

BEFORE THE TASMAN DISTRICT COUNCIL

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Under the Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
(Applicant)

And in respect of proposed changes to the existing retirement village (Olive Estate Lifestyle Village) at Lakehouse Crescent, and a proposed extension of onto a site at Hill Street, Richmond

**EVIDENCE OF KRISTIN ANNE NIMMO ON BEHALF OF THE
APPLICANT**

25 February 2021

Duncan Cotterill

INTRODUCTION

1 My name is Kristin Anne Nimmo and I am a Director of the Applicant, Integrity Care Group Limited. I am authorised to give this evidence on behalf of the Applicant.

BACKGROUND

2 The Integrity Care Group is owned and operated by myself, Mark and Shirley Nimmo. We have a proven track record of providing excellence in aged care services in New Zealand for more than 28 years. In 1992, we developed Naomi Courts Rest Home in Nelson, providing rest home, dementia and day services. In 2001, we purchased and redeveloped Highfield Rest Home in Timaru. In August 2005, Stillwater Gardens Retirement Village in Nelson was opened with rest home, hospital and dementia care services, independent villas and serviced apartments. Naomi Courts and Highfield Rest Home were sold in May 2006 and Stillwater Gardens was sold in December 2017.

3 In 2011 the Integrity Care Group began exploring opportunities to develop a new retirement village providing care in a “new” way. Consideration was given to the quality and location i.e. gradient, and historic use, the proximity to local shops, size, and the surrounding community, including existing or proposed residential developments, community facilities and services available in the area. In February 2014 a resource consent was granted by Tasman District Council and construction commenced in September 2014. The first residents moved into the village in February 2015. Construction has continued since this time and we now have 136 units complete, accommodating 218 residents. There are still a number of villas and the apartment building to construct on this site, and many already under construction.

4 When consent was granted in September 2014, and later varied in October 2017, it provided for a “Care Centre”, to accommodate residents requiring long term aged residential care (rest home, dementia and continuing care (Hospital) level care) and some serviced apartments. The original concept design was based on 100 care beds and 58 serviced apartments spread over three levels.

5 The Care Centre was to be located near the rear boundary of the site (i.e. the boundary closest to Hill Street). At the time, it was considered that this was the best location for the Care Centre to be positioned, and it created some scope to consider relocating the Care Centre to adjacent to Hill Street should the opportunity arise to purchase Mr & Mrs Nicholl’s block in the future. It was

scheduled as the final stage of development and detailed plans had not been developed.

- 6 The Integrity Care Group have always looked for ways to create links with the Nelson Tasman Community. One way that we have been successful in this area has been with our 'give back' Christmas campaigns. Stillwater Gardens was the principal sponsor for the "Bring Me Home for Christmas" competition for 3 years followed "I owe you one" until 2018 and Olive Estate sponsors the "Spirit of Christmas" campaign in association with More FM & The Breeze. In addition to this, Olive Estate provides sponsorship for various golf, bowls and croquet tournaments in the region.
- 7 Olive Estate Lifestyle Village is part of The Integrity Care Group's plans as leaders in the retirement sector both in the Nelson/Tasman region and nationally.

An Opportunity to Extend Olive Estate Lifestyle Village

- 8 In December 2017 the opportunity arose to purchase the adjoining 'Nicholl Block' comprising 3.4 hectares (approx.) which connects the Olive Estate Lifestyle Village land through to Hill Street. This land was purchased with the intention of extending the village by a further 53 villas and 21 terrace houses. This block also created the opportunity to move the care centre adjacent to Hill Street, thereby giving it its own street frontage and address.
- 9 We understand and acknowledge that historically this block of land has been used for horticultural purposes, predominantly stone fruit and Irises. It is because of the historical land use and the fact that this land has been relatively vacant for a significant number of years, despite being zoned as residential land, in combination with the amenity, that we have developed park spaces and green areas, including vegetable gardens and fruit trees, and we intend to continue that development. Our intention throughout the design process has been to endeavour to preserve as much of the "rural" feel of the land as is possible when developing it for residential use. I of course acknowledge that any development on this land will change the outlook for neighbouring properties. With Olive Estate, the development is both integrated, not ad hoc or hotch pot, and the design elements are embedded from the start.
- 10 The location of the land is significant in terms of its proximity to the local Richmond Shopping precinct in the Queen Street area. It is our experience

that the proximity to the shopping precinct or Richmond attractions is not prohibitive to residents who are still able to travel on their mobility scooters, and some residents are able to comfortably walk the distance to and from the precinct. The independence and choice that our residents are able to maintain in this manner is a significant contributing factor to their overall well-being and allows them to feel that they are still able to interact with their community and contribute to it as valued members of society.

RETIREMENT VILLAGES

- 11 The Integrity Care Group's vision for Olive Estate Lifestyle Village has been to develop an innovative concept in retirement living that brings together the best of what our region can offer to people aged 55+, with cafes, sunshine, views, fresh produce, fun and friendship. It is our vision that Olive Estate will become part of a multi-generational community within the Richmond South area and that it will encourage interaction between generations.

- 12 At Olive Estate Lifestyle Village, we have a vibrant community that celebrates diversity not only with its residents but in building styles and layouts. Olive Estate has been designed to feel like a 'normal' subdivision, with special emphasis placed on parks and community spaces - including cycle ways and walking tracks that link to neighbouring subdivisions, a café, hair & beauty salon, playground (which are open to the public) and edible community gardens.

- 13 Olive Estate Lifestyle Village is not a gated community and is built on either side of a public road and that is intentional, the design adds to the integrated feel of the Village. This is further enhanced by the use of differing roof lines, cladding styles and colours in the villas and terrace houses creating a variation of, and interest to buildings by their styles and varying heights. The apartment building and Care Facility have been positioned to minimise the impact on residents within the village and neighbouring properties.

- 14 The term 'lifestyle village' has been adopted by the retirement village industry in recent years in response to the 'baby boomers' perceptions of aging and as a reflection of the fact that today's retiree (65+) is still a very active and vibrant member of the community.

- 15 Unfortunately, despite repeated attempts at clarification, it would appear that some submitters and (surprisingly) Ms Lancashire remain confused about the services that a long-term residential care centre, such as that proposed at Olive

Estate, actually provides. Long-term residential care is defined by the District Health Board as the following “**Aged residential care (ARC)** is when an older person needs to be cared for in a **residential** setting. A person's **care** is decided by an assessment of their needs, and there are three levels of ARC: rest home, hospital, secure dementia.” The Ministry of Health’s information booklet titled “Long Term Care for Older People – What you need to know” defines aged residential care as “ongoing live-in care”.

16 For any resident living in a long-term aged residential care centre this is their home.

17 In Ms Lancashire’s report she states “The CFB will have a dementia ward with 70 beds, a dining room, laundry facility, kitchens, club room, restaurant and 20 serviced (Partial Care) apartments.” This is incorrect. The care centre will have 70 long-term residential care beds comprising a mix of rest home, dementia and continuing (hospital) care beds and 20 serviced apartments. In addition to this, and in order to be able to provide care to these 90 residents, lounge, dining, kitchen and laundry facilities are included.

18 Our residents have all been contributing members of society for many years and in several cases have been successful business people within the Nelson region and have made significant contributions in a wide range of business sectors. We believe that it is a privilege to be able to provide facilities and care that meet the needs of a generation who have made a significant impact on how we are able to live our lives today.

19 The concept of the modern retirement (lifestyle) village throughout New Zealand is designed to promote independence, quality of life and integration within the greater community. In my opinion, the suggestion of restricting an older person’s ability or right to live within a residential neighbourhood simply because they choose to live within a designated community for people of a similar age, or that they have no alternative but to live in a care facility due to failing health, is not only disrespectful but also discriminatory and fails to acknowledge the fact that the aging process is a normal transition that we all must face.

20 The *Health of Older Persons Ageing in Place Strategy* promotes allowing older people, including those who need support and care, to be enabled to remain living in their own homes for as long as possible. Where this is not possible, older people should be enabled to live in a sheltered and supportive

environment that is as close to their community as possible in both a social and geographical sense.

- 21 The “aging in place” concept was developed by health and social ministers from OECD countries in 1994 and is now a well-used concept used to look at future needs and how to manage an aging population.
- 22 Olive Estate is designed to accommodate the wider range of needs of older people, with varied options for independent living through to partial and fully assisted living. When considering the general needs and wants of the older person, it can be concluded that they wish to maintain as much independence as possible, without becoming a burden to their family, friends and the greater community and to be safe.
- 23 The lifestyle village model, while not for everyone, promotes and achieves this. Residents are able to maintain or improve their level of independence with the added peace of mind and security that they can call for assistance at any time if the need ever arises. Our residents often tell us that they should have made the move sooner and are great advocates for village life if they get the opportunity to talk to prospective residents.
- 24 The face of New Zealand’s older population is changing and rapidly increasing in number. As the ‘baby boomers’ continue to reach retirement age, New Zealand will need to continually strive to break the stereotypical thinking around retirement villages and aged care facilities. Furthermore, new villages and delivery models will need to be developed to improve the quality of product, service and availability to meet the changing demands and expectations of the current market and that of the next 20 years. People in that age group do not want to live in “just a rest home”, they don’t want to “rest” generally, they want to achieve a lifestyle, with companionship, families, and in safety as they go through that phase of their lives.
- 25 Our mission statement says: *Olive Estate Lifestyle Village will encourage and promote activity and lifestyle with modern architecture and facilities, while providing a community that promotes peace of mind and shared values.* We believe that the ‘lifestyle’ phase of life should be about living life as you want to, with independence and freedom of choice.
- 26 Village residents are supported in a holistic manner which recognises their ethnicity, cultural needs and enables them to maintain dignity, independence,

individuality and involvement in their quality of life. Support from family and friends is recognised as an integral part of village life.

Variety of living spaces

27 We strongly believe that Olive Estate Lifestyle Village provides a vital link in improving and increasing the availability and quality of retirement living options in the region.

28 The Urban Design Panel for both the 2014 resource consent application and this application addressed this in the opening paragraphs of their meeting report, stating:

“We consider this to be a quality development which will provide a high quality living environment for residents while at the same time connecting with, and contributing positively to, the wider neighbourhood”. (UDP 2014)

“We endorse the continuation of the current development philosophy that has achieved very high quality streetscapes, open spaces and building outcomes, including the villas and townhouses proposed.” (UDP 2019)

29 The demands and expectations in relation to retirement living is changing. The older person moving to a lifestyle village is typically more active than they were 10-15 years ago and there is an expectation that the lifestyle village will provide a first class variety of dwellings for both independent and assisted living, and that the facilities provided within the village enable them to maintain their level of activity.

30 The concept of Olive Estate is driven by and informed around the needs of the anticipated residents in both an independent and assisted living environment. It is therefore crucial that the needs of the vibrant older person will be equally accommodated amongst the needs of the frailer older person. The on-site facilities, including the landscaped parks, activity zones, village community facilities, slower road and the ability to be able frequent the onsite café and hair and beauty salon, combined with the ability to travel to the nearby Queen Street shops, all add to the village resident's quality of life.

31 The experience that Weir Walker Architecture have in retirement village design, as well as the broader spectrum of architectural design, combined with the urban design and landscape experience of Canopy, has resulted in what

we believe is an outstanding representation of our vision for Olive Estate. The choice of living options available at Olive Estate has exceeded our original expectations and ensured that it is indeed a development that has diversity in terms of building design, texture, height and colour.

32 by way of explanation, there are presently:

- 7 different villa floor plans, with options for cladding, colour and roof style.
- Two storey 3 bedroom town houses with single and double garage options.
- Three storey 2-3 bedroom carriage houses with double tandem garages.

33 and still to be developed:

- Independent apartments with 1, 2 and 3 bedroom options.
- A Care Facility with the full spectrum of aged residential care levels and partial assisted living options in 1 and 2 bedroom serviced apartments.

34 I acknowledge that the provision for apartment buildings differs from what is currently available in the area in terms of residential housing. Our experience shows that apartments are an appealing residential option for people who like the feeling of increased security and communal living. Apartment living is considered a typical accommodation option within a modern lifestyle village and is included within the Olive Estate concept in keeping with our established consumer driven design. The location and design of the apartments at Olive Estate will take advantage of the views across Tasman Bay.

35 It is widely recognised within the retirement village industry that while residents may be completely independent when they move to a village, they have made their decision, at least in part, with the “big picture”, that is to say the next phase in their lives, in mind and “future proofed”. It is generally very important that there is an option for them to be able to adjust or revisit their accommodation requirements as required in the future if their health declines, and that requires

a Care Centre. A range of accommodation options is also a significant consideration for couples whose health or dependence needs are different. The ability to accommodate a husband and wife in different types of accommodation is also a significant benefit for the village resident and supports the principal objectives for aging in place. We call it the “continuum of care” and we view it as our responsibility to be in a position to provide accommodation and/or care for each of our residents for whatever time they reside within the village.

36 The Integrity Care Group is aware that:

“As at 2013, approximately 17.8% of Tasman residents were aged 65 years and over, well above the national proportion of 14.1%. We note that at the 2006 census, this proportion stood at 13.6%, indicating significant growth in the intervening seven years. The proportion of residents aged 65 years or more is expected to increase significantly in the 25 year period from the last census, more than doubling the existing proportion. Although Tasman and Nelson remain separate local body territories, to some extent they may be viewed as a wider market in the context of aged care property. As at 2013 there was a combined pool of 4,250 residents aged 80 years and over, and this is forecast to increase to a total of 11,660 residents by 2043.

- (a) Population forecasts have not yet been updated following the 2018 Census, but the total population for Tasman District rose to 52,839 by 2018, almost surpassing the forecast to 2043 and illustrating the rapid population growth in the district. The section of the Tasman District population aged 65 years and above has increased to almost 11,000 residents, an increase of around 26%.” *(Excerpt from Colliers Wellington valuation authored by Milton Bevin, Registered Valuer March 2020).*

Consultation

- 37 We acknowledge that the development of a lifestyle (or retirement) village is not an everyday occurrence and as such there are various infrastructure, aesthetic, practical and emotional issues that need careful consideration and clarification.
- 38 We have consulted with a number of people on numerous issues, including Tasman District Council (since July 2019), neighbouring properties (since September 2019) and the Nelson Tasman Urban Design Panel (in April 2019).
- 39 The consultation with Tasman District Council both in relation to the original resource consent, throughout the development of Olive Estate to date and during the application process for this consent has been significant. It has provided us with advice on issues such as stormwater management, sewerage, building set-backs and other related rules and how to best manage the indicative road as shown on the TRMP. The advice offered by TDC and the Urban Design Panel has been very helpful in establishing the proposed solutions in the resource consent application to these issues. In other ways despite consultation, both the planner and the reserves section of Council (Ms Squire) have been stayed and unhelpful. I shall return to that matter shortly.
- 40 In September 2019, we held a public meeting in The Lakehouse where neighbours were given the opportunity to raise concerns and seek clarification on the proposed masterplan which they had been sent prior. The meeting was attended by approximately 24 people plus Olive Estate management and consultants.
- 41 We were asked questions in relation to the apartment garage and service access to Brenda Lawson Way, traffic and parking on Hill Street, the Fairrose Drive extension, emergency service vehicles, carparking, numbers of staff for the care centre and vegetation heights and setbacks.
- 42 Following this meeting and again following the public submissions, we met with our consultants and made a number of changes to the plans, most significantly the removal of the driveway access onto Brenda Lawson Way, to openly address the neighbour's concerns as to that driveway access, particularly by staff and delivery vehicles.

- 43 We received a signed Affected Party Approvals prior to filing the resource consent application.
- 44 The Nelson Tasman Urban Design Panel considered the development to be high quality and made some recommendations to enhance the value and amenity, which were largely adopted by the design team. These changes and recommendations will be further addressed by Mr Porter in his evidence.

Why did we move the care centre?

