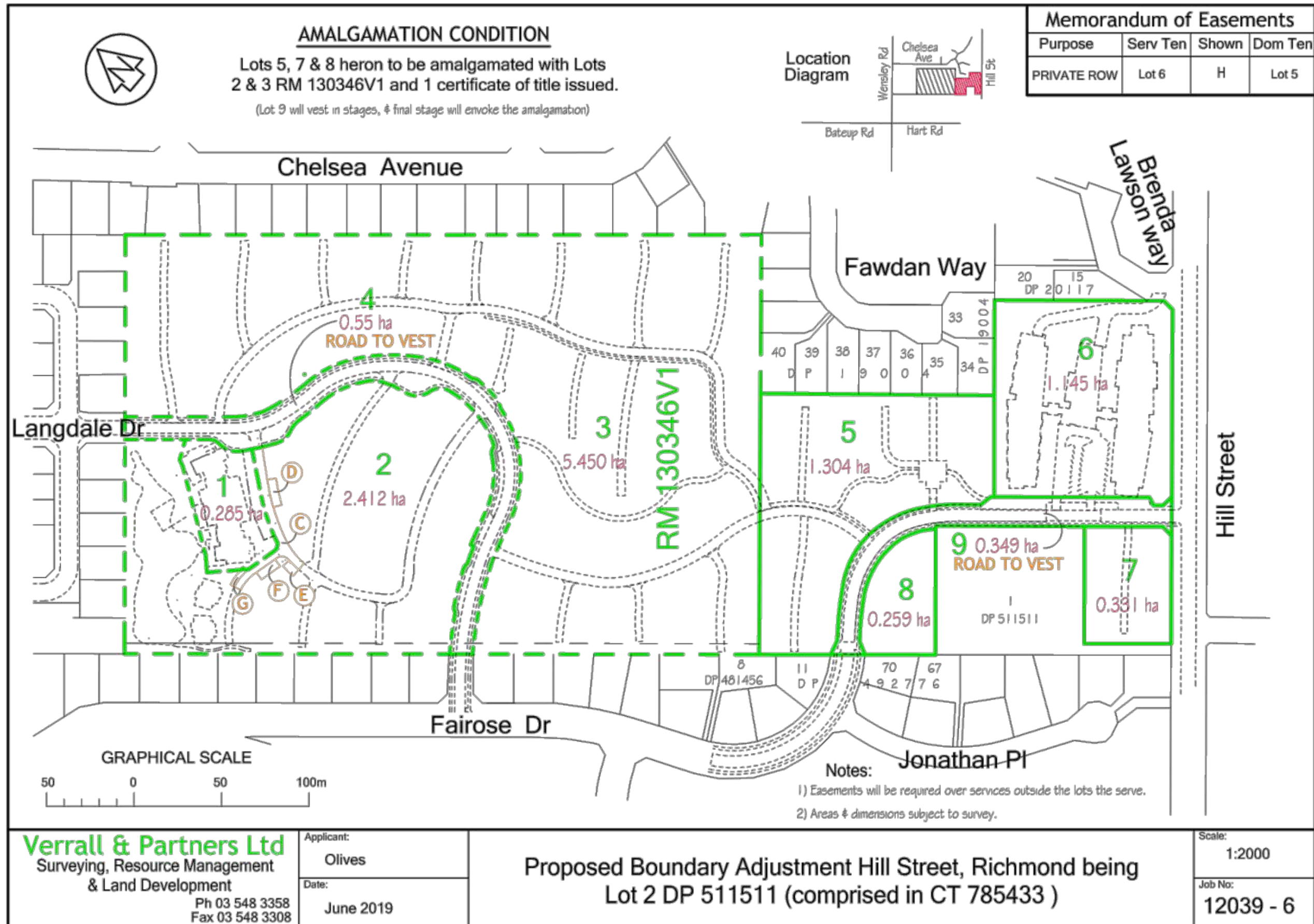
Council's recommendation has not been agreed to by the Applicant and we are mindful that we cannot recommend conditions that would amend the application if the applicant doesn't agree.

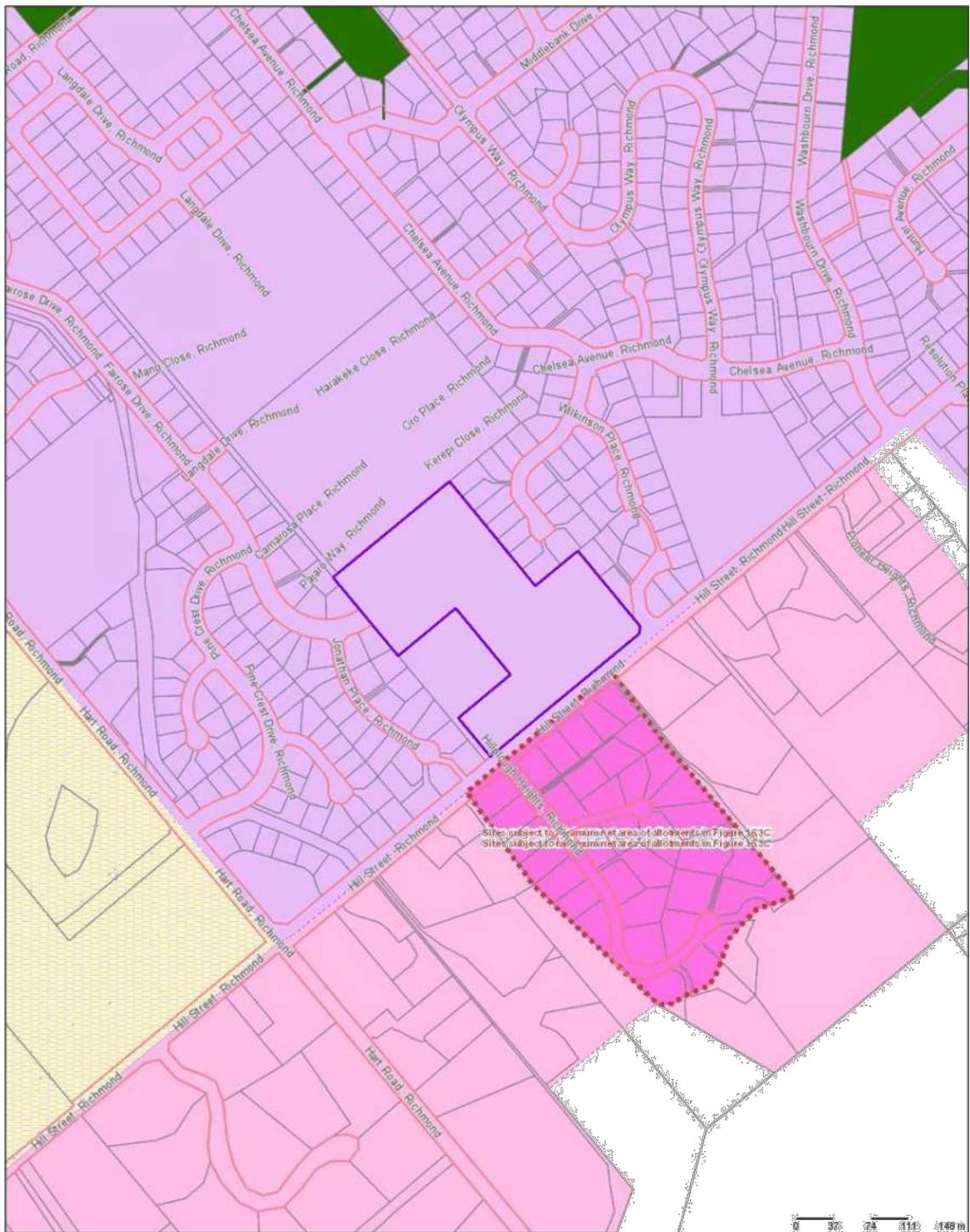
In the absence of a clear way forward to provide unrestricted public access to an appropriately located and managed recreation reserve we consider that the Application does not meet the objectives and policies for reserve provision in the relevant policy documents and should not be supported.