- 45 As I have mentioned previously in my evidence, the original location for the Care Centre was at the back of the village where it adjoined the Nicholl boundary. That location enabled privacy and security for residents of the Care Centre so that they were not disturbed by the day to day operations of the village itself located in front of the Care Centre.
- 46 As I have said earlier in my evidence, we have now acquired the Nicholl block and that has enabled us not only to move the Care Centre back towards Hill Street, but also because of the topography, to “tuck the building down”, thereby countering its bulk. It also creates a location where the Care Centre is easier to find without having to travel through the entire village to get there. In a rest home sense, it is always good to provide for easy way finding and because vehicles such as ambulances may need to access the Care Centre from time to time, easy way finding without having to pass through the entire village is most appropriate.
- 47 The new location enables a lessening of bulk of the building by building it down into the contour. I should add that the actual Care building now proposed is of a lesser size than that originally consented - The original building catered for 100 beds (rest home dementia care and hospital) and 58 services apartments. The relocated building now proposed will have 70 care beds and 20 serviced apartments. This reduction in scale reflects provision made by other rest home developments in the region. The relocated care centre will enable safe access, safety of residents and other road users, and service and staff vehicles will not use Brenda Lawson Way.

Reserves

- 48 It is disappointing that there has been a perceived unwillingness by TDC to acknowledge and understand our position on vesting a parcel of land as a public reserve. This has resulted in a large number of objections from members of the public through the submission process. Several of the submissions contain remarkably similar wording which leads us to question the genuine authenticity of the concerns raised by these people.
- 49 We acknowledge that the TRMP shows an “indicative reserve” on the land, however as noted by Mr Ley “it was Councils expectation (as per TRMP zoning) that the land would be developed as normal for a residential development.” This is however not the case and this land has been purchased for a private development that does not result in a residential subdivision. Indeed the “indicative reserve” ran through between two expected cul de sacs – a logical place for a public reserve for a ‘normal’ residential development, an illogical place for a public reserve is the middle of a private retirement/lifestyle village development. As I have said earlier, safety and convenience for residents are keystones for a retirement village – a public reserve in the middle of a retirement village will not allow for that. That is not to say that we are opposed to access by the public, in some way or on some basis – but we must have control of the land and have suggested alternative ways as to how this could be achieved. Those suggestions it appears have been rejected.
- 50 It is part of Olive Estate’s overarching philosophy to encourage residents in the village to maintain their contacts within their community and for members of the public to be encouraged to come into the village. This forms part of our plan to create a diverse village integrated into the Richmond South community. It is also why Olive Estate does not have a bowling green as many of our residents were already members of the community bowls clubs. To further support these clubs, we regularly support local bowls, golf and croquet tournaments.
- 51 The inclusion of the café, hair and beauty salon and playground, all on the existing site, are also part of this community integration plan, as are the walkways, street furniture and paths – all designed to encourage residents and members of the public to enjoy the space.

- 52 The playground, lake area and walkways (none of which are vested in Council) are frequented daily by residents from the neighbouring subdivisions near Chelsea Ave, Fairrose Drive and Hill Street. A chess park is currently under construction adjacent to Langdale Drive and due for completion within the next couple of months, it will be open too.
- 53 There is currently no signage that either extends an invitation or restricts access to anyone wishing to utilise the green spaces available at Olive Estate, but rather, quite simply an inviting space and some good old fashioned common sense on the part of the consumer has been all the permission required for them to enjoy the spaces.
- 54 Ms Squire has outlined one of the key issues (in her view) identified in the Tasman District Council Long Term Plan as being the “need to respond to our increasing, ageing population and ensure that facilities and recreational opportunities are fit for purpose.” Olive Estate is perfectly positioned to do that, and does do that, and is also able to assist TDC in meeting this need as our extensive network of green space, both constructed and planned, is designed with the older adult in mind. We regularly consult with our residents on the types of outdoor spaces that they might like to see included in the village.
- 55 Olive Estate has engaged the services of Canopy Landscape Architects to design a network of green spaces that meet differing needs and purposes. Some of these are designed for activity such as the playground, chess and petanque areas, others are designed to move through such as the walkways while others afford the user the ability to sit and enjoy the view. Regardless of the space being used, all have been carefully and thoughtfully designed for the enjoyment of the people utilising the space.
- 56 Our brief to Canopy right from the start has been to design a village with a “park like” feel. This has been achieved and is celebrated by village residents and members of the local community. Mr Porter will expand further on this, however on completion Olive Estate will be home to just over 19,000 square metres i.e. 1.9 hectares of green space.
- 57 I have acknowledged the concerns raised by TDC staff around the longevity of public access if the arrangement is not formalised. We have not simply refused to vest a public reserve with TDC, we have tried to engage with Ms Lancashire and Ms Squire and have offered several alternative mechanisms

that might be mutually beneficial and acceptable. It would however appear that they are unwilling to move past considering anything other than outright ownership.

58 Olive Estate has the resource and vision to create and maintain a green space of this calibre



which is preferential to a vested council reserve created and maintained of this calibre











St James Ave Reserve





59 Ms Squire and Ms Lancashire have both asserted that a vested reserve is required within Olive Estate to accommodate the growing communities' need for additional reserves.

60 Since the Olive Estate development commenced in 2014, a number of residential subdivisions have been developed in the surrounding area. Olive Estate is providing more than what might be expected, in terms of green space, on its twelve hectare development so I would question why TDC have not taken steps to ensure that these other developments have contributed to the local public reserve network.

61 It is my understanding that Wensley Road Developments (some metres north west) offered a significant piece of land for vesting as a public reserve during its development in the lower part of Langdale Drive. However, TDC initially refused this saying it was not required but following a neighbourhood petition and outcry a smaller parcel of land in the same location was purchased.

62 Ms Lancashire is concerned that granting resource consent to Olive Estate to extend its existing development without a vested public reserve would “set a precedent that makes it difficult for council to process future applications for a similar development.” We would argue that the precedent has already been set with the Arvida Waimea Plains Village, and the existing consent for Olive

Estate. In any event, Mr Rae's evidence is that from a planning point of view precedent is not an issue here for the Commissioners to be concerned about.

- 63 It is our understanding that Arvida Waimea Plains were not required to vest a public reserve with council, in fact the indicative road shown on the TRMP for that block of land has been achieved by an easement in gross rather than through the usual road vesting process.

The Officer's report

- 64 I am extremely concerned at the content of the officer's report, particularly:
- (a) The import of Ms Squire's report. She takes the view that because an "indicative reserve" is shown on the planning maps to be vested in the event of subdivision the same or similar reserve ought to be vested in Council without residential subdivision as no doubt was expected at the time the TRMP came into being – that is illogical because what has transpired is not what the TRMP envisaged happening. Ms Squire accepted an easement in gross process for walkways, cycleways, but not for a reserve. We do not want to vest a reserve (although we are prepared to make it available) because it is in the midst of a private community where we wish to manage it against anti-social behaviour and maintain it to a far higher standard than does the Council of its reserves, and to do that we need to maintain ownership. Ms Squires report indicates that she has confused herself. She indicates a further reserve is needed but forgets to mention many of those which already exist. She gives credit for nothing we do or are to provide, but wants more despite what we do provide.

The reasons we do not wish to vest a reserve in Council are simple. Because of its location we need to be able to control anti-social behaviour, we need to maintain it to our standard because I expect primarily it will be used by our residents, and we are prepared to provide access to the public and are prepared to do so but not in the hands of the Council.

Surprisingly Ms Squire has not even been prepared to openly discuss the matter with us, nor the alternative suggestions we have put forward.

- (b) The approach taken by Ms Lancashire is rather surprising. I understand she is a planner, independent of Council, engaged to assess the effects of and report on our application. Despite a report running to 74 pages and annexures, Ms Lancashire finds only one reason to not recommend the application for approval and that “reason” is that we do not wish to vest ownership of a reserve in Council - even although we are prepared to make the area available to access by the public as we have the lake, playground, cycleways and walkways. Ms Lancashire says that if there is to be no vesting, an *“alternative and appropriate means of achieving the same social wellbeing outcomes...will be required.”* But she suggests none, makes no comment on our suggestions, and says that an outcome less than vesting *“to be a compromise and a poorer environmental outcome...”* on the basis that the space may still not *“feel or appear to be publicly accessible”*. Why does the public exhibit no such “fear” or “appearance” with the use of our onsite lake, playground, walkways, cycleways, and café . I would have thought at the very least Ms Lancashire would have assessed the actual use of our facilities to assess whether an actual fear existed. She has not.
- (c) We live in a society as does the rest of New Zealand where housing is in short supply, prices are putting accommodation beyond reach, a society in which government and local authorities are pushing for intensification of residential development of all types and varieties, a society in which provision of what we are trying to provide frees up “homes for families” as people move into villages, and yet the non-vesting of reserve (not the non-provision of public space) leads to a non-recommendation for approval. Ms Lancashire gives that as the only reason for her conclusion. Her approach simply does not make sense. Does she really wish us all to believe that without vesting ownership of land in the middle of a village in Council is an adverse effect such that consent for a substantial development should be declined? With respect, Ms Lancashire’s comments show not only a naivety in terms of what is happening in our community, but an approach which shows a lack of balanced assessment which one should expect from an expert planner.

Conclusion

- 66 The Integrity Care Group is recognised as an industry leader in the Nelson/Tasman region. We believe our experience and proven track record in the retirement and aged care sector in Nelson puts us in a good position to embrace the changing face of retirement living.
- 67 We strongly believe that Olive Estate Lifestyle Village is the next vital link in improving and increasing the availability and quality of retirement living options in the region.
- 68 Olive Estate is a privately owned lifestyle village development, it is our opinion that a vested public reserve anywhere on site is inappropriate and out of character with the quality and feel of the village.
- 69 We encourage members of the public to continue to utilise the walkways, seating, playground and lake area.
- 70 Olive Estate Lifestyle Village is an innovative concept in retirement. It is our hope that it will continue to be part of a multi-generational and integrated community, within the Richmond South area, that will encourage interaction between the generations.

Kristin Nimmo
25 February 2021



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BEFORE THE TASMAN DISTRICT COUNCIL

IN THE MATTER OF The Resource Management Act 1991

IN THE MATTER OF An application for resource consent RM190790

BY The Integrity Care Group Limited
(the Applicant)

**STATEMENT OF DESIGN EVIDENCE OF LUKE JAMES PORTER
ON BEHALF OF THE APPLICANT**

FEBRUARY 2021

CANOPY LANDSCAPE ARCHITECTS
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QUALIFICATIONS AND EXPERIENCE

1. My name is Luke James Porter. I live in Nelson and I have been a director of Canopy NZ Limited (Canopy) since 2010. Before working with Canopy, I lived and worked in Queenstown, where I was self-employed as Formium Landscape Architecture. Prior to starting Formium, I worked for Baxter Design Group (Queenstown) and several other highly regarded landscape architecture firms in a number of cities such as Green and Dale (Melbourne), Stephen Pate Landscape Architects (Brisbane), Derek Lovejoy (London) and Megan Wraight (Christchurch).
2. I have a Bachelor of Landscape Architecture (Hons) from Lincoln University and I am a Registered member of the New Zealand Institute of Landscape Architects (NZILA).
3. My work involves residential design, urban design and master planning. I have been a member of design teams on a broad range of projects including small residential sites, urban parks and streetscapes and large-scale residential master planning and community design. My project experience is based locally in Nelson, nationally throughout New Zealand and internationally within Australia, Malaysia, the UAE, Turkey and the United Kingdom. I have worked on both Council-led and private design teams. I have provided landscape assessments where required and have participated in a number of public consultation processes.
4. In 2005 I completed a CPTED course in Queenstown run by the Sydney Police. The course comprehensively teaches techniques for crime prevention through environmental design.
5. I have been involved in the design of Olive Estate Lifestyle Village since its inception, and prepared the original masterplan that was lodged in 2013. I presented design evidence in support of the application, which was granted resource consent in March 2014. I have continued to work on the developed design and detailed design for the village, preparing all of the required documentation for the construction of the landscape around villas and reserve areas.
6. The vision for Olive Estate expressed to the Council at the time of the hearing of the initial consent in terms of open space has been achieved and it can be clearly seen when visiting.

CODE OF CONDUCT

7. Whilst not required for this hearing I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
8. I give evidence as an urban design expert witness for Olive Estate. My evidence should be read in conjunction with that of Mrs Liz Gavin who has covered landscape and visual amenity matters for the applicant.

BACKGROUND

9. I have been engaged by the Integrity Care Group Limited (Olive Estate Lifestyle Village) to provide design evidence that follows on from the urban design assessment submitted with resource consent application RM190790, dated 28 June 2019. The application for Olive Estate was considered by the Urban Design Panel (UDP) while in concept form prior to resource consent being applied for. The UDP suggested changes that were incorporated before submission to the Council, dated 26 March 2019. Overall, the UDP were supportive of the design for the Hill Street Block.
10. The application was lodged with Tasman District Council (TDC) on 28 June 2019. While the TDC were considering the application we held a consultation meeting with neighbours on September 19, 2019. The meeting enabled the presentation of the master plan, and a chance for neighbours to ask questions regarding Olive Estate Lifestyle Village and the proposed extension. Questions that were specifically asked during the meeting included:
 - i. Hill Street access. Why Hill Street was connecting to Fairrose Drive;
 - ii. Hill Street safety and vehicle capacity;
 - iii. Vehicle access via Brenda Lawson Way;

- iv. Sight distances from Brenda Lawson Way;
- v. Parking;
- vi. Details regarding the reason for the Care Facility and the running of the facility.

While considering the application, the Council required several requests for further information (RFI's). An updated application was provided on 8 March 2020 that responded to the questions and comments from the community consultation meeting and the RFI's received from the TDC. The application has since been publicly notified and public submissions have been received. Following public submissions, (and in response to those submissions) additional design updates have been undertaken, which are described below under the heading 'Changes to the Application'. The updated plans were re-submitted to TDC on 6 October 2020. My evidence will respond to design changes in the application, the public submissions received and the Councils' Section 42a report that relate to design issues.

SCOPE OF EVIDENCE

11. My evidence is laid out as follows:
 - i. Key features of the report included in the application;
 - ii. Changes to the application;
 - iii. Assessment of application with regard to the changes;
 - iv. Comment on submissions;
 - v. Comment on section 42a Report;
 - vi. Comment on conditions; and
 - vii. Conclusion.

KEY FEATURES IN THE APPLICATION

12. There are two parts to the proposal (refer to Masterplan Set Plans 014-019¹):
 - i. The existing consented site (RM120928) ("the initial consent"): the consented Care Facility building has been replaced by a greenway featuring a swale and

¹ Refer to Plan Set Volume: Masterplan Set Plan 014-019

cycle/walking trail, 25 villas and 12 terrace houses. The road network also connects into the proposed Hill Street Block to provide access through the entire site.

- ii. The proposed Hill Street Block development (“the present application”) will include a newly designed Care Facility, open green space (including 2500m² of public accessible area subject to easement in gross or a covenant), 2.5m shared pathways, 36 villas and 11 terrace houses. Allowance for RV parking has also been included in the western corner of the site.

CARE FACILITY RELOCATION

13. Olive Estate purchased the adjacent land to the Village known as the ‘Hill Street Block Development’² following the previous consent for the Care Facility building. The purchase of this land has enabled a redesign of the Village and relocation of the Care Facility to Hill Street. Under the previous consent, the facility was located at the ‘back’ of the development and was never intended to be located centrally within the Village. The change in location means a shorter trip for vehicles from Hill Street, meaning fewer vehicles are required to travel through Olive Estate to get to the facility, including staff, visitors, patients, ambulances and hearses.
14. The topography of the Hill Street block is also favourable for a building of the facility’s size as it can be built “into” the landform and merged into the surrounding undulating landform. The relocation of the Care Facility has resulted in a redesign of the layout, form and bulk to better suit its new location and to reduce its overall impact on the receiving environment. The design breaks the facility into three pavilions and proposes a smaller building which has reduced effects compared to the previous versions bulk and scale. The new design also addresses the Hill Street streetscape by providing permeable fencing, screens and a mix of vegetation to enhance amenity.
15. The original vision for the Olive Estate was a Village in a park like setting that celebrates retirement by enabling active communities through recreation and community bonding.

² Refer to Plan Set Volume: Masterplan Set Plan 014

Integration with the surrounding community was integral to the master plan design, to ensure a good connection with the surrounding residents of the adjacent residential areas. Integration has been encouraged through the use of subtle signage, no use of gates, reserve spaces and pocket parks, a small playground that is used by the public and the inclusion of a commercial activity, the Lake House café, that encourages public activity within the village.

16. The Care Facility is an important part of the village. This facility allows residents to move through the aging process and into dependent care without having to leave the village. In this way spouses can maintain close contact. The location of the care facility is an important part of the master plan design. Accessibility to the facility is important, its relocation to Hill Street provides easy serviceability. The location of the building at the top end of the site balances the commercial scaled Lake House at the bottom of the existing development. Both buildings are important for the village and yet neither define the village, their position towards the outside of the village helping to integrate them into the surrounding residential community. Pedestrian and cycle ways connect the two ends of the village creating recreational opportunities for residents and visitors to either of the buildings.
17. The zoning rules relating to the project site allow building up to 7.5 meters in height in this location. The scale of the care facility, and the architectural design including façade variation and relief, have resulted in an effect that would be similar to an intensive residential development on this site. The roof line of the building was increased in height to 10.56m in a small area (the crows nest) as a result of recommendation of the UDP. ‘The unbroken horizontal roofline of the rest home block contributes to perception of great length, and should a part of this block extend higher, then the visual mass of the building would be broken down.’³
18. This feature of the building breaches the maximum height rules specified in the rules of the zone. The purpose of the increase in height creating variation of built form on Hill Street. Please refer to the evidence of Mrs Gavin makes an assessment of the effects of the building height breach in her evidence.

³ Refer to Urban Design meeting report, 4 April 2019, page 2, 08.

19. The two-storey terraced Care Facility will contain⁴:
- i. a dining room for Olive Estate residents with outdoor dining in addition to several sitting rooms;
 - ii. a 70 bed care facility with rest home, dementia and hospital level long term aged residential care beds; and
 - iii. 20 apartments with either an outdoor terrace or balcony for those who prefer a smaller living footprint within the village. An underground garage will also be provided for parking within this portion of the facility.
20. The proposal has landscape design features such as seating areas scattered throughout the Village and a cycle/walking trail that follows the central swale. The swale transverses the Village from Hill Street through to the Lakehouse and functions as a secondary stormwater management solution. This feature was designed to help connect the upper and lower parts of the site, associated pathways and nodal points encourage movement through the village. Extensive planting has been provided along the internal roads to create a street hierarchy as well as numerous gardens and open green spaces available for public use. These provide additional amenity within the site as well as adding character to the Village.
21. The Urban Design Panel (UDP) were supportive of the expansion of Olive Estate into the Hill Street block. They were also supportive of the new location of the care facility being positioned to the outside of the village on Hill Street thereby creating a separation between the care facility and the village proper. The plan set initially presented to the urban design panel⁵ differs from that used in this application which has introduced a number of changes recommended by the UDP. Recommendations from the UDP included:
- i. Relocate the entrance to the apartment block from Fairrose Drive to the north of the building. This recommendation was made to create northwest facing living opportunities on the ground floor of the apartment block;

⁴ Refer to Plan Set Volume: Architectural Set Plans Sk 8 - 14

⁵ Refer to Evidence Graphic Attachment A: page 010-011.

- ii. The UDP promoted an area of increased height of the dementia wing of the Care Facility. This resulted in the introduction of the 'crows nest' as mentioned in the application. The purpose of this was to create variation in the built form of the Care Facility adding interest and architectural variety to the Hill Street facing façade; and
 - iii. Relocate the proposed open green space located on the northern boundary of the Hill Street block to be positioned adjacent to Fairrose Drive for easier public access.
22. Overall, the proposal is entirely consistent with the existing consented 8ha Village. It continues the theme of a village in a park like setting including a slow road environment, tree lined streets and a mix of housing types set amongst a network of open greens spaces and pocket parks. The site's location is in a high growth area and enables a comprehensive development, so from an urban design perspective the extension of the village and Care Facility have been designed to acknowledge the above. The UDP agreed with this giving positive feedback for the expansion of the village into the Hill Street block.

CHANGES TO THE APPLICATION

23. Following RFI's from TDC and public submissions, the following changes to the design concept and urban design have been made and are highlighted on Masterplan Set Plans 017 and 019.
24. **Removal of the pedestrian pathway along the Care Facility stormwater channel (Refer to I. on plan 019).**
- i. The pedestrian pathway originally proposed alongside the stormwater channel at the north-western side of the Care Facility and adjacent to properties on Fawdan and Brenda Lawson Way has been removed.
25. **Removal of the proposed vehicle access from Brenda Lawson Way and updated landscaping along the adjacent properties (Refer to II. on plan 019).**

- i. The access road from Brenda Lawson Way to the Care Facility and residence garage has been removed. Access to the Care Facility is now provided from Fairrose Drive and the garage entrance is accessed from within the Care Facility's carpark.
- ii. The main catalyst for this change was to respond to the concerns expressed by submitters on Brenda Lawson Way. The removal of the proposed service vehicle access and driveway will remove the potential noise source from service vehicles and cars accessing the serviced apartments in the Care Facility. As a result, the proposed acoustic fence will also be removed and retaining walls along the dementia ward gardens will be at a lower height.
- iii. This change enables the area at the rear of the Care Facility to be established as a planted landscaped garden area, as outlined below. This change also responds to the traffic safety and other concerns expressed by submitters relating to the new intersection that was proposed on Brenda Lawson Way in close proximity to Hill Street. No changes are now proposed to the existing road network in that location.
- iv. The removal of the service access drive at the rear of the facility provides an opportunity for large green areas between the north-east end of the Care Facility and the properties on 3 and 5 Brenda Lawson Way to be planted in gardens and lawns. The community deck and lawn areas have also been reduced in size, which has increased the distance between the adjacent neighbours boundary fence and the facility (set-backs ranging between 14.3 metres and 24.5 metres). Screen planting and a gentler sloping bank will provide an area for planting that creates a visual buffer and more separation from the residents on 3 and 5 Brenda Lawson Way. This will provide the neighbours with a high amenity outlook. It is also worth noting the permitted baseline for building setbacks in the Residential Zone is illustrated on **Masterplan Set Plan 031**⁶. The external boundaries setbacks provided around the Care Facility are considerably more than required within the Residential Zone.

⁶ Refer to Plan Set Volume: Masterplan Set Plan 031 – Private Space Plan

26. New dedicated service access and driveway from Fairose Drive and new parking layout with single entry/exit point to Care Facility car park (Refer to III. on plan 019).

- i. The carpark for the Care Facility has been redesigned and now provides a shared entry and exit point accessed from Fairose Drive. The parking bays are all now at 90 degrees and all angle parking has been which has increased the number of parking bays from 28 to 30. A new access ramp to the residence garage is also provided from within the carpark.
- ii. All servicing of the Care Facility will now be directly from the Fairose Drive extension via a dedicated access drive to the servicing area in the western-most building wing.
- iii. A new access ramp will be provided down to the basement level for service vehicles to access the servicing area and for cars to access the basement car parking area for the serviced apartments. There will be some other day to day servicing and deliveries by courier vans etc in the car park area.
- iv. Minor building changes will be required to install new service entry doors and to remove the service entrance doors on the Brenda Lawson Way side of the building.

27. Parallel carparking on Fairose Drive (Refer to IV. on plan 019).

- i. The on-street parking on Fairose Drive (near the Care Facility) has been amended to parallel parking from 90 degree parking bays, which has decreased the parking bays from 23 to 14. This is in response to comments made by Council's traffic engineer from our consultation prior to notification, which expressed a preference for parallel parking.
- ii. Please note these street-side car parks are not required parking in terms of the District Plan standards. The parking provided on the Care Facility site will meet the required level of on-site parking.
- iii. The width of Fairose Drive has also been decreased to 6m rather than 7m. The extra space gained from the changes above has allowed for an increased width of the shared cycle and pedestrian path from 1.5m to 2.5m. The shared path has

also been extended along Fairrose Drive with a raised crossing at the intersection with Iris Drive. The parking reconfiguration will also mean that the retaining walls adjacent to the shared pathway can be decreased in height.

28. Fairrose Drive (Refer to 4. on plan 017).

- i. Where Fairrose Drive meets the adjacent subdivision to the west of the Village, the proposed road and footpath are to be configured to tie into the existing road and footpath. A raised rumble-strip is to be added as a traffic calming measure and stormwater control feature.

ASSESSMENT OF EFFECTS WITH REGARD OF DESIGN CHANGES

29. The changes to the application resulted from public submissions and discussions with the Council throughout the application process over the past year. All amendments to the design were made to reduce adverse effects on adjacent properties (namely Brenda Lawson Way and Fawdan Way dwellings) and positively contribute to the surrounding Hill Street streetscape as well as nearby residents.

30. Removal of the pedestrian pathway along stormwater channel

- i. The removal of the pedestrian pathway along the stormwater channel between the Care Facility and the adjacent neighbours on Fawdan Way will provide more privacy for those living in the apartments as well as the residents of Fawdan Way. This will remove any concerns associated with people walking close to the adjacent properties and help maintain a sense of privacy between residents. Refer to **Masterplan Set Plans 020 – 021** for proposed riparian and boundary planting.

31. Removal of the proposed vehicle access from Brenda Lawson Way and updated landscaping along adjacent properties

- i. The removal of the proposed vehicle access from Brenda Lawson Way to the Care Facility will greatly reduce the anticipated effects on the adjacent residential properties. In place of the vehicle access and 1.8m acoustic screens, a gently sloped bank will be planted with trees and other plants to provide sufficient screening of the Care Facility as well as added privacy. As shown on **Masterplan Set Plans 023, 026-028**, the proposed planting is anticipated to provide partial to full screening over time as the vegetation establishes. While the Hill Street Block is currently undeveloped, it is zoned Residential and under that zoning, dwellings can be built to a height of 7.5m within 1.5-3m of the property boundary. The amenity of the adjacent residents living at 3 and 5 Brenda Lawson Way will positively increase due to the extensive planting and sloped gradient of the landscape being proposed when compared to what could be built as of right under the Residential zoning. The distance of the proposed planted slope between 3 and 5 Brenda Lawson Way and the Care Facility ranges between

14.3m – 24.5m⁷, which is a considerable difference in building setback to what could be implemented under the TRMP. The Care Facility is setback between 8m – 15.8m⁸ from the shared boundaries with 21 and 28 Fawdan Way, again this is more than what is required by the TRMP.

32. New dedicated service access and driveway from Fairrose Drive and new parking layout with single entry/exit point to Care Facility car park

- i. This design amendment will internalise vehicle movements needed to service the Care Facility and access to the serviced apartments. Access to the facility will be located at one entry/exit point for easy access. The residents on Brenda Lawson Way will no longer have additional traffic and noise associated with vehicles on their street as all parking and access is now located on the opposite side of the facility than was previously proposed.

33. Parallel carparking on Fairrose Drive

- i. This design amendment has positively contributed to the Village by increasing the shared cycle and pedestrian path from 1.5m to 2.5m and by extending it along Fairrose Drive. A raised crossing at the intersection of Iris Drive and Fairrose Drive will also increase the safety and wayfinding of the shared path.

34. Fairrose Drive

- i. The added raised threshold on the Fairrose Drive Iris Drive intersection (where it connects to the adjacent subdivision) continues the successful traffic calming approach used in the existing Olive Estate village. This feature will provide traffic-calming measures to signal a change in developments as well encourage a slow speed environment.
- ii. The threshold will also create an opportunity for residents to safely cross the road in this location, continuing to follow the 2.5 meter shared path provided. This design amendment is considered to positively contribute to both the Village and adjacent subdivision.

⁷ Refer to Plan Set Volume: Masterplan Set Plan 018

⁸ Refer to Plan Set Volume: Masterplan Set Plan 018.

35. Overall, the design changes described above have taken submitters concerns into account and provided a positive outcome.

COMMENTS ON SUBMISSIONS

36. I have read all submissions received and grouped similar design concept and urban design submission matters into the headings below. Also, please refer to the evidence of Mrs Elizabeth Jane Gavin, which covers landscape and amenity issues. Overall, a total of 76 submissions were received: 14 in support, 60 in opposition and 2 are neutral on the application.

REQUEST FOR PUBLIC RESERVE

37. Of the 47 submitters⁹ that have requested a public reserve to be provided in the Hill Street Block to the standards set out in the TRMP, only 19 of these live near the site, 6 live within the wider Richmond area and the remaining 22 live within the wider Tasman District or elsewhere¹⁰.

38. Olive Estate provides an extensive green network throughout the village for both residents and some for public use. Private outdoor spaces are provided around all of the individual villas, terrace houses and carriage houses. As illustrated on **Masterplan Set Plan 030**, 2,500m² has been allocated for public use across the site (and will be subject to easement in gross or a covenant), including the Hill Street Block. This public space consists of open, green space and a shared cycle/pedestrian walkway accessible from Fairrose Drive. The Village development as a whole is set within a park-like setting and features community vegetable gardens, fruit trees, seating, a petanque court and water activities along the stormwater channel which features throughout the development. The proposed 2,500m² greenspace available for public use will be demarcated through landscape treatment including specific plant placement, seating and screen fences to protect the privacy of residents in the apartments. The stormwater channel will also create a natural buffer between public and private space near the Care Facility. Signage will be provided to clearly indicate public access further ensuring the space feels accessible to the general public.

⁹ Submitter # 3, 5, 6, 10, 13, 16, 17, 20, 21, 23, 24, 26, 27, 28, 30, 31, 32, 33, 38, 40, 43-62, 66, 69, 70, 72, 74, 76.

¹⁰ Refer to TDC's Agenda, Section 42a Report, Attachment 4, Public Notification and Submissions, page 186.

39. The landscape design for the reserves were awarded gold in the 2019 registered master landscapers Landscapes of Distinction. The parks and walkways within the Village are well used by the residents and locals. I acknowledge the wider community forms an important part of the Village fabric.
40. Integrity Care group has proposed an easement in gross or a covenant to contain the 2,500m² green space being provided for the public to guarantee public access is secured without having to vest in Council. This space has been provided with the intention of making it accessible to the public. The location of the proposed green space is easily accessible from Fairrose Drive and has parallel parking provided. The space is linked with a shared cycle/walking path to transverse the Village as needed and can be signposted to encourage access.
41. Within a one-kilometre radius from Olive Estate, there are approximately 17 reserves, walkways or public open spaces¹¹ all offering different levels of amenity and recreation. From the most basic lawn areas through to street furniture, walkways, native plantings and a playground, most recreational needs have been covered within the immediate context of the Village. However, what Olive Estate is providing is above and beyond what is found within the surrounding Council reserves for both residents and public use. Evidence of public use of the reserve areas and specifically the playground and lake area can be seen daily achieving the goal of integration with the surrounding residential community.
42. As seen in the photos included in **Attachment A**¹², the existing green spaces and recreation spaces throughout Olive Estate have been designed and built to a very high quality, providing a much higher level of amenity than the surrounding Council reserves¹³. The reason for this is Olive Estate has the means to manage and maintain the greenspace to a very high degree.
43. This is not an application involving a traditional residential subdivision. It is an application for an aged care village. I consider it worth noting there is already a playground, greenspaces and a lake area within the village. In addition to this, the

¹¹ Refer to Evidence Graphic Attachment A pages 06-09.

¹² Refer to Evidence Graphic Attachment A pages 03-05.