Rosalind Squire


Contract Planner, Community Development Department

RM190790 and ors - Integrity Care Group Ltd-Application and AEE as lodged p211

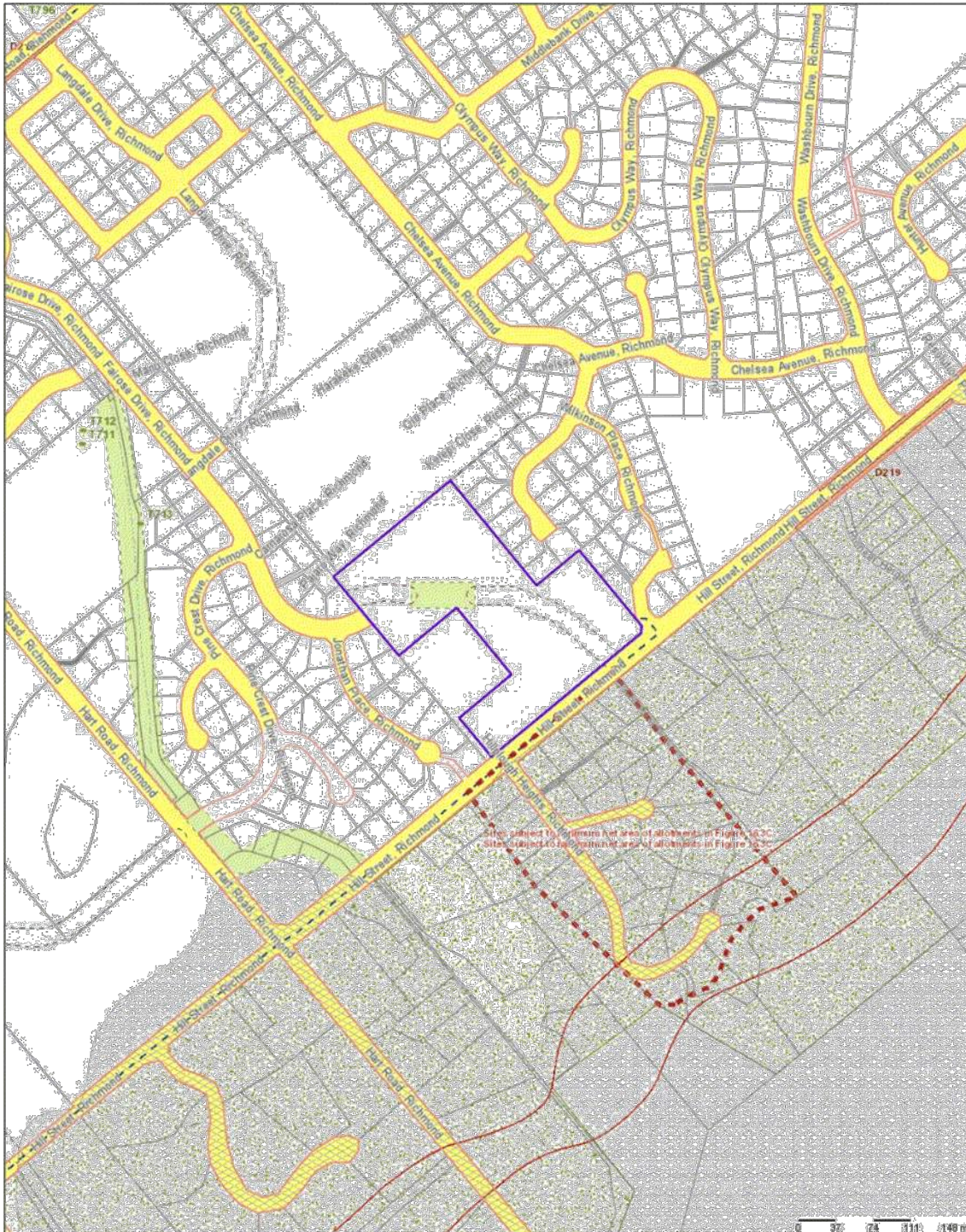




The legend for this map is included on a separate page.

	<p>TRMP Zones Map The information displayed is schematic only and serves as a guide. It has been compiled from Tasman District Council records and is made available in good faith but its accuracy or completeness is not guaranteed.</p> <p>CROWN COPYRIGHT RESERVED. © Copyright Tasman District Council.</p>	<p>NORTH Scale 1:5000 Wednesday, 20 January 2021 Original Sheet Size 210x297mm</p>
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Note: highlighted Lot not full application site



The legend for this map is included on a separate page.



TRMP Areas Map

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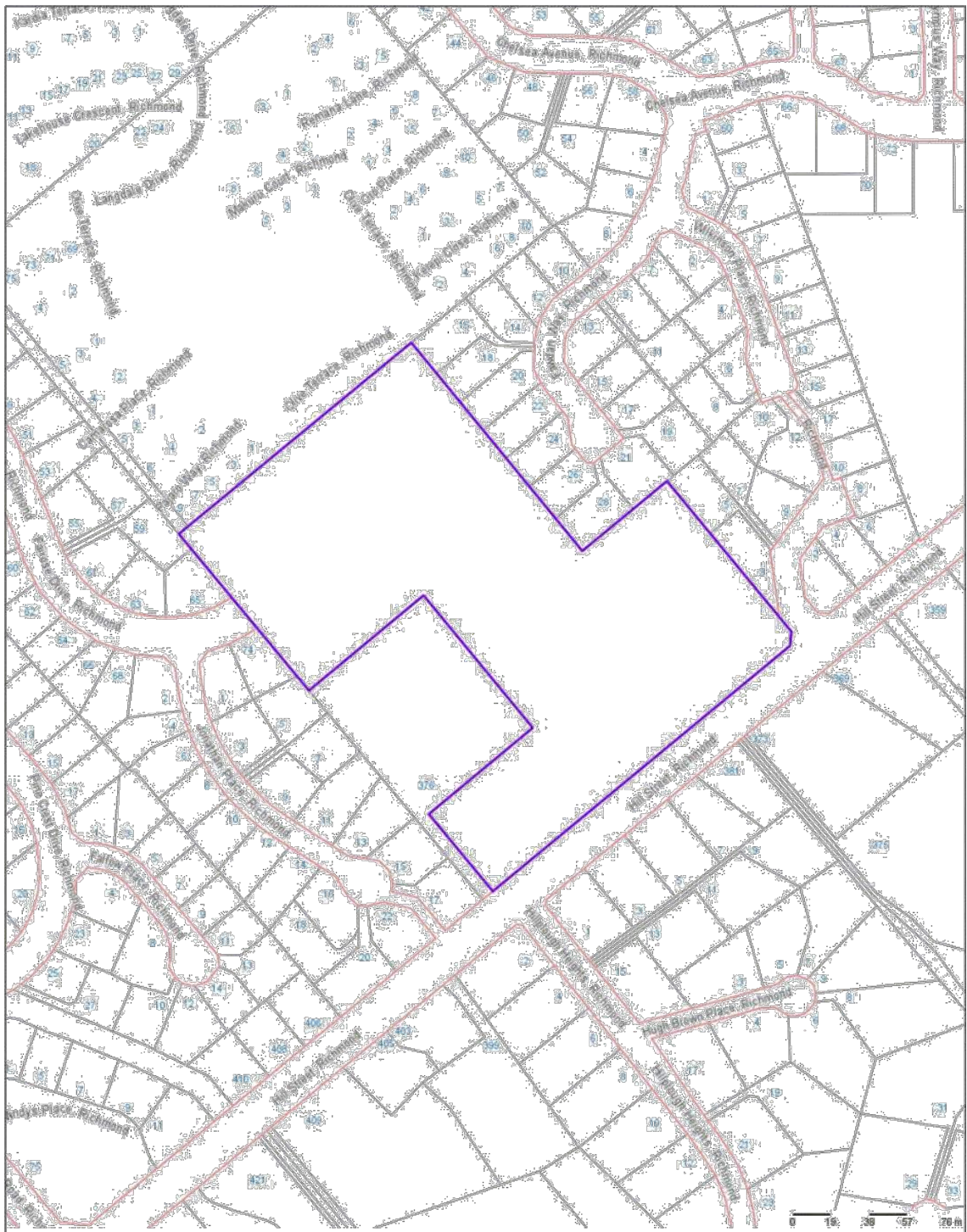


Scale 1:5000

Wednesday, 20 January 2021

Original Sheet Size 210x297mm

Note: highlighted Lot not full application site



The legend for this map is included on a separate page.



Cultural Heritage Map

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Scale 1:2500

Wednesday, 20 January 2021

Original Sheet Size 210x297mm

Note: highlighted Lot not full application site

ZONE MAPS

	Rural 1		Compact Density Residential Area		Rural 2 deferred Residential
	Rural 1 Closed		Rural Residential		Rural 2 deferred Rural Residential
	Rural 1 Coastal		Rural Residential Serviced		Rural 2 deferred Rural Residential Serviced
	Rural 2		Rural Residential Closed		Rural 2 deferred Mixed Business
	Rural 3		Open Space		Rural 2 deferred Light Industrial
	Central Business		Recreation		Rural Residential deferred Residential
	Commercial		Conservation		Rural Residential Serviced deferred Residential
	Mixed Business		Tourist Services		Recreation deferred Mixed Business
	Light Industrial		Papakainga		Recreation deferred Residential
	Heavy Industrial		Rural 1 deferred Residential		Tourist Services deferred Residential
	Rural Industrial		Rural 1 deferred Tourist Services		Rural 1 deferred Papakainga
	Residential		Rural 1 deferred Mixed Business		Residential deferred Light Industrial
	Residential Closed		Rural 1 deferred Light Industrial		Development Area
	Residential Coastal		Rural 1 deferred Heavy Industrial		Notation
			Rural 1 deferred Rural Residential Serviced		Direction of development

AREA MAPS

	T1 Protected Tree		Indicative Vehicle Access/ Crossing Point		Wastewater Management Area
	Heritage Building : NZ Historic Places Trust Register		Fault Rupture Risk Area		Services Contribution Area
	H1 Heritage Building : Tasman District Council Register		Slope Instability Risk Area		Coastal Environment Area
	View Point		Ridgeline		Coastal Risk Area
	D1 Designation Site		Working Quarry Site		Mooring Area
	D1 Designation Area		Quarry Area		Chemical Hazard Area
	Indicative Development Area		Aquifer Protection Area		Landscape Priority Area
	Indicative Reserve		Significant Natural Area		Electricity Transmission Line
	Indicative Stormwater Retention Area		Recharge Protection Area		Shopping Frontage
	Indicative Road		Land Disturbance Area 2		Retail Frontage
	Indicative Walkway		Residential Activity Restriction Area		Service Lane
	Indicative Waterway		Special Domestic Wastewater Disposal Area		Road Area
					Car Park

CULTURAL HERITAGE MAP

	1-Precinct, 2a-Site (assessed), 2b-Site (not assessed)		2a-Site (assessed)
	Wahi Tapu		2b-Site (not assessed)
	Cultural Heritage Precincts		3-DOC
	Cultural Heritage Site Extent		4b-unknown

RM190790 Aerial map - Site



January 20, 2021

- Road Boundaries
- Road Name Label
- Address
- Valuation Boundaries
- Parcel

1:1,500 @A3
0 0.01 0.03 0.06 km



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RM190790 Aerial map - Surrounds 1 - south

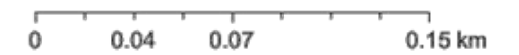


January 20, 2021

- Road Boundaries
- Road Name Label
- Address
- Valuation Boundaries
- Parcel



1:2,500 @A3



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RM190790 Aerial Map - Surrounds 2 - north



January 20, 2021

- Road Boundaries
- Road Name Label
- Address
- Valuation Boundaries
- Parcel



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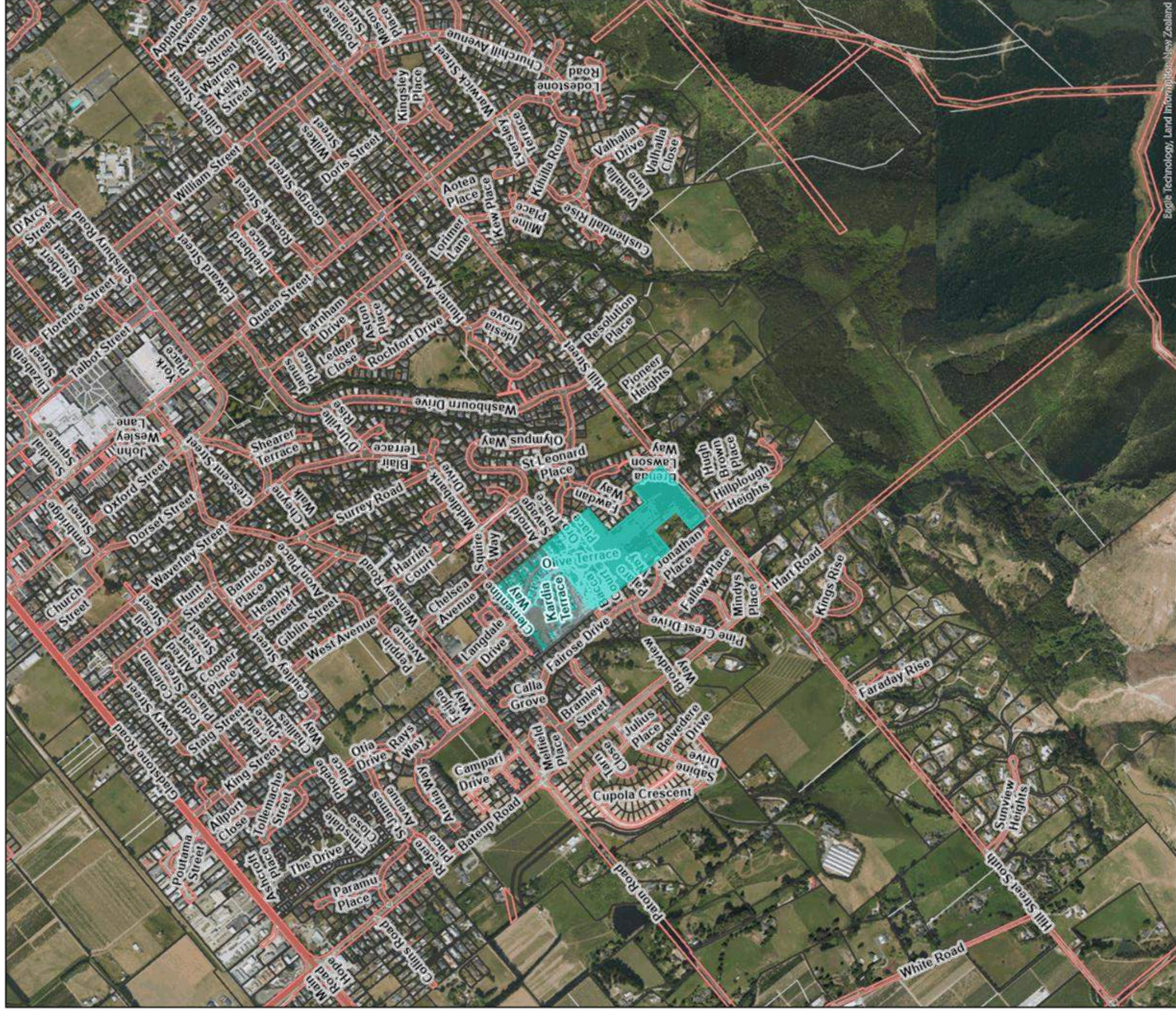


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RM190790 Aerial map - Surrounds 3 - context

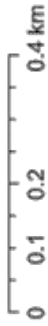


January 20, 2021

-  State Highway Roads
-  Road Boundaries
-  Road Name Label
-  Valuation Boundaries
-  Parcel



1:10,000 @A3



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Eggle Technology, Land Information New Zealand



Memorandum

To: Jennifer Lancashire - Consent Planner
From: Dugald Ley - Development Engineer
Date: Nov 2020
File no: RM190790 and RM120928V2
Re: **Integrity Care Group (Olive Estate), Development / Care facility extension through to Hill Street - Engineering Infrastructure**

Background

The present land parcel is zoned residential, and standard residential housing would have been contemplated on the land, an indicative road is located over the land.