¹³ Refer to Evidence Graphic Attachment A pages 06-09.

application proposes an additional 10,550m² of greenspace, including lineal linkages and pocket parks giving a total of 1.9ha over the extended site.

44. Internationally there is a move away from isolated pocket parks towards active areas which reflect the communities modern and healthy recreational activities.

CARE FACILITY (LOCATION, BULK, SCALE, HEIGHT)

45. Submitters¹⁴ have objected to the Care Facility's location due to its bulk, scale and height within a residential location.
46. As noted previously in my evidence under heading 'Key Features of the Report: Care Facility Relocation', the reasoning for the re-location of the Care Facility has been described in depth.
47. Other witnesses describe the Care Facilities design, location and amenity effects.

SERVICE ACCESS ON BRENDA LAWSON WAY

48. Following discussions with TDC and submissions¹⁵ received opposing o the service access on Brenda Lawson Way to the Care Facility, that access has been removed and all access to the facility is provided from Fairrose Drive within the Village. The removal of the service access has eliminated the need for 1.8m acoustic screens and retaining walls in excess of 3m. The deck and lawn area attached to the central portion of the facility has been reduced in size to provide additional separation between the facility and residential dwellings on Brenda Lawson Way.
49. By removing the Brenda Lawson service access, a large landscaped area of nearly 14.3m -24.5m wide is now available to be planted in trees and shrubs to provide privacy, screening and amenity for the adjacent residents on Brenda Lawson Way. I note that there is a timber fence approximately 1.8m high that runs almost the shared length of this boundary already which contributes to visual separation and privacy¹⁶. When comparing the width and combined space along the shared boundaries to what could

¹⁴ Submitter # 17, 19, 21, 23, 31, 36, 42, and 65.

¹⁵ Submitter # 7, 8, 10, 11, 12, 13, 15, 16, 17, 20, 23, 30, 31, 36, 37, 40, 42, 67, 72.

¹⁶ Refer to Evidence Graphic Attachment A (Ms Gavin) Viewpoint 7 page 013.

occur in either a traditional residential subdivision or one of increased density under the comprehensive development criteria, the amenity created is notable.

PARKING

50. Several submitters¹⁷ have concerns about where staff and visitors for the Care Facility will park. The TRMP requires 193 carparks and 205 have been provided for within the site. As stated in TDC's Section 42a report¹⁸, "vehicles with current registration and WOF can park on roads where appropriate. The application shows that ALL required car parking for the care facility residents and staff can be accommodated on site with 30 carparks provided."
51. Overall, sufficient car parking has been provided which will eliminate any need for off site parking within surrounding residential streets.

COMMENTS ON SECTION 42a REPORT

STAGING

52. A staging plan was included in the Masterplan Set¹⁹ for indicative purposes only and to assist with an understanding as to how the development might progress. I do not consider the precise manner in which the development is staged will have any implications for the effects I have assessed on amenity of neighbouring properties. I do not therefore consider conditions on staging are necessary.

PUBLIC RESERVE SPACE

¹⁷ Submitter # 10, 11, 12, 17, 19, 20, 22, 23, 29, 37, 38.

¹⁸ Refer to TDC's Section 42a Report, Attachment 7, Parking on adjacent roads, page 223.

¹⁹ Refer to Plan Set Volume: Masterplan Set Plan 029.

53. In Mrs Lancashire’s summary of key issues of the ‘Non-provision of a public reserve’, paragraph 13.15²⁰ states “*the Council would not have control over the appearance or maintenance of the open spaces and as such they may not appear or feel publicly accessible to some members of the community.*” I do not agree with that and note Ms Nimmo’s statement that the current facilities are well used by the wider community. It should be noted here that, the space allocated on the plans is shown what could be provided for and caters for public access. Detailed design has not begun and as such there is an opportunity to consult with the Council as part of an initial developed design phase. Landscape treatment will be used to demarcate the public space through specific plant placement, seating and screen fences. Signage will also enable a clear message that the 2,500m² green space²¹ is provided for public access.
54. The totalling of the green space by TDC has been miscalculated. A summary is provided below for easy reference²². The correct figure is 19050m² (1.90 hectares), not the 8,600m² referred to in the s 42A report.
55. The Open Green Space Plan shown on **Masterplan Set Plan 030**, highlights 3 different areas that are independent of each other, with no overlaps or double ups. They consist of:
- i. Existing Green Space that Olive Estate provides: 'Original Consented Development Open Green Space' = **8,500m²**
 - ii. Proposed Hill Street Block Development:
 - i. 'Proposed Development Open Green Space' = **8,050m²** (Proposed with no public access intended) Please note: this does not include the 2,500m²
 - ii. 'Olive Estate Open Green Space subject to easement in gross' = **2,500m²** (Proposed with public access intended)
 - iii. Total Hill Street Block proposed Open Green Space = **10, 550m²**

²⁰ Refer to TDC’s Section 42a Report, Attachment 1, Summary of key issues, paragraph 13.15, page 68.

²¹ Refer to Evidence Graphic Attachment A page 03.

²² Refer to Evidence Graphic Attachment A page 03.

56. Total Olive Estate green space = **19,050 m²** (when completed as per existing plans and proposed Hill Street plans)
57. It is not just the size or the ownership of the greenspace which is important. It is how it is provided and what its purpose is. From an urban design perspective what is proposed with a mix of active spaces (cycleway, walkway, high quality greenspace) is more attractive, interesting and usable than would be a rectangle of grass alone. Comparison of the existing space at Olive Estate with the nearby Council reserves in terms of creativity and usability tells the whole story. We understand that the Council has finite resources in terms of development, maintenance and management of reserve spaces. What is being offered at Olive Estate clearly goes beyond what could realistically be achieved in a typical neighbourhood reserve.

CONCLUSION

58. The purpose of the Design Guide in the TRMP is to create a quality residential environment through careful design which is an iterative process involving many skills. As outlined below:

- i. "Creating a place where people can live comfortably, and particularly where this is more closely together, requires attention to overall layout and details. Accordingly, this design guide sets out some specific matters for attention."²³*

59. Consideration has been given to the scale and bulk of the larger Care Facility building, boundary treatments and how the development is perceived from neighbouring properties. Mitigation methods have been built into the design such as providing a variety of fencing options, placing trees and landscaping along the boundaries, staggering built form along these boundaries and by utilising the topography of Hill Street setting the larger Care Facility building into the landform and below the height of the road. The landscape and visual assessment and landscape evidence prepared by Canopy considers the effect of the development on the existing suburban fabric.

²³ TRMP PART II Appendix 2 page 1

60. Safety and passive surveillance has been a consideration in the layout of the development, as has a high level of amenity for members of the public visiting and for those that reside within Olive Estate Lifestyle Village.

61. The design process of creating an integrated and comprehensive development for Olive Estate has considered the principles of good urban design as outlined in Council's Urban Design Guide²⁴. The outcome is a development of high amenity value that is in keeping with the principles of this document. The future community will be set within a park like setting, with a clear road hierarchy, an excellent pedestrian network and individual neighbourhoods that have their own identities while being part of a wider community.

Dated this 9th day of February 2021

A handwritten signature in black ink, appearing to read 'L. J. Porter', written over a horizontal line.

Luke James Porter

²⁴ TRMP PART II Appendix 2 page 1



OLIVE ESTATE HILL STREET BLOCK HEARING

ATTACHMENT A

GRAPHIC ATTACHMENT TO SUPPORT THE EVIDENCE OF LUKE JAMES PORTER
FEBRUARY 2021

REFER TO RM190789, RM190791 AND RM120928V2 INTEGRITY CARE RFI

canopy
LANDSCAPE ARCHITECTS



CONTENTS

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- 1.1 Olive Estate Open Green Space Plan with Photo Locations
- 1.2 Site Photographs
- 1.3 Site Photographs

2.0 SURROUNDING PARKS + RESERVES

- 2.1 Photo Location Map
- 2.2 Site Photographs
- 2.3 Site Photographs
- 2.4 Site Photographs

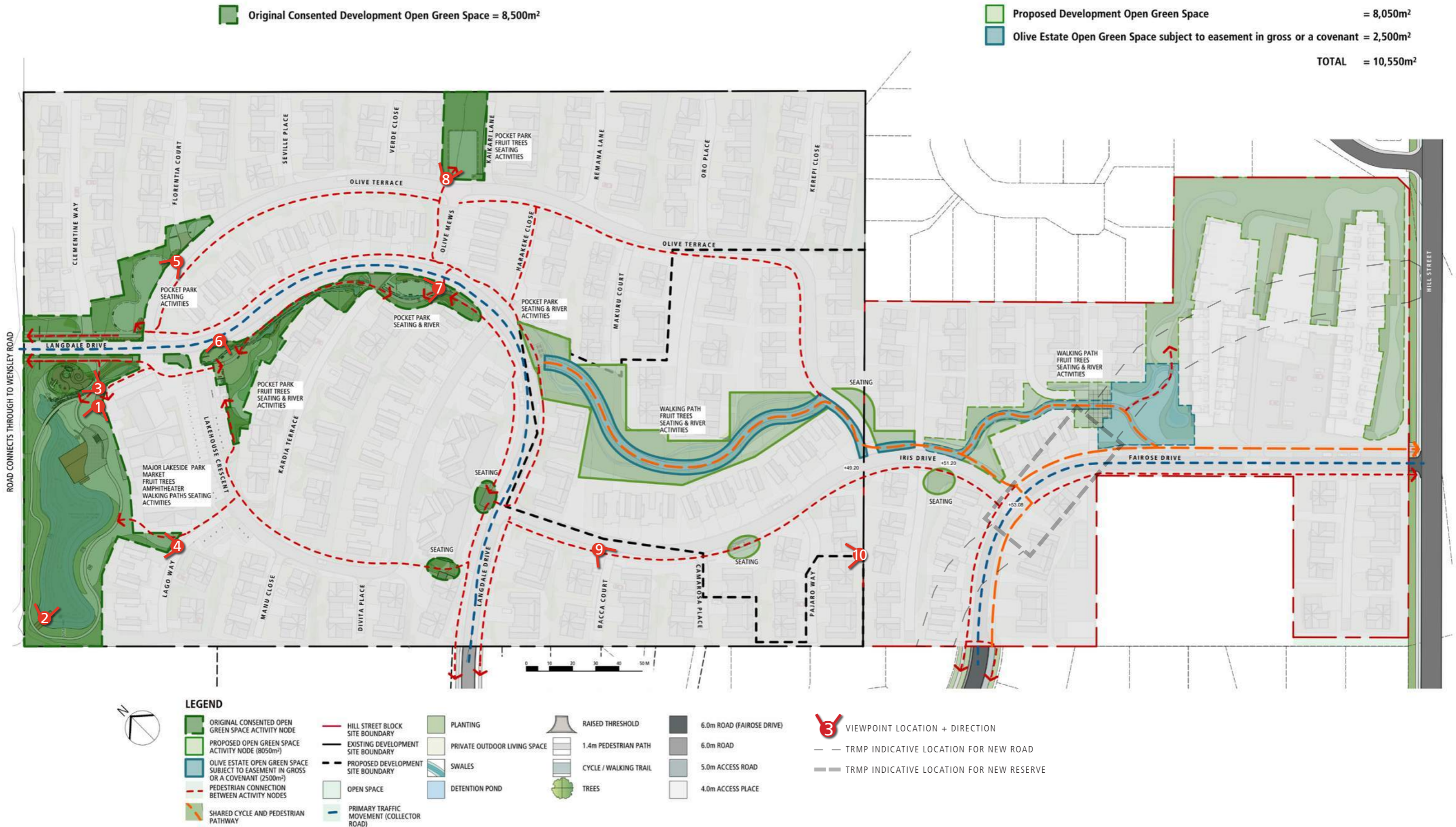
3.0 URBAN DESIGN PANEL

- 3.1 Proposed Hill Street Block Masterplan 013 (dated 26.03.19)
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- 3.3 Urban Design Panel Meeting Report (dated 04.04.19)

Cover photo: Overlooking the Lake house, lake and playground at Olive Estate Village

1.0 OLIVE ESTATE OPEN GREEN SPACE

1.1 OLIVE ESTATE OPEN GREEN SPACE PLAN WITH PHOTO LOCATIONS



1.0 OLIVE ESTATE OPEN GREEN SPACE

1.2 SITE PHOTOGRAPHS



PHOTO 1 - LAKESIDE PARK

- MAJOR LAKESIDE PARK
- MARKET/EVENTS
- FRUIT TREES
- WALKING PATH
- RIVER + RIPARIAN PLANTING
- ACTIVITIES FOR CHILDREN
- SEATING
- OPEN SPACE