The TRMP planning maps show an indicative road joining both Fairrose Drive and Hill Street.

The property can generally be serviced through the extension of existing piped reticulation systems into the area and these have the capacity for normal residential development. In saying that however, there are existing side agreements (\$ contribution amounts between TDC and individual owners refer TDC P Doole) for funding of existing storm water retention structures downstream of this development.



Plan of area

Crash data

As mentioned in the applicants Traffic report (Traffic Concepts – Gary Clark date 27 June 2019), no official crash data is evident over the last 5 years in the Hill St vicinity. However as reported in the Waimea Weekly 24 June 2020 page 2 (local newspaper) two accidents occurred on the 22 June 2020 on Hill St in close proximity to the application site. These occurred between 8.37am to 9am and can be attributed to driver error, and the early morning sun strike to drivers heading north along Hill St.

Application

The application is for a multi storey care facility and standalone/duplex retirement units around the development. It is similar to that previously consented, but now located in a different location and on a different road. I understand the application as a “Discretionary activity”.

The main access to the Care facility building will now be via Hill Street, where previously it would have been accessed via Langdale Drive.

A traffic report from “Traffic Concepts” dated June 2019 sets out predicted traffic movements/car parking for the complex and surrounds.

It is noted that new layout plans have been received as below on the 9/10/2020 amending aspects of car parking and access and the deletion of the service access lane from Brenda Lawson Way.



Plan of development.

Prior to the purchase of the land by Olive Estate, it was Council's expectation (as per the TRMP zoning) that the land would be developed as normal for residential development and that Fairrose Drive would continue as a link to Hill Street, and to the current design standards that are evident already in Fairrose Drive. The application does show that through connection, but with compromises made to the indicative road locations undertaken in previous subdivision applications on Fairrose Drive

The applicant and Council Officers have had a number of pre application discussions on the Fairrose Drive extension, design elements, and agreement has been reached in this regard.

It is noted the numbers of equivalent dwellings on the land will increase as to what was expected previously.

Fairrose Drive is classed as a Sub Collector in the present road hierarchy maps, (2019 change), previously a Collector standard in the 2013 engineering standards.

The Table below compares the standards.

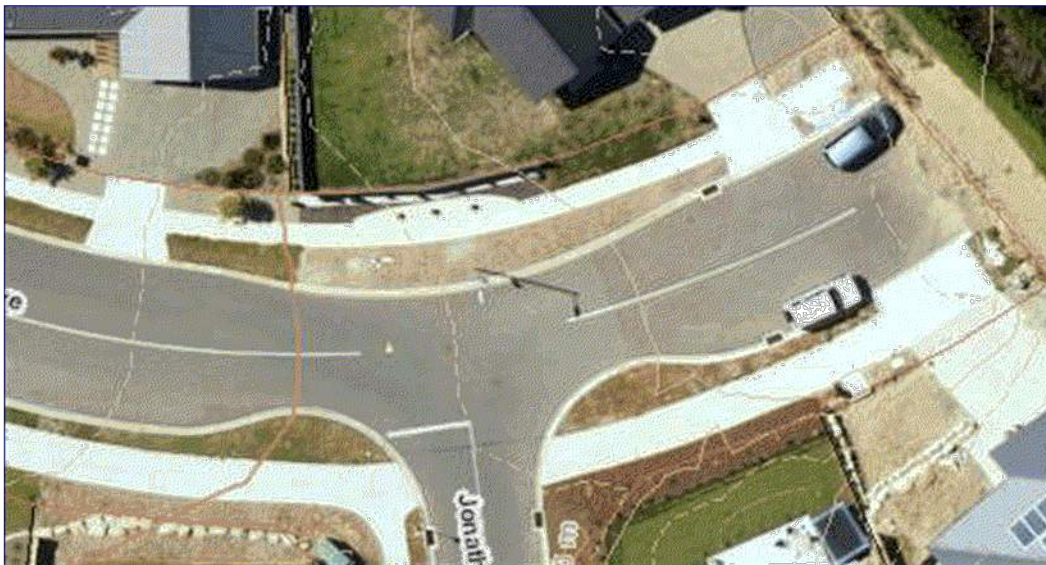
	Olive estate road details					
	Carrageway lane width	On road cycle lanes	Parking width	Total pavement width	Footpath width	Total res width Includes berms
2013 Standards	6m	2 x 1.5m	2 x 2m	19	2 x 1.4m	21.8m
Existing Langdale thro Olive	6m	none	1 x 2.5m (indented)	8.5m in parts	2 x 1.4m	21m?
2019 LDM-sub collector	5.6m	N/A	12 x 2m (indented)	9.6	1 x 1.5m & 1 x 2.5m	19m
Fairose Dr existing	6m	shared path	2 x 2m (indented)	10m in parts	1 x 1.4 and 1 x 2.5m	19m
Applicants proposal	6m	none	1 x 2m	8m (outside Care)	1 x 1.4m & 1 x 2.5m	15.5m

Table of road design elements.

Over recent years the indicative road alignments have been altered through various subdivision consents. The applicants had been advised at an early stage in their pre application that Council now intended to have a link road connecting Fairose Drive with Hill Street.

The applicants were aware of this intended road alignment, as the previous land owner (Nicoll) had negotiated with the applicant that, the new road would “front” their lot, to secure future development potential of that lot.

Council has refined its road design standards (since the first stages of Olive Estate were established), acknowledging the slower speed environments now expected in residential areas, consequently the last section of Fairose Drive had the design elements as in the table above (green). See aerial below for Fairose Drive adjacent to the application site, LHS below.

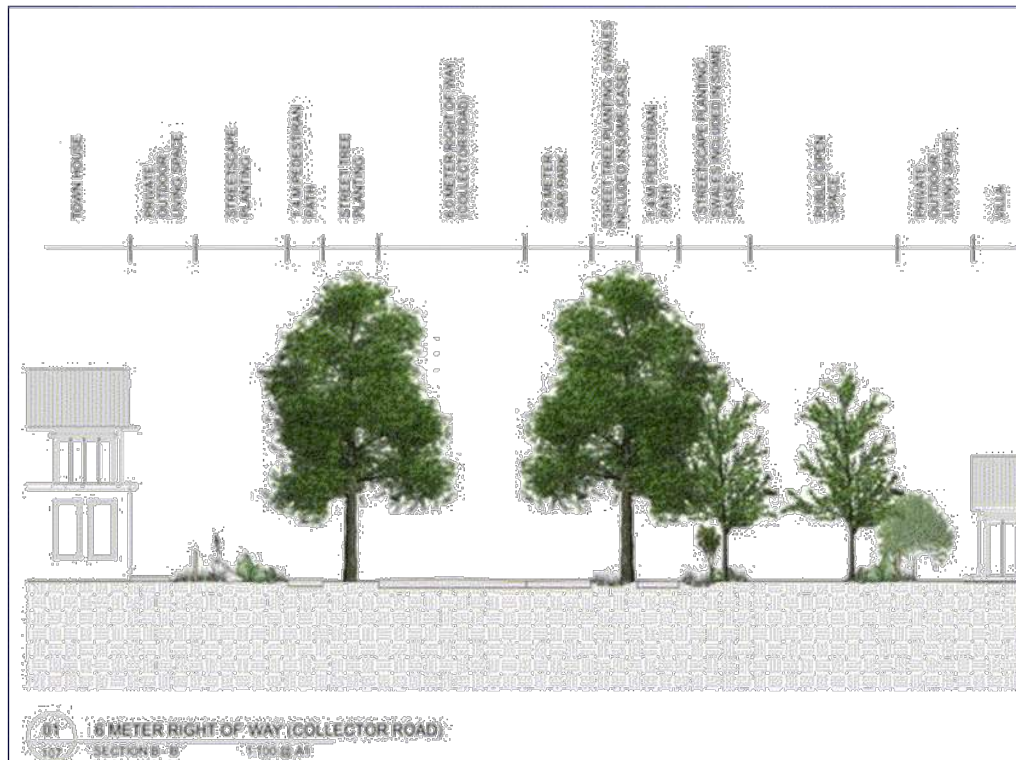


Aerial Photo below of East end of Fairose Drive

It is noted that the wider 2.5m shared path link (bottom of photo), provides off road shared/access down to the reserve and future commercial areas at Three Brothers corner (SH6 and 60). It also shows kerb build outs (at the intersections) to slow vehicle speeds and (indented car parking).