PHOTO 2 - LAKESIDE PARK



PHOTO 3 - LAKESIDE PARK



PHOTO 4 - LAKESIDE PARK CONNECTOR

- WALKING PATH
- PLANTING



PHOTO 5 - LANGDALE DRIVE/OLIVE TERRACE POCKET PARK

- POCKET PARK
- SEATING
- OPEN SPACE
- PLANTING



PHOTO 6 - LANGDALE DRIVE/LAKEHOUSE CRESCENT POCKET PARK

- POCKET PARK
- SEATING
- OPEN SPACE
- FRUIT TREES
- RIVER + RIPARIAN PLANTING
- WALKING PATH

1.0 OLIVE ESTATE OPEN GREEN SPACE

1.3 SITE PHOTOGRAPHS



PHOTO 7 - LANGDALE DRIVE POCKET PARK

- POCKET PARK
- SEATING
- RIVER + RIPARIAN PLANTING
- WALKING PATH



PHOTO 8 - OLIVE TERRACE/KAIKARI LANE POCKET PARK

- POCKET PARK
- SEATING
- PLANTING + FRUIT TREES
- ACTIVITIES
- COMMUNITY GARDENS



PHOTO 9 - BACCA COURT POCKET PARK

- SEATING
- PLANTING
- WALKING PATH

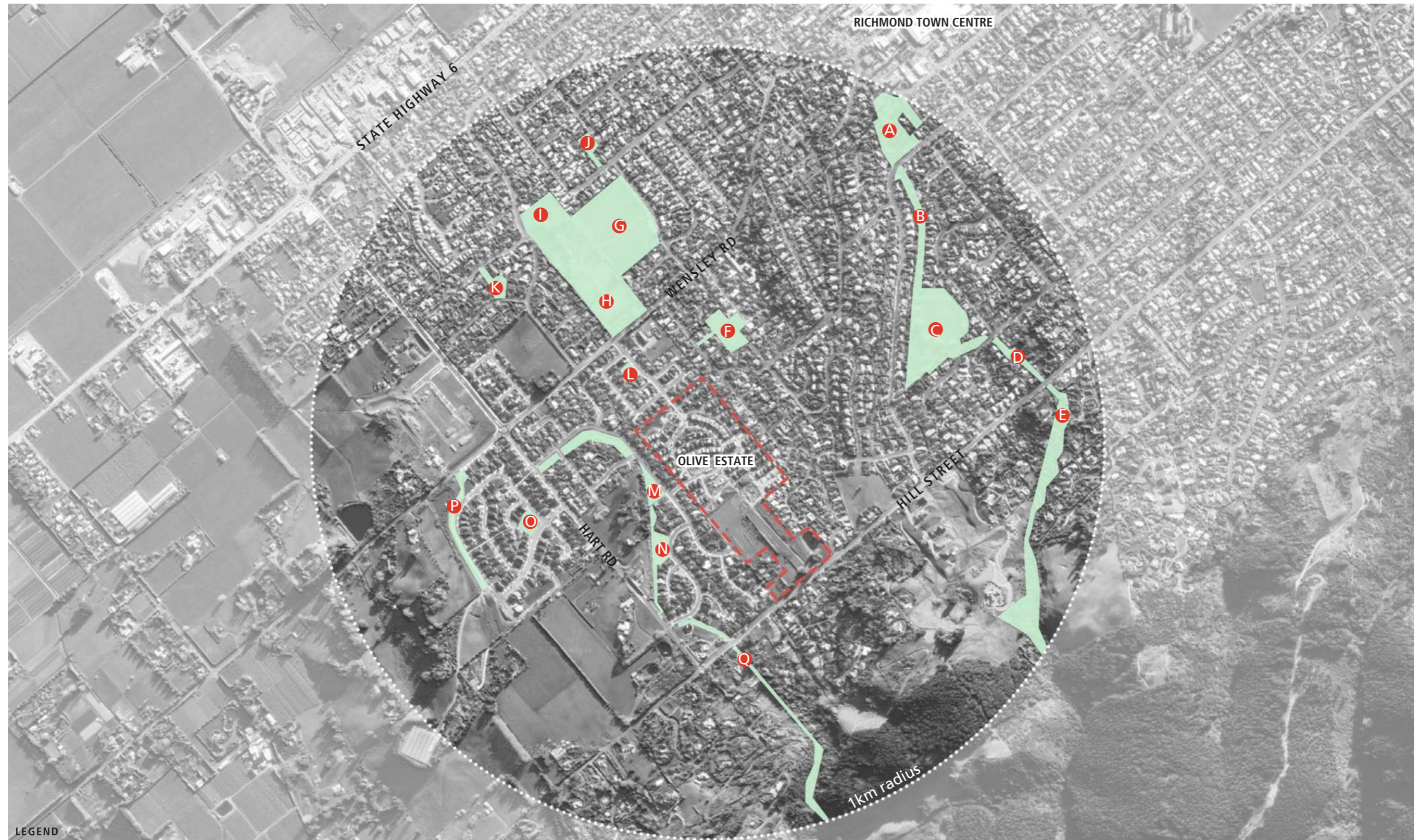


PHOTO 10 - PAJARO WAY POCKET PARK


- SEATING
- PLANTING
- WALKING PATH

2.0 SURROUNDING PARKS + RESERVES

2.1 PHOTO LOCATION MAP



LEGEND

-  VIEWPOINT LOCATION
-  OLIVE ESTATE BOUNDARY

2.0 SURROUNDING PARKS + RESERVES

2.2 SITE PHOTOGRAPHS



PHOTO A - WASHBOURN GARDENS

- MAJOR PARK
- MARKET/EVENTS
- SEATING
- RIVER + RIPARIAN PLANTING
- WALKING PATH
- GARDENS
- OPEN SPACE



PHOTO B - BILL WILKES RESERVE CONNECTOR PATH

- RIVER + RIPARIAN PLANTING
- WALKING PATH



PHOTO C - BILL WILKES RESERVE

- MAJOR PARK
- RIVER + RIPARIAN PLANTING
- WALKING PATH
- SEATING
- EXERCISE EQUIPMENT
- OPEN SPACE



PHOTO D - HUNTER AVENUE WALKWAY

- RIVER + RIPARIAN PLANTING
- WALKING PATH



PHOTO E - JIMMY LEE CREEK RESERVE

- RIVER + RIPARIAN PLANTING
- WALKING PATH



PHOTO F - CHELSEA AVENUE PLANTING

- NEIGHBOURHOOD PARK
- ACTIVITIES FOR CHILDREN
- SEATING
- OPEN SPACE

2.0 SURROUNDING PARKS + RESERVES

2.3 SITE PHOTOGRAPHS



PHOTO G - BEN COOPER PARK

- MAJOR PARK
- SEATING
- PLAYING FIELDS
- OPEN SPACE
- WALKING PATH



PHOTO H - RICHMOND CEMETERY

- WALKING PATH
- SEATING
- GARDENS



PHOTO I - RICHMOND CEMETERY ADJOINING RESERVE

- OPEN SPACE



PHOTO J - NORM LARGE PARK

- NEIGHBOURHOOD PARK
- WALKING PATH
- ACTIVITIES FOR CHILDREN
- OPEN SPACE
- SEATING



PHOTO K - ST JAMES AVENUE RESERVE

- NEIGHBOURHOOD PARK
- OPEN SPACE
- ACTIVITIES FOR CHILDREN
- SEATING



PHOTO L - LANGDALE RESERVE

- NEIGHBOURHOOD PARK
- OPEN SPACE

2.0 SURROUNDING PARKS + RESERVES

2.4 SITE PHOTOGRAPHS



PHOTO M - HART RESERVE

- NEIGHBOURHOOD PARK
- ACTIVITIES FOR CHILDREN
- RIVER + RIPARIAN PLANTING



PHOTO N - HART RESERVE CONNECTOR

- RIVER + RIPARIAN PLANTING
- WALKING PATH
- OPEN SPACE



PHOTO O - SABINE DRIVE RESERVE

- NEIGHBOURHOOD PARK
- SEATING (FUTURE)
- WALKING PATH (FUTURE)
- OPEN SPACE
- ACTIVITIES FOR CHILDREN (FUTURE)



PHOTO P - CUPOLA CRESCENT

- RIVER + RIPARIAN PLANTING
- WALKING PATH
- SEATING



PHOTO Q - HILL STREET WALKWAY (SOUTH END)

- RIVER + RIPARIAN PLANTING
- WALKING PATH
- SEATING

3.0 URBAN DESIGN PANEL

3.1 PROPOSED HILL STREET BLOCK MASTERPLAN 013 AS PER 'URBAN DESIGN PANEL' SUBMISSION (26 March 2019)



3.0 URBAN DESIGN PANEL

3.2 PROPOSED HILL STREET BLOCK MASTERPLAN 014 AS PER 'URBAN DESIGN PANEL' SUBMISSION (26 March 2019)



3.0 URBAN DESIGN PANEL

3.3 URBAN DESIGN PANEL MEETING REPORT (04 April 2019)

Nelson City Council / Tasman District Council

Urban Design Panel meeting report



Project initiator	Integrity Care Group
Project	Olive Estate – Hill Street extension
Address	Hill Street, Richmond (Lot 2 DP 511511)
Description	Extension of Olive Estate Lifestyle Village into the adjacent greenfield site on Hill Street
Meeting date	4 April 2019
Panel members	Graeme McIndoe (chair), Grant Edge, Russel Bengé
Applicant	Robert Weir (architect), Luke Porter (landscape architect), Gary Rae (planner), Kristen Nimmo (applicant), Shoshona Galbreath (lawyer), Tim Stewart (project manager).
Council staff	Alastair Jewell, Katrina Lee

Intro

1. We endorse the continuation of the current development philosophy that has achieved very high quality streetscapes, open spaces and building outcomes, including the villas and townhouses proposed. For this reason we will not comment on these details.
2. We consider there is scope for value and amenity enhancement as identified in a number of areas below.

Reorganisation of open space

3. The proposed orchard area and related landscape / stormwater feature/ paths are a valuable amenity. However, we consider the main open space here would be better located closer to Fairose Drive where it would be more readily accessible for care facility residents and their visitors and with greater visibility for street users and more residents including the apartment residents. Currently it is planned to be in a rear location which will inherently limit its visibility, likely use and benefits.

Reconsideration and development of care facility planning.

4. The formal arrangement of the care facility plan and breakdown of building form is in principle very positive.
5. The slight splaying between the wings enhances how these quite narrow spaces formed by the wings open out to the garden areas, and the splays provide a sense of spatial dynamism.
6. The entrance space and car park is clearly indicative and should be developed to a much higher standard of landscape amenity, while still providing the necessary parking and vehicle functions.
7. Residents' garages at the south west corner of the apartment block occupy a prime residential location, and an association with proposed servicing function is a poor edge to

Urban Design Panel report, 4 April 2019

Integrity Care Group
Olive Estate Lifestyle Village

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the open space to the north, the street, and the entrance space. At the same time the south west corner of the rest home is located well below the level of Hill Street and thus residents facing south east will have seriously limited outlook. Considering these factors together, there is an opportunity to relocate servicing and parking to under the south east of the rest home block where it would remain readily accessible to the street system.

8. The unbroken horizontal roofline of the rest home block contributes to perception of great length, and should a part of this block extend higher, then the visual mass of the building would be broken down. We appreciate the architectural modulation along the facades of the rest home facilities to break down the scale; however these minor formal and aesthetic variations alone may be unsuccessful in achieving that. If greater variation of building form and increased building height were to be explored, we consider it should be at the southern end of the rest home block where the current roofline is less than one storey above Hill Street. That is currently an under-scaled and visually weak building form at the corner and would be enhanced by further building height in combination with good quality landscape treatment. We make this recommendation having viewed this part of the site and considered its relationship with the properties on the other side of Hill Street.
9. There is potential to create a raised roof line over part of the central club room / restaurant area. This would contribute to the further variation of roofscape across the development which is a positive feature of the development so far. It would also contribute to a memorably high interior space which would benefit the residents and their visitors and would also help to visually mark the main entry to the care facility.
10. A related minor detail is that the entrance facade is dominated by facilities which demand privacy, such as toilets and massage facilities. Some investigation of how the internal functions might better address the entrance space is desirable.
11. We question whether there is an opportunity to get better sun access to the south east facing apartments in that block, and potentially that may be by skylights for the top floor of the apartments.

Hill Street entrance invitation

12. The street entrance from Hill Street seems somewhat understated and needs to consider a more visually open entrance / threshold treatment.

On site visitor and staff car parking

13. We are unclear as to how and where and how much parking is provided or required for visitors and staff. Placing all the parking in the entrance space will compromise the quality of that. If required, there is an opportunity to explore street side parking set between street trees along the eastern side of Fairose Drive.

Urban Design Panel report, 4 April 2019

Integrity Care Group
Olive Estate Lifestyle Village

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BEFORE THE TASMAN DISTRICT COUNCIL

Under The Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
Applicant

And In respect of the proposed construction and operation of a retirement village (Olive Estate Lifestyle Village) at 109 Hill Street, Richmond

STATEMENT OF EVIDENCE BY ROBERT JAMES WEIR

5th February 2021

INTRODUCTION

- 1 My name is Robert James Weir. I am the Managing Director of Weir Architecture Limited, an architectural design company based in Christchurch.
- 2 I am a Licensed Building Practitioner with a Design 3 Licence. I am a professional member of the ADNZ, a founding member of the New Zealand Green Build Council, an associate member of the Retirement Village Association and member of the New Zealand Property Council.
- 3 I have over 35 years' experience in the architectural field and planning, in the past 18 years I have run my own architectural consulting business with projects throughout New Zealand. I have been heavily involved within the retirement sector for over 25 years working. Our work has been recognised nationally and we have received numerous national design awards.

CODE OF CONDUCT

- 4 I confirm that I have read and agree to be bound by the Environment Court Code of Conduct for Expert Witnesses and confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence. The evidence I give is within my expertise.
- 5 I have been asked to address the Urban Design Panel recommendations specifically; relocation of the pocket park and the creation of the crow's nest above the care facility.
- 6 In addition to these items I have also been asked to comment on the Council staff report which states; the new building is higher than the consented one.

BACKGROUND

- 7 I have been working with the Integrity Care Group (the applicant) since 2012 from when they initially purchased the land for the Olive Estates Lifestyle Village. We designed the spacious village layout and all the buildings contained within the village including; Villa's, Terrace Housing, Carriage Housing, Apartments, The Lake House and Care Facility.
- 8 The location of the proposed new Care Facility is at the rear of the site, (similar in proximity to that of the original concept). When designing green field's village layouts we position the care facilities at the rear or on the periphery of the site so that it does not become the central focus of the

village. Key to this approach is to have a secondary access which avoids increased vehicle movements through the village's roading network.

- 9 The topography of the Hill Street block is such that the proposed new Care Facility now flows down the site taking full advantage of the natural contours. The design incorporates three narrow pavilions varying in height between single and two stories, (the original consented Care Facility was three stories in height at the front reducing to two stories at the rear). Along the Hill Street road boundary there is a significant drop in height from the crown of the road to the site boundary, when the new building is viewed from Hill Street it will appear to vary from a single storey structure at the southern end to a two storey structure at the northern end. To further minimise the impact on the neighbouring residential properties boundary setbacks vary from 9.400m to 18.800m which is significantly greater than district plans requirement of a 1.000m.

- 10 The exterior materiality of the building will feature a variety of different forms and finishes that creating variation in scale, texture and colour reducing the bulk of the building, while creating human scale and adding visual interest. These visual cues and elements will also be incorporated on the proposed apartment building, creating an architecture reference between the two buildings.

- 11 The application for Olive Estate was considered by the Urban Design Panel (UDP) while in concept form prior to resource consent being applied for, overall the UDP were supportive of the design for the Hill Street Block. However the UDP suggested we considered the following changes:
 - Locate of the pocket park at the north west corner of the apartment pavilion to enhance the outlook from the apartments
 - Reposition the staff room on top of the hill street pavilion to provide variation in scale and height along this section of the building.

- 12 The application was lodged with Tasman District Council (TDC) on 28 June 2019. While the TDC were considering the application we held a consultation meeting on September 19, 2019. The meeting enabled the presentation of the master plan, and a chance for neighbours to ask questions regarding Olive Estate Lifestyle Village and the proposed extension. Questions that were specifically asked during the meeting included:
 - Hill Street access. Why Hill Street was connecting to Fairrose Drive;
 - Hill Street safety and vehicle capacity;
 - Vehicle access via Brenda Lawson Way;
 - Sight distances from Brenda Lawson Way;

- Parking;

13 My evidence will include the following:

- Relocation of the pocket park
- The creation of the 'crow's nest'
- Provide comment on the height of the consent and proposed Care Facility
- Summary

RELOCATION OF THE POCKET PARK

14 In discussions with the UDP and the design team it was decided to Relocate the proposed open green space located on the northern boundary of the Hill Street block to be positioned adjacent to Fairrose Drive for; easier public access, enhanced outlook and appeal from the residents apartments adjacent and to create a restful space where both the residents and public can relax and enjoy the heat from the late afternoon sun.

CREATION OF THE CROWS NEST

15 The UDP promoted an area of increased height over the dementia wing of the Care Facility. This resulted in the introduction of the 'crow's nest' as mentioned in the application. The purpose of this was to create variation in the built form of the Care Facility adding interest and architectural variety to the Hill Street facing façade. The width of the 'crow's nest' is such that the elevated properties located on far side of Hill Street will not have their views impeded and sufficient view planes will be maintained either side.

HEIGHT COMPARISON BETWEEN CONSENT AND PROPOSED

16 The TDC staff report mentions that the proposed Care Facility is greater in height than the consent Care Facility. I have reviewed the original Resource Consent application and compared it to the current proposal.

- The consented Care Facility was 3 stories (11.180m) in height at the front of the building and 2 stories (7.770m) at the rear. The 3 story section of the building was for an entire third of the overall building therefore quite significant.
- The proposed Care Facility is at its highest point above natural ground level is at the 'crow's nest' (11.000m). The floor area of the 'crow's nest' (180sqm.) equates to approximately 4% site coverage of the entire Care Facility therefore negligible in the overall concept.

SUMMARY

17 In summary the changes we have made have been through consultation with the; Urban Design Panel, TDC officers, the wider design team and have taken into consideration feedback received from the neighbouring property owners. We believe these changes have further enhanced the design and created an outcome that we can all be proud of.

The areas of non-compliance are less than minor and there is no reasons why the application as sought should not be granted.

A handwritten signature in black ink, appearing to read 'Robert Weir', with a long horizontal flourish extending to the right.

Robert Weir
5 February 2021

F

BEFORE THE TASMAN DISTRICT COUNCIL

IN THE MATTER OF The Resource Management Act 1991

IN THE MATTER OF An application for resource consent RM190790

BY The Integrity Care Group Limited
(the Applicant)

**STATEMENT OF LANDSCAPE EVIDENCE OF ELIZABETH JANE GAVIN
ON BEHALF OF THE APPLICANT**

FEBRUARY 2021

CANOPY LANDSCAPE ARCHITECTS
51B HALIFAX ST
NELSON 7010

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QUALIFICATIONS AND EXPERIENCE

1. My full name is Elizabeth Jane Gavin (nee Kidson). I reside in Nelson and I am a director of the landscape architectural firm Canopy NZ Limited. I have been a director of Canopy NZ Limited since 2010. From April 2005 to 2010, I worked for my landscape practice, Kidson Landscape Consulting, first in Queenstown and then in Nelson from 2007. Prior to this, I was employed by Civic Corporation Limited in Queenstown from January 2000 to April 2005 as Principal Landscape Architect.
2. I have a Bachelor of Landscape Architecture (Hons) (2000) from Lincoln University, a Bachelor of Arts majoring in Anthropology from Otago University and a postgraduate Diploma (Distinction) in Anthropology from Otago University. I am a registered member of the New Zealand Institute of Landscape Architects (NZILA). I am an accredited commissioner through the Making Good Decisions course.
3. Most of my work involves providing landscape and visual assessments in relation to resource consent applications for both applicants and regulatory authorities. I have also been engaged by various councils (including Queenstown Lakes District Council, Christchurch City Council, Tasman District Council and Marlborough District Council) to provide landscape advice on matters involving the creation of new zones and landscape classifications. I have provided landscape advice in relation to council-led and private plan changes in Nelson, Tasman, Marlborough, West Coast, Christchurch and Queenstown. I have prepared landscape reports for five plan changes in Queenstown, four in Nelson and two in Marlborough and have provided expert landscape evidence in 25 Environment Court cases over the past 20 years, which involved either landscape classification and/or assessment of landscape effects of a proposed development on the environment.

CODE OF CONDUCT

4. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to

consider material facts known to me that might alter or detract from the opinions that I express.

5. I give evidence as a landscape expert witness for Olive Estate. My evidence should be read in conjunction with that of Mr. Luke Porter who has covered design and urban design matters for the applicant.

SCOPE OF EVIDENCE

6. I have been commissioned by the Integrity Care Group Limited (Olive Estate Lifestyle Village) to provide landscape evidence that follows on from the landscape assessment submitted with resource consent application RM190790, dated 28 June 2019. Tasman District Council (TDC) required several requests for further information (RFI's) and an updated application was provided on 8 March 2020. The application for Olive Estate has since been publicly notified and public submissions have been received. Following public submissions, additional design updates have been undertaken, which are described below under the heading 'Changes to the Application'. The updated plans were re-submitted to TDC on 6 October 2020. My evidence will respond to the public submissions received and the Councils' Section 42a reports that relate to landscape and visual amenity issues.
7. My evidence will include the following:
 - a. Key features of the report included in the application;
 - b. Changes to the application;
 - c. Assessment of application regarding the changes;
 - d. Submissions;
 - e. Section 42a Report;
 - f. Conditions; and
 - g. Conclusion.

KEY FEATURES IN THE APPLICATION

8. **Refer to the Evidence of Luke James Porter**, as he sets out the introduction and context to this application.

9. In addition to the information provided in Mr Porter's evidence, an existing irrigation pond is located in the northern corner of the proposed Hill Street Block, which will be drained and filled in to build the Care Facility. The existing pond is not a natural water feature and is not subject to protection under the TRMP, RMA, NPS and the NES – Freshwater. There are no native plants or significant riparian vegetation that require consideration and this pond does not form part of a wider waterway habitat corridor.¹
10. It is possible that there are native eels in the water, and provision has been made to relocate these; and there will be habitat loss for birds that utilise the pond. There was already a requirement for this pond to be filled in under resource consent RM161041². This habitat loss is already a consequence of a condition that is required to be carried out to fulfil the consent³.
11. However, the potential reduction in ecological benefits by filling in the pond will be re-established through boundary planting and riparian planting along the stormwater channel, as well as planting on the flanks of the filled in pond. As shown on the plan and cross section illustrated on **Masterplan Set Plans 020-021**, there is an opportunity to create ecological benefits through planting native plants along the stormwater channel and boundaries of adjacent residential properties (Fawdan Way and Brenda Lawson Way). A condition of consent has been added to ensure ecological benefit is gained from the planting of the pond flanks.

CHANGES TO THE APPLICATION

12. **Refer to the Evidence of Luke James Porter**, as he sets out the amended design changes that have been undertaken for this application. This evidence will only deal with areas where there is a landscape or amenity consideration.

ASSESSMENT OF EFFECTS WITH REGARD TO DESIGN CHANGES

¹ Refer to TDC's Section 42a Report, Attachment 8, Filling of the existing pond, page 8-9, Key issues for pond de-watering page 12.

² RM161041 See Condition 8 (b)

³ Ibid

13. Following the public submissions and RFI's from TDC, several design changes have been undertaken that reduce adverse effects and positively contribute to the adjacent properties located on Brenda Lawson Way and Fawdan Way. These are discussed below.

14. Removal of the pedestrian pathway along stormwater channel

- a. The removal of the pedestrian pathway along the stormwater channel between the Care Facility and the adjacent neighbours on Fawdan Way will provide more privacy for those living in the apartments as well as the residents of 21 and 28 Fawdan Way. This will remove any concerns associated with people walking close to these properties and help maintain a sense of privacy between residents. Refer to **Masterplan Set Plans 020 – 021** for proposed riparian and boundary planting. The varying nature of the heights and texture of the plants proposed will add amenity and ecological benefits for those living in close proximity. I consider the removal of the pedestrian pathway along the stormwater channel a positive effect through a change in the design.

15. Removal of the proposed vehicle access from Brenda Lawson Way and updated landscaping along adjacent properties

- a. The removal of the proposed vehicle access from Brenda Lawson Way to the Care Facility will greatly reduce the anticipated adverse effects on the dwellings located at 3 and 5 Brenda Lawson Way. As shown on **Masterplan Set Plans 023, 026-028**, the proposed planting is anticipated to provide partial to full screening over time as the vegetation establishes. While the Hill Street Block is currently undeveloped, it is zoned Residential and under that zoning, dwellings can be built to a height of 7.5m within 1.5-3m of the property boundary. The amenity of the adjacent residents living at 3 and 5 Brenda Lawson Way will positively increase due to the extensive planting and sloped gradient of the landscape being proposed when compared to what could be built closer to their property boundary as of right under the Residential zoning.

16. New dedicated service access and driveway from Fairose Drive and new parking layout with single entry/exit point to Care Facility car park

- a. This design amendment will internalise vehicle movements needed to service the Care Facility and access to the serviced apartments. Access to the facility will be located at one entry/exit point for easy access. The residents on Brenda Lawson Way will no longer have additional traffic and noise associated with vehicles on their street as all parking and access is now located on the opposite side of the facility than was previously proposed. I consider this design change to have positive benefits.

17. Parallel carparking on Fairrose Drive

- a. This design amendment has positively contributed to the Village by increasing the shared cycle and pedestrian path from 1.5m to 2.5m and by extending it along Fairrose Drive. A raised crossing at the intersection of Iris Drive and Fairrose Drive will also increase the safety and wayfinding of the shared path. I consider this design change to have positive benefits.

18. Fairrose Drive

- a. The added rumble strip on Fairrose Drive (where it connects to the adjacent subdivision) will provide traffic-calming measures to signal a change in developments as well as encourage a slow speed environment. This design amendment is considered to positively contribute to both the Village and adjacent subdivision.

19. Removal of Pond

- a. From a landscape character perspective, while the pond had some amenity, it was not a natural feature and had been built to capture water for rural irrigation purposes. It also is required to be filled under resource consent RM161041⁴ that created Lots 1 and 2⁵ (and therefore the amenity of this is not part of the consented baseline. Condition 8 (b) of this consent is worded as below:

⁴ Refer to Condition 8(b)

⁵ DP 511511

8. *The following consent notices shall be registered on Lots 1 and 2 pursuant to Section 221 of the Resource Management Act 1991:*

b) Prior to any further subdivision being carried out on Lot 2, the irrigation pond currently in the north-eastern corner of the site shall be drained and the dam decommissioned so that water no longer ponds behind the dam and drainage is directed into the existing sump in the northern corner of the property.

The water permit RM130909 shall be surrendered as part of any subdivision of Lot 2.

The existing 100mm water line that was used to divert water from the Hart Stream to the pond shall be removed prior to any further subdivision being carried out on Lot 2.

- b. The filling in of the pond is not a loss of natural character. Given the above, the pond is not subject to protection under the TRMP, RMA, NPS and the NES – Freshwater. There are no native plants or significant riparian vegetation that require consideration and this pond does not form part of a wider waterway habitat corridor.⁶
- c. The stormwater channel will still provide a ‘water’ aspect to this part of the site and generate ecological benefits through the planting design, which will encourage native fauna to visit and/or establish. I consider the stormwater channel riparian planting to add positive effects to the site and for those living in close proximity.

LANDSCAPE EFFECTS

20. The landscape and visual assessment prepared by Canopy has been appended to my evidence. Below is a summary of my findings and a more detailed assessment can be found within the original assessment.

⁶ Refer to TDC’s Section 42a Report, Attachment 8, Filling of the existing pond, page 8-9, Key issues for pond de-watering page 12.

21. The site is currently rural in character given its past horticultural land use, however the land is zoned Residential and is surrounded on all boundaries by residential developments. This change from rural to residential land use is anticipated in the TRMP with a maximum building coverage of 33% for standard residential development. The proposal is only for 31% building coverage⁷. It is also noted that site coverage of up to 70% is provided for in the Compact Density Development rules that also apply to the site.

22. The main change in residential character anticipated as part of the Hill Street Block is the Care Facility. While the Care Facility is already consented in the existing Village, the new proposal brings the facility building closer to the Hill Street frontage. The new Care Facility is shown on Architectural Plan Set Sk12-14⁸. The over height component and continuous façade of the Care Facility (specifically the dementia ward) will initially be a change in streetscape character to what is generally found along Hill Street. These two components of the proposal are discussed in further detail below and put into context with the site's topography and the proposed landscape treatment along the boundaries.

Over height component of the proposed Care Facility

23. The TRMP provides for a 7.5m maximum overall building height. The central module of the dementia ward reaches approximately 10.5m at its highest point with the remainder of the Care Facility building being under the maximum height limit. The building breaches the maximum height limit approximately 50m from the closest dwelling located at 3 Brenda Lawson Way. Due to the change in topography on the site and the Care Facility being terraced it is considered the over height component of the building will not impact the immediate neighbouring properties located on Brenda Lawson Way.

24. Several two-storey residences are found along Hill Street along with a mix of single storey homes. The difference in elevation from the residential houses on Hill Street across the road from the site (to the south) provides natural mitigation.⁹ These houses are separated from Hill Street by a retaining wall, and sit above the street with views gained looking out over the site well above the proposed roofline of the Care Facility.

⁷ Refer to Plan Set Volume: Architectural Plan Sk.8

⁸ Refer to Plan Set Volume: Architectural Plan Sk.8

⁹ Refer to Photographic Attachment: Viewpoint 9

This change in elevation and the expansive landscape create the opportunity for the over height component of the Care Facility to settle into the landscape in a manner that can absorb the change from the adjacent neighbours on both Brenda Lawson Way and Hill Street.

25. Currently there are large gum trees along the Hill Street boundary (within the property) that will be removed through the site preparation works for the Care Facility. The removal of these gum trees will improve visual access to wider views for Hill Street Residents that sit on Hill Street across from the site. The proposed tree height is kept to small/medium trees. This is an existing adverse amenity effect that will be ameliorated through the master plan design.

Continuous façade of the proposed Care Facility

26. The continuous façade of the dementia ward portion of the Care Facility is due to it being a built for purpose facility which includes a residential component. Even though the building varies in height along its approximate 100m length on Hill Street, it does differ in character when compared to the surrounding residential character on Hill Street. The residential dwellings located in the immediate context of Hill Street are separated by established vegetation and fencing.
27. The difference in the continuous length of the facility verses separated residential dwellings, is the appearance of a larger, bulkier building than would normally be expected in this suburban environment. However, churches, community halls and similar types of larger buildings associated with aged care and other community activities or assets are found within residential areas. The proposed landscape treatment¹⁰ of offset timber screens, fencing and a variety of planting at differing heights along Hill Street will successfully mitigate the scale of the building by breaking up the continuous length of the facility while also providing amenity to the streetscape.
28. The proposed facility setback also assists in settling this larger building into the surrounding environment. The existing trees along the Hill Street boundary will be removed to make way for the new landscape treatment. They were of a height that

¹⁰ Refer to the Plan Set Volume: Masterplan Set Plan 041 - 043

screened wider views of the Waimea Inlet and plains from dwellings on the south side of Hill Street. The removal of these trees and replacement with smaller species will improve this view without reducing amenity.

SUMMARY OF LANDSCAPE EFFECTS

29. It is noted that community activities are an anticipated part of the residential fabric of a neighbourhood. In this particular instance, the Care Facility provides residential accommodation and medical assistance to the community and is therefore not out of character with a residential area as the zoning provides for places of assembly, churches, medical centres, etc. It is also worth noting that within the Residential Zone, a 7.5m building can be built within 1.5m – 3m of the shared property boundary with those living on Fawdan Way and Brenda Lawson Way.
30. Mitigation measures such as extensive boundary planting and generous building setbacks from shared residential boundaries have been incorporated into the design to soften and reduce potential adverse effects on the landscape character of the site.
31. In considering the above, the landscape effect from the Care Facility being located on the Hill Street frontage is considered to be **moderate-low**. This is due to the change in streetscape character as experienced from Hill Street (pedestrians and motorists) associated with the length of the continuous façade of the Care Facility.
32. The proposed Floor level of the Care Facility wing that is closest to Hill Street has a ground floor level of 58.1masl¹¹, with most the building no higher than 7.5m. The exception to this relates to the central “crows nest” which will reach a height of 10.56m above ground level, and is located centrally within the Care Facility wing that adjoins Hill Street. This increased height sits below the house at 381 Hill Street
33. Also a **moderate-low** adverse character effect on the two adjacent properties (3 and 5 Brenda Lawson Way) due to the scale and bulk of the Care Facility along the north-eastern boundary. However, given the design changes following public submissions, the removal of the service access has greatly reduced the anticipated effects. The sloped

¹¹ Refer to Plan Set Volume: Architectural Set SK8

landscaped bank will provide positive benefits over time as the plants establish and provide screening/visual separation between the Care Facility and adjacent residential dwellings on Fawdan Way and Brenda Lawson Way.

34. Both of these adverse effects are temporary. The building will be offset by a variation of fencing screens, planting and trees along Hill Street and neighbouring residential boundaries. The proposed landscape treatment along Hill Street will provide depth through the planting, which will also assist in breaking up the continuity of the building. There will be an immediate reduction in this through the proposed screen fencing, with proposed landscaping taking a few years to establish.
35. The remainder of the proposed Hill Street Block is considered to integrate into the existing character of the Village and adjacent residential developments. Based on this, the overall long-term landscape effect is considered to be **low**.

VISUAL EFFECTS

36. The proposal will not be visible from a majority of the surrounding roads due to the existing residential development in the foreground that has taken place to date in addition to the rolling terrain of the landscape. From Hill Street, pedestrians and motorists will have views into the site when walking along the footpath or travelling along the sites' boundary. These views will consist of the newly designed Care Facility, villas and a long-distance vista over the entire site when viewing from the corner of Hill Street and Fairrose Terrace.
37. The visual amenity of the site will be enhanced by landscape planting proposed along Hill Street, which will consist of a mixture of shrubs and trees on terraces that gradually step down from Hill Street into the site. This proposed planting will add character and amenity to the Hill Street streetscape above and beyond what is required by the TRMP¹².

¹² Refer to the Plan Set Volume: Masterplan Set Plan 041 – 043.

38. The table below is updated from **Table 1** in the original Canopy Landscape and Visual Assessment following the design changes. Additional viewpoints have also been included within **Attachment, A** which accompanies my evidence.