The applicant is proposing to have similar road design aspects for Fairrose Drive extension (see table above) that they have already constructed for Langdale Drive where the existing Olive Estate complex fronts both sides of the road.

That proposal (RM120928, existing Olive Estate) below, shows the consented Langdale Drive road to vest cross section, however this has not been vested at this time. I understand this is to vest when the development reaches or exceed 65% development of the site or within 10 years. (condition 45 of that consent)



The applicant in that part of the complex has chosen to extend/lengthen Langdale Drive-green line below (as compared to the indicative road alignment shown on the TRMP planning maps-pink below) which will increase time and travel cost and encourage adjacent Fairrose Rd residential traffic to access their properties by either Hill street and or Hart Rd.

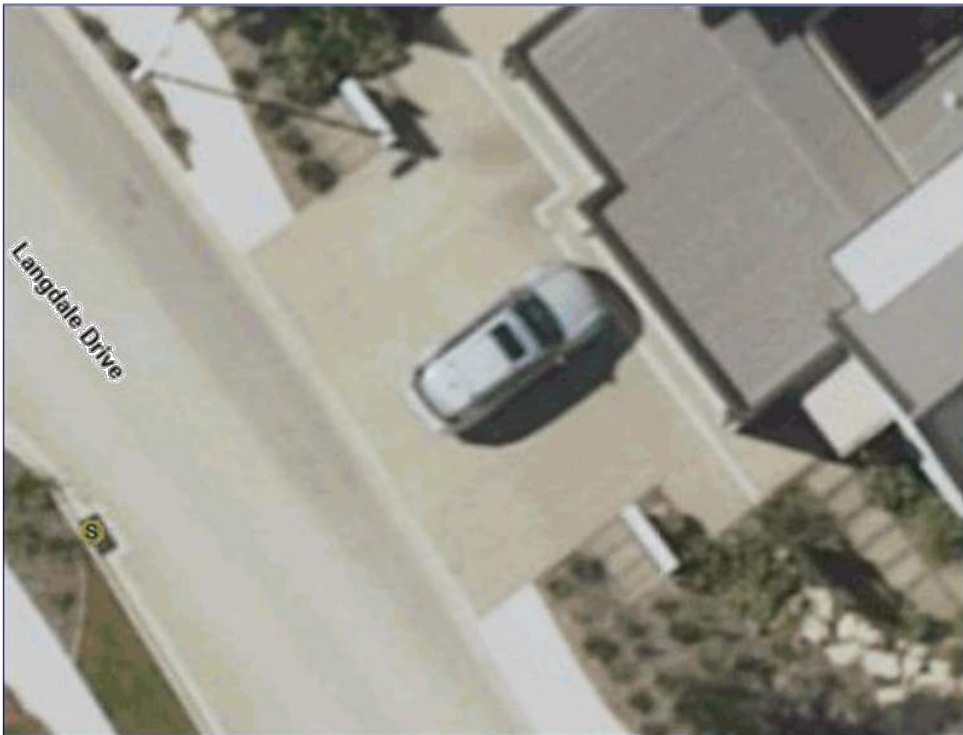
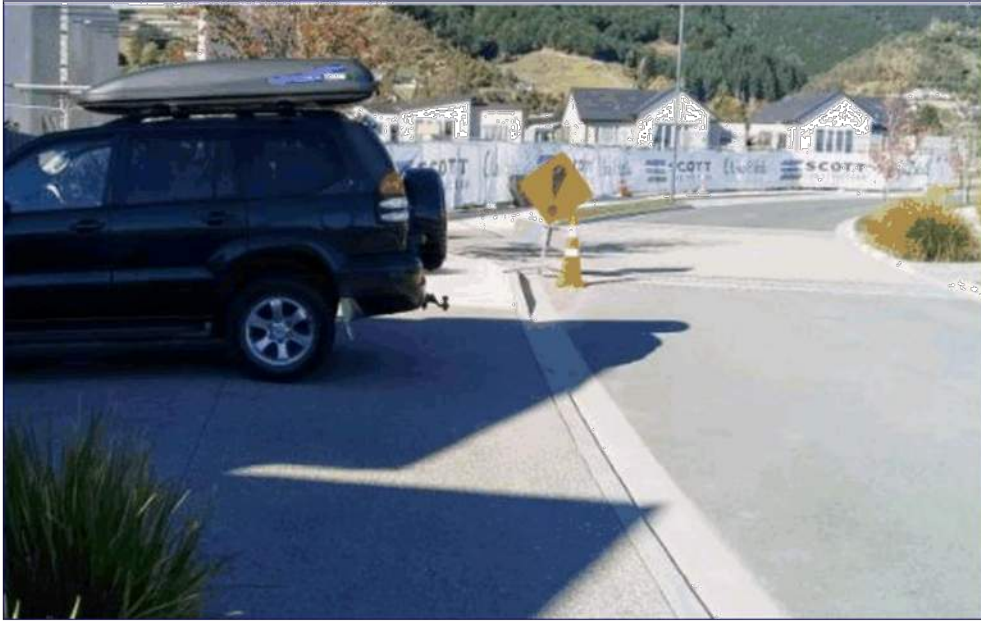


Plan of existing Olive Estate road (green) and TRMP Indicative road (pink)

What Council officers have found was, is that this narrower road design achieves a slower speed environment, but the proximity of the garage doors to the footpaths and road has created concerns as vehicles are parking over the footpath as noted below. This forces walkers and mobility scooters onto the road and potential for conflicts with moving vehicles.

Also there could be issues of ice/frost (see building shadows below) on footpaths in winter which is not ideal in this environment. Note as the road through the Olive estate is yet to vest, then the building setbacks have not been assessed or adhered to in the building design.

It is noted on the latest plan, villa 18 and Townhouse 1 to 11 may cause issues similar with reduced setbacks between the garage doors and footpaths. It is therefore important that the TRMP setback rule of 5.5m from the garage door to the legal road boundary is adhered to in any resource consent condition.



The Tasman District Council has now formalised its road network with a review of its road hierarchy via the Land Development Manual (LDM) 2019 (1/7/2019) (and subsequent amendment 2020).

Champion Rd, Hart/Bateup and Hill Street are the outer ring road system (for Richmond) and these have been classed as principal roads. These lead traffic to the State Highway network of SH6 to the west.

The 2019 LDM highlights some key performance outcomes for new roading, such as;

- Enables active transport choices
- Capacity to accommodate current and future demands for all users
- Supports a range of transportation alternatives
- Transportation network that is safe for all users
- Reflect desire lines
- Linkages need to be highly connected and result in energy savings

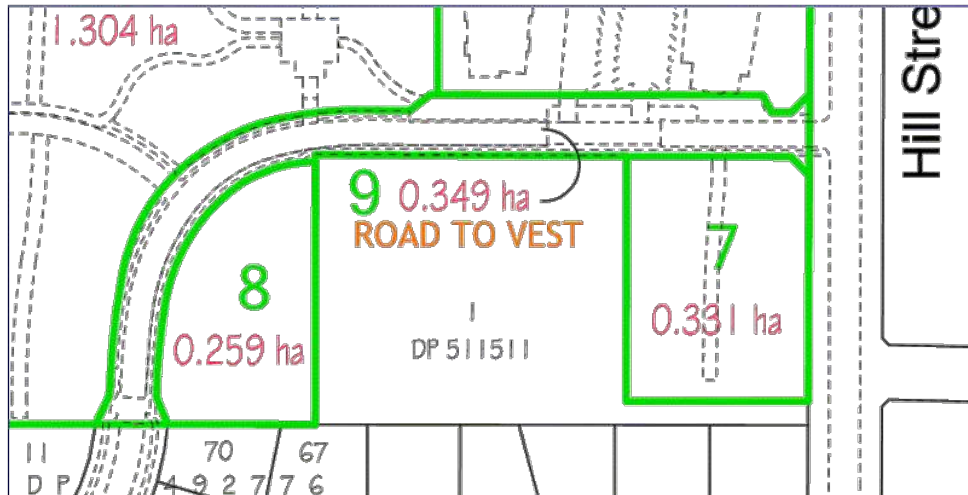
The applicant's proposal will slow vehicles through this area which will enhance walkability and improve the "pleasantness and safety" for residents in the area in accordance with the outcomes sought by the LDM.