Table 1: Visual Amenity and Mitigation Table				
North Eastern Viewing Audience				
Residential Address	Nature of the view	Amenity Effect	Mitigated By	
North-eastern viewing audience	28 Fawdan Way (submitter #40)	Shared boundary with the site. The Care Facility apartments are located south of 28 Fawdan Way and are approx. 7m high and setback 8m (at the least amount) from the shared boundary. This is consistent with planning requirements for building location.	Single storey house which appears to have frosted windows and the garage which front the shared boundary. Tree ferns and a stand-alone shed located along the shared boundary provides partial screening of the site ¹³ . The amenity effect is initially considered to be moderate-low based on the continuous length of the apartments however the effect will lessen as the boundary planting establishes.	Extensive planting ¹⁴ is proposed between 28 Fawdan Way and the Care Facility apartments. This will provide amenity to the Olive Estate grounds and combined with proposed fencing will provide visual separation along this shared boundary. Given the setback of the apartments coupled with the mass planting (the area is to be planted out); any amenity effects will be mitigated through the proposed planting and fencing ¹⁵ along the shared boundary.
	21 Fawdan Way (submitter #42)	Shared boundary with the site. The Care Facility apartments are located south of 21 Fawdan Way and are approx. 7m high and setback 15.8m from the shared boundary. This is consistent with planning requirements for building location, with a more generous setback than could occur.	Single storey house with vegetation along shared boundary which currently provides partial to full screening of the site ¹⁶ . The amenity effect is considered to be low based on the change in topography between the site (higher) and 21 Fawdan Way (lower) and the proposed mitigation measures.	Extensive planting ¹⁷ is proposed between 21 Fawdan Way and the Care Facility apartments. Given the generous setback of the apartments coupled with the native boundary planting, any amenity effects will be mitigated through the proposed planting and fencing ¹⁸ along the shared boundary.

¹³ Refer to Graphic Attachment A, Viewpoint 1 page 04, Viewpoint 2 pages 06-07.

¹⁴ Refer to Plan Set Volume: Masterplan Set Plan 020 and Section 2-3 page 021-022.

¹⁵ Refer to Plan Set Volume: Masterplan Set Plan 023.

¹⁶ Refer to Graphic Attachment A, Viewpoint 1 page 04, Viewpoints 2-4 pages 07- 10.

¹⁷ Refer to Plan Set Volume: Masterplan Set Plan 020 and Section 1 page 021.

¹⁸ Refer to Plan Set Volume: Masterplan Set Plan 023.

	<p>5 Brenda Lawson Way (BLW) (submitter #23)</p>	<p>Shared boundary with the site. The Care Facility apartments are located south of 5 BLW and are approx. 7m high and setback 18.8m (at the least amount) from the shared boundary. This is consistent with planning requirements for building location, with a more generous setback than could occur..</p>	<p>Single storey house set below sites' elevation and has a 1.8m high solid timber fence along the shared boundary which is considered to fully screen the site from view¹⁹. The amenity effect is considered to be low based on the change in topography between the site (higher) and 5 BLW (lower) and the proposed mitigation measures.</p>	<p>Extensive planting²⁰ is proposed between 5 Brenda Lawson Way and the Care Facility apartments. The planted bank will be sloped and will provide topographical screening. Planting will add extra height to this bank as it establishes over time. Given the setback of the apartments coupled with the native boundary planting, I consider any amenity effects to be mitigated through the proposed planting and fencing²¹ along the shared boundary.</p>
	<p>3 Brenda Lawson Way (submitter #17)</p>	<p>Shared boundary with the site. The Care Facility is located south of 3 BLW and is approx. 7m high and setback 24.5m (at the least amount) from the shared boundary. This is a more generous setback than what could occur under plan provisions. The over height portion of the facility is approximately 50m from 3 BLW.</p>	<p>Double storey house which has a 1.8m high solid timber fence along the shared boundary which is considered to fully screen the site from the ground level of the dwelling²². The amenity effect is considered to be moderate-low based on the scale and bulk of the Care Facility from this view. As the proposed planting establishes and begins to screen views of the site from the second storey, the effect will lessen.</p>	<p>Extensive planting²³ is proposed between 3 BLW and the Care Facility. The planted bank will be sloped to provide extra height to the proposed planting as it establishes over time. Given the setback of the facility coupled with the native boundary planting, I consider any amenity effects to be mitigated through the proposed planting and fencing²⁴ along the shared boundary.</p>

¹⁹ Refer to Graphic Attachment A, Viewpoint 1 page 04-05, Viewpoint 4 page 10, Viewpoint 7 page 013.

²⁰ Refer to Plan Set Volume: Masterplan Set Plans 020 and 028.

²¹ Refer to Plan Set Volume: Masterplan Set Plan 028.

²² Refer to Graphic Attachment A, Viewpoint 1 page 05, Viewpoint 7 page 013, Viewpoint 8 page 014.

²³ Refer to Plan Set Volume: Masterplan Set Plan 026-027.

²⁴ Refer to Plan Set Volume: Masterplan Set Plan 026-027.

	<p>2 Brenda Lawson Way (submitter #36)</p>	<p>Separated from Olive Estate Boundary by BLW and the corner of 3 BLW. Southernmost extent of 2 BLW is 34m from the start of the Care Facility.</p>	<p>Double storey house with second storey including some windows that face the site²⁵. Amenity effect is considered moderate-low given the closest section of Care Facility is compliant in terms of location and height. The setbacks of the Care Facility²⁶, proposed fencing and boundary planting of trees along the eastern boundary will provide screening.</p>	<p>Proposed boundary fencing as well as boundary planting of trees will provide mitigation of the Care Facility building from this view.</p>
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²⁵ Refer to Graphic Attachment A, Viewpoint 1 page 05, Viewpoint 7 page 013, Viewpoint 8 page 014 & 16

²⁶ Refer to Plan Set Volume: Master plan Set Plan 024

Table 2: Visual Amenity and Mitigation Table				
South Eastern Viewing Audience				
Residential Address	Nature of the view	Amenity Effect	Mitigated By	
South-eastern viewing audience	373 Hill Street	Located across Hill Street from the Care Facility.	House located amongst established landscaped grounds, approximately 80m visual separation from the Care Facility Building. The dwelling is located to the south east of the site above 2 Brenda Lawson Way. Based on this and the dwelling being setback a generous distance from Hill Street, the amenity effect is considered to be low.	The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape as the vegetation establishes. This will reduce oblique views across the roof scape and the adverse amenity effect will lessen. ²⁷
	381 Hill Street (submitter #9)	Located across Hill Street from the Care Facility and directly opposite the over-height component of the 'crow's nest' portion of the facility. The ground level of the facility will not be visible due to the change in the topography ²⁸ .	Double storey house with vegetation along Hill Street boundary that provides partial screening to the site (on the ground level of the dwelling). ²⁹ A moderate amenity effect is anticipated initially due to the over height portion of the facility being across Hill Street from the residence and the scale/bulk of the building along Hill Street.	The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape as the vegetation establishes. This will reduce views across the roof scape and the adverse amenity effect will lessen.
	7 Hillplough Heights	Located across Hill Street from the Care Facility. The ground level of the facility will not be visible due to the change in the topography	Single storey house (elevated above Hill Street) with a low fence and vegetation along Hill Street. A moderate-low amenity effect is anticipated initially due to the scale/bulk of the facility building along Hill Street.	The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape. This will reduce views across the roof scape as the vegetation establishes and the adverse amenity effect will lessen. ³⁰

	<p>5 Hillplough Heights (submitter #65)</p>	<p>Located across Hill Street from the Care Facility. Looks across the western most end of the Care Facility building, which is angled away from Hill Street. The ground level of the facility will not be visible due to the change in the topography. Due to the higher elevation of 5 Hillplough Heights, views are expected to 'look over' the facility building.</p>	<p>Single storey house (elevated above Hill Street) with a low picket fence along Hill Street and a retaining wall separating the house from the street below. A moderate-low amenity effect is anticipated initially due to the scale/bulk of the facility building along Hill Street.</p>	<p>The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape as the vegetation establishes. This will reduce views across the roof scape and the adverse amenity effect will lessen.³¹</p>
	<p>3 Hillplough Heights (submitter # 4)</p>	<p>Located across Hill Street from the village extension (villa 32) and to the west of the Care Facility building. The ground level of the facility will not be visible due to the change in the topography the facility building that is oblique and to the north east.</p>	<p>Single storey house elevated 3m above Hill Street. The concrete retaining wall extends partially along the property boundary, with the rest of the grounds sloping down to the street below. Oblique views are expected to look over the Care Facility building to the north, with Fairrose Drive/Hill Street corner planting mitigating views. Main view will be across villas³²ⁱ. A low amenity effect is anticipated initially due to the scale/bulk of the facility building.</p>	<p>Mitigated by landscaping along Hill Street and Fairrose Drive/Hill Street corner planting. Removal of gum tree will improve adverse amenity effects associated with shading and screening views.</p>

39. Residential dwellings were not visited during the site visit; instead an overview of visibility was gained while within the site. The north-eastern viewing audience adjacent

²⁷ Refer to Plan Set Volume: Masterplan Set Plan 023.

²⁸ Architectural set SK13 east elevation; Liz Gavin Graphic Attachment A cross section elevation AA and BB.

²⁹ Refer to Graphic Attachment A, Viewpoint 5

³⁰ Refer to Plan Set Volume: Masterplan Set Plan 025.

³¹ Refer to Plan Set Volume: Masterplan Set Plan 024.

³² Liz Gavin Graphic Attachment A photo location map.

to the Care Facility is the most sensitive to visual amenity change; as well as north west views from 381 Hill Street. This is due to their current outlook being a Greenfield site, which will change to a terraced, two storey Care Facility consisting of three interconnected buildings. However, it is worth noting, views are not protected under the TRMP and are in this instance anticipated to change in keeping with the underlying Residential zoning.

40. 28 Fawdan Way has a sheep netting post and wire fence running along their south-western boundary, with 21 Fawdan Way similarly fenced³³. The master plan notes that the boundary will be fenced with a mixture of different fencing types to a height of 1.6m – 1.8m³⁴. This will visually restrict views into the site, with the height and setback of the Care Facility along this boundary in keeping with plan provisions.
41. In terms of planning infringements, the proposed height of the facility exceeds the maximum height of 7.5m allowed by the TRMP by 3m. As previously mentioned, this over height component of the facility mostly relates to the central portion of the dementia building, which will not have a direct effect on the adjacent neighbours on Brenda Lawson Way. From Hill Street, the over height portion of the building is indiscernible due to the sloping topography of the site and the building being located at a lower level than Hill Street.
42. The Care Facility will be setback further into the site than what is required by the TRMP as well. This will assist in reducing the visual prominence of the building in relation to the adjacent residential dwellings located at 3 and 5 Brenda Lawson Drive, enabling landscaping of this area that will aid in creating privacy and amenity and reducing inter-visibility, noting that there is already fencing between the residences and the Care Facility building. The Care Facility building is setback a minimum of 14.3m from the north-eastern property boundary in comparison to a side yard of only 1.5m (on one side) and 3m on other boundaries as required by the TRMP.
43. The over height component of the Care Facility is visible from Hill Street, where – due to the steep change in topography and mitigation measures (screens, fencing and trees)

³³ Refer to Graphic Attachment A, Viewpoints 1-4

³⁴ Refer to Plan Set Volume: Master plan page 033

the first storey will not be overly visible³⁵ - especially from residential dwellings 1, 3, 5, and 7 Hillplough Heights.

44. The dwelling most effected from the south (opposite Hill Street) is from 381 Hill Street that sits opposite the height infringement at a visual distance of 43m and elevation difference of 5.4m (between the Ground Floor of each building). Two section elevations have been provided to show how the Care Facility will affect this dwelling³⁶, with one long section cutting through the over height area, and the adjoining care facility building where it complies with the height.

SUMMARY OF VISUAL EFFECTS

45. Overall, there is considered to be a **moderate-low** visual amenity effect on the adjacent properties (3 and 5 Brenda Lawson Way), which will lower over time as the planting becomes established. This relates largely to the bulk of the Care Facility, which introduces a different character to that of typical residential character (due to the longer facades), noting however that larger community buildings are located within residential environments. I note that both 3 and 5 Brenda Lawson Way have an existing wooden fence running along their shared boundary, which restricts views (from 5 Brenda Lawson Way, and the first storey at 3 Brenda Lawson Way).
46. The proposal has been designed to achieve the most appropriate site layout within the sites' terrain constraints and shared residential boundaries. The new design of the Care Facility responds to the change in topography of the site while also achieving as much separation to the adjacent neighbours on Brenda Lawson Way as possible. Through the proposed landscaping, the facility will settle into the landscape over time and also provide amenity to both the Village and adjacent neighbours.
47. Other than this effect, the proposal is considered to have **moderate** positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.

³⁵ Refer to Plan Set Volume: Master plan Hill Street Renders 041-043

³⁶ Refer to Liz Gavin Graphic Attachment A Section Elevation AA and BB

COMMENTS ON SUBMISSIONS

48. I have read all submissions received and grouped similar landscape and amenity submission matters into the headings below. Also, please refer to the evidence of Mr Luke Porter, which covers design issues. Overall, a total of 76 submissions were received: 14 in support, 60 in opposition and 2 are neutral on the application.

REMOVAL OF POND / VIEWS

49. Several submitters³⁷ have noted their view would no longer contain an outlook with a pond and sheep grazing in a paddock. As described above under the 'Visual Effects' heading, the current outlook that surrounding residents have into the site is that of a Greenfield site. However, views are not protected under the TRMP and are in this instance anticipated to change in keeping with the underlying Residential zoning.

50. As described earlier in my evidence and noted several times in the Section 42a report, the pond is not a natural feature and does not contain any significant vegetation. It is also required to be filled in under resource consent RM161041. The stormwater channel will provide a 'water' feature, amenity values and generate ecological benefits through the riparian planting. The "rural" view currently experienced is not consistent with the residential zoning and what could occur given the potential for compact density development (with up to 70% site coverage and 50% building coverage) within the site. The views of surrounding residents will improve over time as the proposed planting establishes and screens the Care Facility building as well.

PRIVACY

51. Several residents on Fawdan Way³⁸ and Brenda Lawson Way³⁹ have stated concern for their privacy due to the height and proximity of the Care Facility to their residences. The facility buildings do comply with building setbacks and within immediate proximity to their residences. I note that the houses at 3 and 5 Brenda Lawson Way are built within

³⁷ Submitters #3, 5, 6, 68

³⁸ Submitters #40, 42

³⁹ Submitters #17, 23, 37, 39

2.7 and 1.6m from the Olive Estate shared boundary; and have a wooden fence (approximately 1.8m high) along this shared boundary⁴⁰.

52. While this fence limits views in, there are still some views possible – especially from the second storey at 3 Brenda Lawson Way (and 2 Brenda Lawson Way). These views are proposed to be mitigated by extensive planting of differing heights along this shared boundary. In addition, where possible the Care Facility has been located as far as possible from adjacent residential boundaries based on site constraints and building practicalities. Under the Plan provisions, a two storey dwelling could be as close as 4.5m and meet the daylight recession angles along this boundary. The care facility is set back 14.3m at its closest point and up to 18m, providing space for landscaped amenity that creates privacy and amenity.

HILL STREET TREE HEIGHTS

53. Submitters 4 and 22 have expressed concern over the proposed tree heights along Hill Street near the Care Facility. The intention with the specified trees are to provide amenity along the streetscape as well as partially screen and break up the continuous façade of the facility⁴¹. While it has been noted the specified tree species can exceed heights of 12m+ if not maintained, Olive Estate has a high level of maintenance of the gardens and grounds. A condition has been added to ensure that heights of the trees are maintained to a maximum of 8m⁴² to ensure the trees provide the amenity intended. Illustrative 3D renders have been included within Masterplan Set Plans 041-043⁴³ that show the intended purpose of the proposed trees along the Hill Street streetscape. The removal of the gum trees along the Hill Street frontage of the site is considered a positive effect on the residents of Hill Street (located across from the Care Facility) as views out to Waimea Inlet will be visible.
54. The maximum height of the Care Facility is 10.5m at the ‘crow’s nest’ (central portion of the building along Hill Street) and it is expected trees proposed along Hill Street will be maintained to a maximum height of 8.5m to ensure they keep with the scale of the

⁴⁰ Refer to Graphic Attachment A Viewpoints 4, 7 and 8.