The applicant is also proposing a walkway through the complex linking Fairrose Drive and Langdale Drive (see plan 017) which will be open to the public (but will not vest with the Council as local purpose reserve (road).

The applicant, has shown a 6m carriageway (to include moving lanes), 2 footpaths within a road reserve width of 15.5m, (It is assumed the "streetscape planting" will also be located within the road to vest) (Noting the existing portion of Fairrose Drive has a legal road reserve width of 19m).

The revised plans show the continuation of the 2.5m shared path through to Hill street with a threshold cross over near future "Iris Drive" connection.

Council staff have endeavoured to clarify the road to vest areas and widths. The road to vest area is shown on the applicants subdivision plan (below, from the applicant). However the applicant has not confirmed the width of the road reserve and this needs to be clarified. Ideally this should be 19m as per the table above.



Plan of road to Vest

The below concept diagrams show the applicants road configuration from Fairrose Dr to Hill street.

I understand that all required car parking for the care facility complex can be located on the care facility site. In additional 14 parallel on road carparks are being provided outside the care facility and these can be used by nearby residents and meet the requirements of the Land Development manual 2019 which requires 1 carpark per 2 lots/dwellings. Note also the additional off road carparks provided behind villas 14 to 18 (Further mentioned below).



Fairrose Dr concept drawings

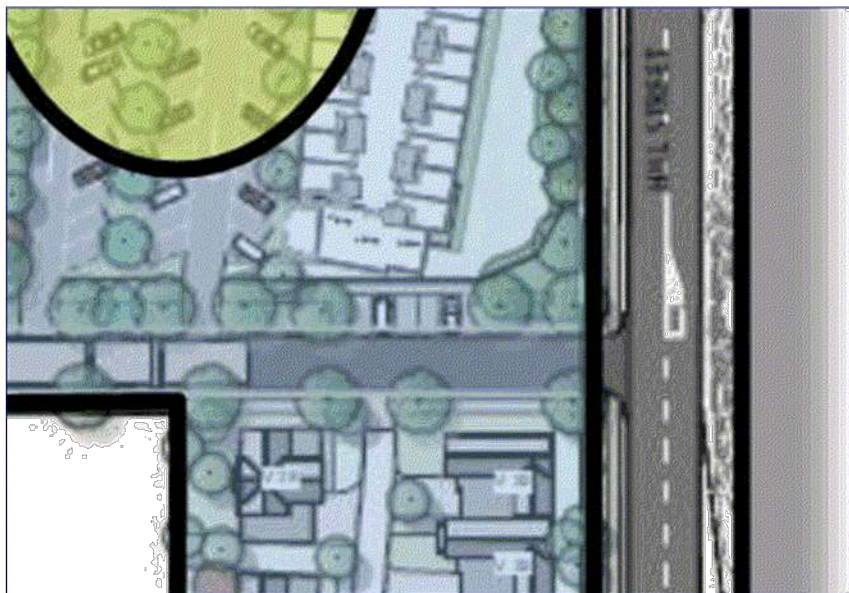
Public walkway/access links through the development

The applicant proposes a shared path link through the development, shown as a grey outline 2.5m wide path, in the legend as “cycle/Walking Trail” (from Fairose Dr extension behind TH08 to TH11 past “Iris Drive” and then in behind Townhouse 01 to 12 etc. and also the use of the Link road (Iris Drive). This being available for the general public to use.

The applicant confirms (section 4.2(e), 4.22, 6.22 and 9.5 AEE) that access to these walkways and greenspaces, will be available to the Public to use and the Applicant is willing to discuss further ways that the Public access can be ensured other than vesting. An “Easement in gross” for the public, is usually the best option to legally secure this Public access.

Hill Street Right Turn bay

As per the plans below, the applicant is proposing a Right Turn bay (RTB) on Hill Street (Plan 17115-8-01 June 2019). This would have been a requirement of any application for a link road such as this onto Hill Street. The applicant was required to install a RTB on Wensley road as part of the previous stage of the Olive Estate development. The final design of this RTB on Hill Street will be determined at Engineering plan stage for the Fairose Drive extension. I.e. 50km/hr, 3m holding bay and Motsam lane design. The provision of a RTB may require the installation of “no Stopping” lines along parts of the Hill Street in this vicinity. Note, on reviewing aerial photos/street view, of the location shows very little use for parking in this area.





Submissions

Of the submissions received, 28 relate to traffic and parking issues.

Brenda Lawson Way

With the amended plan now removing access to the care facility from Brenda Lawson Way and the one primary access into the complex onto Fairrose Drive, would seem to satisfy the concerns that have been raised from submitters over the proposed access lane onto Brenda Lawson way.

Parking on adjacent roads,

Some submitter's mention care facility staff will park on adjacent roads. Vehicles with current registration and WOF can park on roads where appropriate. The application shows that ALL required car parking for the care

facility for residents and staff can be accommodated on site with 30 carparks provided.

Hill Street carriageway width.

Hill Street was re-constructed in 2002 to a 9 m kerb to kerb carriageway width. That width meet the Engineering standards that applied then, being a 2.75m lane width and 1.75m car parking lanes.

Council officers acknowledge the width of Hill Street would not meet today's LDM 2019 standards, which include wider traffic lane/car parking widths and cycleway lanes etc.

However the widths of Hill Street does help to control speeds which is an advantage along this section of straight road with long view shafts that are likely to increase vehicle speeds.

The provision of the RTB (referred to above) and no stopping lines on Hill Street may also alleviate some of the submitters concerns re lane widths and roadside parking in this area.

Fairose Drive extension formation standard.

The applicant's roading layout will have a similar look and feel to that previously constructed on Langdale drive through the existing complex.

The applicant is proposing a 6m carriageway (Fairose drive extension). With on/off-road car parking in various locations. There is proposed to be no on-road carparking out-side Townhouses 1 to 11 and it is noted 7 carparks are provided and located off the "RV" access and behind Villa 17 and 18. Each of the villas/townhouses also shows visitor car parking can be achieved in front of each garage, although the garage to Villa 18 is recommended to be off the "RV" access, as site visibility for a reversing vehicle from Villa 18 on to Fairose Drive will be dangerous on this curve.

Summary

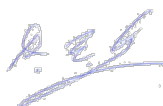
The application is a replacement residential zoned development with a retirement home complex and the relocation of the care facility closer to Hill Street.

Had residential development (freehold lots) occurred in this area, Fairose Drive would have extended and joined up with Hill Street with the existing design elements that presently exist on Fairose Drive, (see table above-green).

It is clear that the developer is endeavouring to encourage a "slow" speed environment into the area and in keeping with the previous Langdale drive through stage one.

Engineering generally support the application as presented, but with restrictions and concerns as above, noted in the suggested conditions of consent.

Dugald Ley



Development Engineer

Technical background if required

1. I am employed by the Tasman District Council as the Development engineer. My responsibilities are to give advice on Subdivisions and Developments in the region, enforce Council Engineering standards and co-ordinate infrastructure services when development occurs.
2. Following extensive work with the Ministry of Works in civil construction at various locations within NZ, I then moved to being the Development Engineer for Nelson City Council for 16 years. I have now been with the Tasman District Council for 18 years.
3. My relevant qualifications are NZCE (civil), Charter Professional Engineer (CP Eng) and I have completed the Making good Decisions-Commissioner Course for the RMA.

Item 2.1

Attachment 7



Memorandum

On resource consent applications by:

The Integrity Care Group Limited

RM190791 Land use consent for land disturbance to undertake bulk earthworks in association with the construction of a compact density development and care facility including decommissioning and filling a pond.

Disturbance of potentially contaminated soil in accordance with regulation 9(1) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

RM191308 Water permit for the taking of water associated with dewatering the existing pond.

These applications are bundled with subdivision consent RM190789 and land use consent RM190790.

From Jenna Wolter – Senior Consent Planner - Subdivision

Date 19 January 2021

Key earthworks and dewatering issues for the Section 42A officer's report

For full site description, determination of application status, summary of notification and submissions refer to the main 42A report for subdivision and land use consents RM190789 and RM190790.

This report addresses those areas of the application relevant to the proposed earthworks and pond dewatering.

RM1190791 & RM191308 Memorandum of Key Issues

RM190791 - Earthworks Proposal

The applicant has applied for consent to carry out the recontouring works required for the proposed development. Works will be carried out in stages to create the required ground conditions, fill the existing irrigation pond, form roads and building platforms, install services, and remove any contaminated soils.

Proposed earthworks will involve approximately 13,000m³ of excavation and 8,000m³ of fill over an area of 8,500m². Cuts of up to five metres depth may be required for the creation of the care facility foundations. A full description of the proposed works is contained in the application and is not repeated here.

This subject site is listed on the Tasman Hazardous Activities and Industries List (HAIL) due the identification of historical horticultural activities on site. This has since been proved to be stonefruit and unlikely to have been sprayed with lead, arsenic or DDT, however the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES) still applies to soil disturbance on this site.

The proposed recontouring of the site will not comply with permitted activity rule 18.5.2.1(q) of the TRMP as works are likely to be over an area greater than 1 ha and involve cuts greater than 1 metre in height over a 12 month period. The works are assessed as a controlled activity in accordance with rule 18.5.2.3.

The proposed earthworks are assessed as a Controlled activity in accordance with Regulation 9(1) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES).

RM191308 – Water take proposal

The applicant is proposing to dewater and fill the existing irrigation pond located in the south eastern corner of the site as part of the overall site redevelopment works. As the pond will be completely emptied the taking of water will not comply with permitted activity rule 31.1.2.1(n)(iii) which requires water to be left in the pond for the survival of eels. A resource consent for the taking of water is therefore required as a controlled activity in accordance with rule 31.1.2.4 of the TRMP.

The applicant has states that clean pond water will be discharged at a controlled rate either to Council's stormwater network, or to grassed areas of land within the subject site. Water containing sludge from the pond will be discharged to land on site and any sludge dried and removed from site to an appropriate facility. The discharge of water and temporary discharge of mud is not considered to be discharge of a 'contaminant' as defined in the RMA, and therefore does not require resource consent.

Relevant TRMP Objectives and Policies

The following TRMP objectives and policies are relevant to the proposed land disturbance (earthworks) activities:

Objective 12.1.2 - *The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:*

- (a) *damage to soil;*
- (b) *acceleration of the loss of soil;*
- (c) *sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;*
- (d) *damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;*
- (e) *adverse visual effects;*
- (f) *damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;*
- (g) *adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.*

Policy 12.1.3.1 *To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems.*

Policy 12.1.3.2 *To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:*

- (a) *natural erosion risk, and erosion risk upon disturbance;*

-
- (b) *scale, type, and likelihood of land disturbance;*
 - (c) *sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris;*
 - (d) *Coastal Risk Area.*

Objective 5.1.2 *Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.*

Policy 5.1.3.1 *To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.*

Policy 5.1.3.9 *To avoid, remedy, or mitigate effects of:*

- (a) *noise and vibration;*
 - (b) *dust and other particulate emissions;*
 - (c) *contaminant discharges;*
 - (d) *odour and fumes;*
 - (e) *glare;*
 - (f) *electrical interference;*
 - (g) *vehicles;*
 - (h) *buildings and structures;*
 - (i) *temporary activities;*
- beyond the boundaries of the site generating the effect.*

Objective 30.1.2.1 *The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to:*

- (a) *preserve their life-supporting capacity (the mauri of the water);*
- (b) *protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values, including eel, trout and salmon habitat, and recreational and wildlife values; and*
- (c) *maintain their ability to assimilate contaminants.*

Policy 30.1.3.12 *When assessing resource consent applications to take water, particularly those applications to take water from water bodies where no allocation limit has been established, to take into account*

actual and potential adverse effects, including cumulative adverse effects of the proposal in combination with any existing authorised takes, on:

- (a) natural character of the water body and its margins;*
- (b) associated wetlands;*
- (c) cultural and spiritual, amenity and recreational values;*
- (d) aquatic habitat, including plants and animals;*
- (d) other water users;*
- (e) water reserved for other uses;*
- (f) hydrological regime of the water body;*
- (g) capacity to dilute contaminants;*
- (h) uses and values identified in Schedule 30A;*
- (i) sustainable yield of an aquifer and the sustainable short and long term yield of a bore based on the assessment of yields over five and 100 days.*

Subject to appropriate conditions of consent, the proposal is considered to be generally compliant with the above objectives and policies.

The proposed dewatering is not consistent with Objective 30.1.2.1 of the TRMP, but is not inconsistent with Policy 30.1.3.12. However, these policies are only considered marginally relevant to this application as they do not appear to anticipate temporary non-consumptive uses. Overall, it is considered that the proposed take is appropriate in this situation, and it is considered that the proposed dewatering will have no more than minor effects on the environment.

Statutory Considerations

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters

Other Matters

Other matters

Section 7(b) - the efficient use and development of natural and physical resources.

Section 7(c) - the maintenance and enhancement of amenity values

Section 7(f) - maintenance and enhancement of the quality of the environment.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Submissions

Submissions received raised concerns in relation to the filling of the existing irrigation pond on site, and the potential cross-boundary effects of the proposed earthworks – particularly in relation to dust and the disturbance of contaminated soils. The matters are addressed in the assessment below.

Key Issues for Earthworks

The matters of control in relation to recontouring earthworks, as set out in rule 18.5.2.3 of the TRMP, are:

- 1 The location, timing of construction, design and density of earthworks;
- 2 Disposal and stabilisation of waste material or fill;
- 3 Loss of or damage to soil;
- 4 Damage to riparian vegetation or soil;
- 5 Damage to animal and plant communities of habitats in water bodies;
- 6 Effects of the activity on river or stream flows;
- 7 Sedimentation effects on subsurface streams or caves in karst;
- 8 Damage to structures;
- 9 Visual effects of the activity;
- 10 Potential damage to any cultural heritage site or area;
- 11 Damage to any natural habitat or feature;
- 12 Duration of consent;

-
- 13 Financial contributions; and
 - 14 Effects on groundwater and flood plain stability.

The adverse effects of land disturbance activities are generally limited to the construction period. There are no waterways, karst features, natural features or habitat, or riparian vegetation on-site, or downstream of the site likely to be adversely affected by the proposed earthworks. The site is not considered to be within a flood plain.

The existing pond on site is an artificial water feature and decommissioned at the land owner's discretion – provided this does not adversely affect any other person or property, and any native species are removed – these matters are discussed further below.

The matters of control relevant to this application are addressed below in relation to the following key issues:

- Construction effects, including noise, dust, and erosion and sediment control.
- Filling of the existing pond.
- Recontouring and redirection of stormwater run-off.
- Management of contaminated soils.
- Cultural effects.

Construction Effects

The applicant has stated that all works will be supervised by an appropriately qualified engineer and carried out in accordance with an Erosion and Sediment Control Plan to be approved by Council's Compliance Officer prior to the commencement of works. This is standard practice for large scale earthworks management in the Tasman region. The site is primarily gently sloping former horticultural land, and is not considered to pose any significant erosion and sediment control or geotechnical challenges.

Recommended conditions of consent also require the applicant to submit a construction management plan (CMP) for approval prior to commencement of works. The CMP will be required to set out mitigation measures for management of construction effects such as noise, dust and construction traffic management. Recommended conditions of consent also require works to be carried out in accordance with relevant AS/NZS construction noise standards.

All visual and construction effects will be temporary for the duration of works. Visual effects will be mitigated by the stabilisation and grassing of open works areas, and the eventual construction of the proposed development. The final contours and form of the site be in keeping with the character of the surrounding area.

The application states that a 15 year term is sought for the land disturbance consent to allow sufficient time for planning, construction and implementation of the project. No estimate of the actual time required to carry out the proposed works is given, and no distinction is made between lapse period and duration of physical works. The application also mentions staging of works but does not give any indication of whether staging of the proposed earthworks will align with the stages as shown on Plan 3.10 of the masterplan set.

An open 15 year term for the earthworks consent is not considered appropriate, both for the management of potential effects and provision of certainty to adjacent land owners. It is also not consistent with consent durations for similar sized developments in the Tasman District. The attached recommended conditions of consent propose a six month duration for works within each of the stages as shown on Plan 3.10. Stages may be carried out concurrently and in any order, but the limit of duration of works for each stage serves to provide adjacent land owners some certainty around works duration, and limits the amount of time each area is open and vulnerable to erosion and sediment run-off issues. A lapse date of 10 years is proposed to be consistent with associated land use consent RM190790.

In this absence of any reasonable proposal of works duration by the applicant, a six month per stage works duration has been recommended as this is consistent with similar sized earthworks projects in this district. It may be appropriate to adjust this limit, within reason, upon provision of appropriate justification by the applicant.

Filling of the existing pond

A number of submitters have expressed concern at the removal of the existing irrigation pond, and have suggested that this should be kept for amenity and ecological purposes. As stated above, this pond is an artificial irrigation pond and not a natural water feature, and as such is not afforded the protections given to such features by the TRMP, RMA and NPS and

NES- Freshwater. The applicant may decommission this pond at their discretion – provided that they obtain the relevant water permit to drain the pond and remove any native fauna before doing so. The water take aspect of this activity is further assessed below.

There are no native plants or significant riparian vegetation that require consideration.

Recontouring and redirection of stormwater run-off

The changes in stormwater run-off patterns resulting from the proposed works have been assessed by Council's Team Leader – Natural Resources Consents as part of the overall stormwater assessment for the proposal. Overland flows will be appropriately managed during construction, and ultimately be channelled into designated overland flow paths and road corridors deigned to receive overland flows up to a Q100 rainfall event – in accordance with Nelson Tasman Land Development Manual (NTLDM) requirements.

The stormwater management system for the site is generally considered to be fit for purpose and will have less than minor effects on adjacent properties and the downstream network.

Revised plans for overland flow management around the northern end of the care facility show a swale designed to direct overland flows around the facility and into the main stormwater network. This swale will essentially act as a cut-off drain directing flows away from downstream Fawdan Way properties. Plan 3.7 of the masterplan set and associated cross section 1 show this swale located at the top of a steep bank which slopes toward Nos. 21 and 28 Fawden Way. No design information has been provided for this swale at this stage, except that it will be deigned in accordance with the NTLDM at detailed design

Swales located directly at the top of slopes are generally not considered good design practice, however it is acknowledged that an overland flow diversion feature is required in this general location. It is recommended that conditions of consent require specific geotechnical and stormwater engineering design of the swale to ensure that it is designed and constructed to ensure that any risk to downstream properties is appropriately mitigated.

Management of contaminated soils

The matters of control in relation to the disturbance of contaminated soils, as set out in Regulation 9 Subclause 2 of the NES, are:

- (a) *the adequacy of the detailed site investigation, including—*
 - o *(i) site sampling:*
 - o *(ii) laboratory analysis:*
 - o *(iii) risk assessment:*
- (b) *how the activity must be—*
 - o *(i) managed, which may include the requirement of a site management plan:*
 - o *(ii) monitored:*
 - o *(iii) reported on:*
- (c) *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- (d) *the timing and nature of the review of the conditions in the resource consent:*
- (e) *the duration of the resource consent.*

The application includes a Detailed Site Investigation report produced by Contract Environmental Ltd. The report summarises that the contaminant levels in the soils on this site are well below the NES trigger levels for residential use, and therefore no remediation is required. However, copper concentrations were found to exceed background levels and cleanfill criteria, so any soil removed from site will need to be retested and disposed of at an appropriately authorised facility, and the location of any contaminated soil reused on site should be recorded and provided to Council for inclusion on the property file.

The copper levels in the soil are not hazardous to human health, but can be toxic in aquatic environments. It will therefore be important to ensure good sediment control measures are in place for any disturbance of contaminated soils.

Council's Resource Scientist – Contaminants has reviewed the application and agrees with recommendations of the Contract Environmental report. In particular it is noted that:

- the topsoil from the HAIL parts of the site should be re-tested following mixing, prior to agreeing a suitable disposal location;
- the recommended condition for the earthworks should be amended to include the soil movement on the HAIL part of the

property, i.e. An earthworks management plan is to be prepared that addresses the management and reuse of the copper contaminated topsoil and if necessary, the transport, disposal and tracking of same material if it is required to be removed from the HAIL part of the site.

These recommendations, and the recommendations contained in the Contract Environmental report, have been included in the recommended conditions of consent.

Management of contaminated soil will also be required to be considered in the management plans required for the general earthworks – including management of potential sediment run-off and dust control measures to ensure that contaminated material is not transported onto any adjacent property.

Cultural effects

The subject site is not located within any Statutory Acknowledgement Area and there are no sites of cultural significance registered on this property, or in the general vicinity. The site is also acknowledged to be historic horticultural land and has likely been disturbed numerous times in the past.

All relevant iwi were notified by Council of the receipt of this application. No concerns specific to this site have been raised in response to this, nor were any submissions from iwi received through the public notification process.

It is therefore considered that the proposed works are unlikely to have adverse effects on cultural values. It is not considered that an iwi monitor is necessary for the works, but an accidental discovery protocol condition has been included in the recommended conditions of consent.

Overall, it is considered that the proposed earthworks are generally in accordance with the relevant policies and objectives, and, subject to appropriate recommended conditions of consent, will have no more than minor effects on the environment.

Key issues for Pond Dewatering

The matters of control for the taking of water from storage, as set out in the TRMP, are:

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- 1 Effects of the take on aquatic and riparian ecosystems, including in the impoundment, and upstream and downstream of the dam.
 - 2 Effects of the take on other uses and values, including those given in Schedule 30A of the water body and those of connected water bodies such as groundwater, springs or wetlands.
 - 3 Effects on other water users including security of supply for existing water users, and impacts on existing downstream storage.
 - 4 Measures to ensure efficient use of stored water, including soil based application rates.
 - 5 Effects on fish and eels, including entrainment in pipes.
 - 6 Information to be supplied and monitoring, including water meters required.
 - 7 The quantity, rate and timing of the take.
 - 8 Efficient use of water, including application rates for irrigation appropriate to the soil type.
 - 9 The duration of the consent as provided for in Schedule 31A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
 - 10 Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

There are no other users of water from the dam, the dam is not hydraulically connected to any other water body or source, and the water take will be temporary and for a non-consumptive use. The pond is an artificial irrigation pond and does not have any significant ecological value, or form part of wider waterway habitat corridor.

It is therefore considered that the only relevant matter for consideration are the effects on any aquatic fauna that may reside in the pond.

The applicant has volunteered to engage a suitably qualified ecologist prior to the emptying of the pond to identify any freshwater species present and supervise the relocation of these where required. This

requirement has been included in the recommended conditions of consent.

Ministry or Primary Industries approval may also be required for the relocation of any native freshwater species.

A duration of one month is considered appropriate for this activity and is included in recommended conditions of consent.

The pond has previously been connected to Council's Hill St reticulated stormwater network however the applicant has confirmed that this connection was blocked off during a previous upgrade of Hill St. Council's Development Engineer has confirmed that this pond is not required as part of the network. Any overland flow paths through this area will be managed by the proposed swale as discussed in the earthworks assessment above.

Conclusion

As per the above assessment on the above objectives and policies considered relevant, the proposed earthworks and water take are not generally contrary to the objectives and policies. It is also considered that, subject to appropriate conditions of consent, the adverse effect of the works on the environment will be no more than minor.

Recommended conditions of consent are included in the main Section 42A report for this bundle of consents.