⁴¹ Refer to Plan Set Volume: Masterplan Set Plan 041 – 043.

⁴² Refer to Plan Set Volume: Master plan set Care Facility elevations pages 023-028.

⁴³ Refer to Plan Set Volume: Masterplan Set Plan 041 – 043.

buildings and suburban fabric. While the design has been amended to partially reflect submissions, having consistently small trees along this length of Hill Street will result in a loss of amenity and character to the streetscape. Some feature trees of moderate stature should be included to add interest to the streetscape and frame views.

CARE FACILITY (LOCATION, BULK, SCALE, HEIGHT)

55. Submitters⁴⁴ have objected to the Care Facility's location due to its bulk, scale and height within a residential location.
56. The TRMP provides for a 7.5m maximum overall building height in the Residential Zone with building setbacks ranging between 1.5-3m for side and rear yards. The central module of the dementia ward reaches approximately 10.56m at its highest point with the remainder of the Care Facility building being under the maximum height limit; with the topography dropping away from Hill Street. I note that the increase in height was a direct response to the Urban Design Panel where they asked for variation in the roof form with some over height components⁴⁵ to create visual interest and to break up the length as experienced from Hill Street. I consider that the design has responded to this suggestion and has achieved this, adding more character and interest to the Hill Street streetscape.
57. **Graphic Attachment A** (photo location plan) shows the relationship of the Care Facility to the houses, with the Architectural Set⁴⁶ detailing the setback of the Care Facility to the buildings along Brenda Lawson Way and Fawdan Way. This Graphic Attachment also includes a cross section running through the Care Facility where it breaches the height control (and a comparative cross section where it is compliant); and shows the relationship of this height breach to the house at 381 Hill Street which sits directly opposite this height breach.
58. A cross section has been provided from 381 Hill Street as this house sits across from the area of height infringement of the Care Facility, and is also located centrally to the length of the east elevation. While the lower storey of the Care facility will be screened by

⁴⁴ Submitters #17, 19, 21, 23, 31, 36, 42, and 65

⁴⁵ Urban Design Report 4th April 2109 page 2 paragraph 8; Section 42a Report, page 69 paragraph 13.18; Evidence of Luke Porter Graphic Attachment A Urban Design Panel Report.

⁴⁶ Refer to Architectural Drawings, Ski 8 for offsets from Brenda Lawson Way

topography, the upper storey and “crow’s nest” will be visible as is shown. The crow’s nest would affect views mostly from the south western end of the house and the upper balcony. Future trees - no taller than 6m within 4m of the Hill Street boundary would soften and restrict views of this section of the Care Facility. The height infringement would cause a moderate visual effect until the screens, fences and eventually trees are established.

59. The building breaches the maximum height limit approximately 50m from the closest dwelling located at 3 Brenda Lawson Way⁴⁷. Due to the change in topography on the site, building setbacks, the Care Facility being terraced and the extensive landscaping proposed along the property boundary, I consider the over height component of the building will not impact the immediate neighbouring properties located at 3 and 5 Brenda Lawson Way. I note that under the plan, a 7.5m high house (similar to that of 3 Brenda Lawson Way) could be located close to the boundary.
60. Several two-storey residences are found along Hill Street along with a mix of single storey homes. The difference in elevation from the residential houses on Hill Street across the road from the site (to the south) provides natural mitigation. A cross section elevation has been provided within **Attachment A**⁴⁸ to illustrate the change in elevation⁴⁹. These houses (381 Hill Street, 5 and 7 Hillplough Heights) are separated from Hill Street by a retaining wall (with the exception if 381 Hill Street), and sit above the street elevation with views gained looking out over the site well above the proposed roofline of the Care Facility. This change in elevation and the expansive landscape create the opportunity for the over height component of the Care Facility to settle into the landscape in a manner that can absorb the change from the adjacent neighbours on both Brenda Lawson Way and Hill Street. As illustrated on **Masterplan Set Plan 046**, the Care Facility is set nearly 4m below the height of Hill Street. This change in topography absorbs the visibility of the Care Facility’s ground level (58.1 masl) that fronts Hill Street (62 masl)⁵⁰.

⁴⁷ Refer to Architectural Drawings, Sk 12, north elevation 1

⁴⁸ Refer to Liz Gavin Graphic Attachment A cross section elevations AA and BB

⁴⁹ Refer to Liz Gavin Graphic Attachment A cross section elevations AA and BB

⁵⁰ Refer to Architectural Drawings, Sk 13, east elevation 5

61. My findings of landscape and amenity effects relating to the Care Facility have been described in the previous 'Assessment of Effects relating to Design Changes' section. Overall, design mitigation measures have been incorporated to reduce amenity effects on the surrounding residential dwellings that overlook the Hill Street Block and positive benefits will be provided through extensive planting and building setbacks. Other than a low-moderate adverse visual effect on neighbouring Brenda Lawson Way residences; the proposal is considered to have **moderate** positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.

COMMENTS ON SECTION 42a REPORT

62. As noted in Attachment 1, paragraphs 9.74 and 9.75⁵¹, Mrs Lancashire summarises the application is mostly consistent with the relevant objectives and policies of the TRMP. The only exception being some residential amenity will be reduced due to the Care Facility's height, scale, bulk and location. However, she also notes, there are policies in the TRMP, which recognise the value in having accessible community facilities in residential areas.

63. She also states a number of design measures have been included that will mitigate the effects of the Care Facility (to some degree) on the amenity values of the area. Noting, a significant improvement⁵² has been made by removing the service access lane, which was one of the key matters of contention raised by the submitters.

64. Ms Lancashire agrees with the Canopy LVA submitted with the application⁵³ that the continuous length of the Care Facility building will create a building longer and bulkier than a residential dwelling in this environment⁵⁴. The provision of some community facilities is an anticipated part of a residential area and there are numerous examples of

⁵¹ Refer to TDC's Section 42a Report, Attachment 1, Summary, paragraphs 9.74 – 9.75, page 58.

⁵² Section 42a report para 9.6 page 47

⁵³ paragraph 43

⁵⁴ Section 42a report para 9.12 page 48

large community buildings set amongst the residential suburban fabric of Richmond⁵⁵. The assessment in the AEE⁵⁶ shows there is no restriction in the building rules in the TRMP for this residential zone which would constrain the length of façade of a building. However, the effect of the length of the Care Facility building will be visually reduced to limit the associated effect on streetscape amenity through:

- Staggering the footprint and angling this away from Hill Street at the western end⁵⁷;
- Providing variation in roof overhang to create shadowing of the façade⁵⁸;
- Areas of colour accent in the façade and detail around some windows⁵⁹;
- Landscaping, timber screens and fences and walls in a way that creates layers of character along the Hill Street facade⁶⁰

65. These measures all contribute texture and interest to the streetscape which in turn softens and mitigates visual and amenity effects associated with the of length of the façade.

66. Ms Lancashire considered the community care facility and associated activity (such as laundry ambulance, medical and cleaning would reduce residential amenity values, however agrees that the adverse effects have mostly been mitigated through the removal of the Brenda Lawson Way service access lane⁶¹. She also recognises there are policies that allow for local community activities and health care facilities in urban and suburban locations⁶², and considers a moderate adverse amenity effect results from the Care Facility. I consider a lesser amenity effect from most views due to the high amenity values created through the proposal, and an overall low-moderate amenity effects on residential character once mitigation is established, due to the very high amenity values achieved within the site. I also agree that the design includes several mitigation measures that help to mitigate the effect, with the removal of the service access lane

⁵⁵ Examples include churches, halls and school buildings.

⁵⁶ Evidence of Gary Rae AEE Table 2

⁵⁷ Canopy Master plan set page 018 & 041-046

⁵⁸ Canopy Master plan set page 042

⁵⁹ Canopy Master plan set page 041 & 042

⁶⁰ Canopy Master plan set page 041-046

⁶¹ Section 42a report paragraph 13.25 page 64

⁶² Section 42a report paragraphs 9.47-9.53 page 54

being a significant improvement on amenity value effects from Brenda Lawson and Fawdan Way⁶³.

67. The matter raised by Ms Lancashire relating to the provision of a reserve⁶⁴ is dealt with in the evidence of Mr. Porter, Mr. Ward and Mr Rae.

68. The trees have been shown at 10 years as this is a reasonable age to show graphically, however a site visit to the established plantings in Olive Estate that are five years old, will show that significant mitigation can be achieved within five years.

COMMENTS ON PROPOSED CONDITIONS

69. Suggested recommendations are as follows:

- Prior to the pond being drained, a suitably qualified ecologist is to identify any freshwater species present and supervise the relocation of these where required.
- The riparian planting along the stormwater channel shown on **Masterplan Set Plan 020**, should be implemented as per the design to ensure ecological benefits are added to the site.

CONCLUSION

70. Initially there will be a moderate-low effect on landscape and amenity values on the immediate neighbours to the north east and south, which will lower over time to **low** as the planting becomes established. This relates largely to the bulk of the Care Facility, which introduces a different character to that of typical residential character (due to the longer facades), noting however that larger community buildings are located within residential environments.

71. I note that both 3 and 5 Brenda Lawson Way have an existing wooden fence running along their shared boundary, which restricts views (from 5 Brenda Lawson Way, and the


⁶³ Section 42a report paragraph 9.75 page 58

⁶⁴ Section 42a report paragraph 9.76 page 59

first storey at 3 Brenda Lawson Way). The landscape treatment mentioned above as well as the setback distances will provide space for amenity, screening and the retention of privacy at a level consistent with the zoning.

- 72. The over height component of the Care Facility is visible from Hill Street, where – due to the steep change in topography and mitigation measures (screens, fencing and trees) the first storey will not be overly visible⁶⁵ - especially from residential dwellings 1, 3, 5, and 7 Hillplough Heights. The over height component sits across from 381 Hill Street and to a lesser extent 7 Hillplough Heights (which is at a higher elevation due to topographical variation).
- 73. The bulk of the Care Facility similarly has a **moderate-low** landscape effect on the Hill Street frontage which over time will largely be mitigated to **low** with screening, fencing and landscaping.
- 74. There are **moderate** positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.

Dated this 9th day of February 2021



.....

Elizabeth Gavin

⁶⁵ Refer to Plan Set Volume: Master plan Hill Street Renders 041-043

BEFORE THE TASMAN DISTRICT COUNCIL

Under The Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
Applicant

And In respect of the proposed construction and operation of a retirement village (Olive Estate Lifestyle Village) at 109 Hill Street, Richmond

**EVIDENCE OF RONALD JAMES O'HARA
ON BEHALF OF THE APPLICANT**

5th February 2021

INTRODUCTION

- 1 My name is Ronald James O'Hara (Ron).
- 2 I hold the qualification Bachelor of Engineering (Civil) (Canterbury University).
I am a Chartered Member of Engineering New Zealand (CMEngNZ).
I am a Principal of Tasman Consulting Engineers Limited (TCEL) and have been in engineering practice in the Nelson Province since 1987.
- 3 In my practice I specialise in stormwater disposal, wastewater disposal, building site certification, subdivision construction, structural engineering and foundation engineering.

CODE OF CONDUCT

- 4 Although not required for this hearing, I confirm that I have read and agree to be bound by the Environment Court Code of Conduct for Expert Witnesses and confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence. The evidence I give is within my expertise.
- 5 I have been asked to address stormwater disposal and engineering design & construction specifications for earthworks for the Hill Street Block development.

REPORTS PREPARED BY TCEL

- 6 TCEL Prepared an initial report on stormwater attenuation through the existing detention pond adjacent to the Lake House. The report is dated 2nd October 2019. This report concluded that following full development of the Hill St Block, the increase in stormwater flows entering the pond was minor, amounting to 2.6%. Outflow from the detention pond was calculated to increase by 1.7%. The increased outflow from the detention pond of **302** L/s was still well below the permitted outflow to Hart stream of **344** L/s.
- 7 Following the Tasman District Council's (TDC) section 92 request for further information, TCEL carried out a peer review of catchment calculations provided by Verrall & Partners Ltd and Envirolink including the capacities of the three outlets to be used as a combined solution. Subsequently the TDC requested a further assessment of the existing Olive pond capacities

8 TCEL prepared a report on the findings of the peer review of stormwater discharge including the stormwater attenuation provided by the existing pond for submission to the TDC. This report is dated 27th February 2020.

9 The TCEL Peer Review report assessed the following aspects of the stormwater discharge calculations.

9.1 **Runoff Coefficients.** Runoff Coefficients define the percentage of rainfall falling upon a ground surface that will runoff and enter a stormwater system, as opposed to infiltrating into the underlying soil. The runoff coefficients appropriate for various ground cover types was independently assessed. In particular the runoff coefficient for pasture and grass cover was investigated using data derived from TCEL infiltration testing at the Olive Estate site in 2012. The findings of that infiltration testing were included in a TCEL report to the TDC dated 13 November 2012. The investigation concluded that the infiltration testing supported the use of a 'Medium Soakage' runoff coefficient of **0.30**. The runoff coefficients used in the Verrall and Envirolink reports were considered appropriate.

9.2 **Surface Ground Cover Evaluation.** TCEL evaluated the ground surface cover types using data supplied by Canopy (Landscape Architects). The final working plans for the main block and the proposed layout for the Hill St Block were used by Canopy to generate a summary of areas for each cover type. TCEL's calculated Area Weighted Runoff Coefficient (AWRC) was compared to those used by Verrall and Envirolink. The assessment concluded that the AWRC for Verrall and Envirolink were within **3%** of the TCEL value and were appropriate.

9.3 **Pre-Development Time of Concentration (ToC).** TCEL evaluated the pre-development ToC for the whole catchment including the new Hill St block using a combination of Time of Entry and Time of Flow. The Pre-Development ToC calculated by this method was **30** minutes. A further check on pre-development ToC using the Modified Friends Equation gave a value of **28.7** minutes. The ToC used by Verrall (**30** minutes) and Envirolink (also **30** minutes) were considered appropriate.

- 9.4 **Post-Development Time of Concentration (ToC).** TCEL evaluated the post-development ToC for the whole catchment including the new Hill St block using a combination of Time of Entry and Time of Pipe-Flow. The Post-Development ToC calculated by this method was **10** minutes. The ToC used by Verrall was **17** minutes. Envirolink also used a ToC of **17** minutes. TCEL concluded that the ToC for Verrall and Envirolink may have used an inappropriately large 'Time of Entry' value. TCEL recommended the use of a **10** minute ToC for calculation of Post-development stormwater flows.
- 9.5 **Stormwater Flow Calculations (Rational Method).** TCEL evaluated stormwater flows using Rainfall Intensities based on the peer reviewed ToC values. The Pre and Post Development rainfall Intensities were then used with the AWRC to determine peak flows for rainfall events with a 20 year and 50 year Average Recurrence Interval (ARI).
- 9.6 The possible future addition of 6,579 m² area of the Nicoll Block to Olive Estate was also considered in determining the peak Pre and Post Development stormwater flows.
- 9.7 Diversion of some stormwater into existing TDC drainage systems in Fairrose Drive (**296** L/s for 20 yr ARI, **346** L/sec for 50 yr ARI) and Wilkinson PI (**98** L/s for 20 yr ARI, **120** L/sec for 50 yr ARI) was taken into account in the stormwater flow calculations.
- 9.8 The peak flows calculated by TCEL were **1,859** L/s for 20 yr ARI, **2,287** L/s for 50 yr ARI.
- 9.9 These values are 20% higher than the Verall peak post development flow for 20 yr ARI (**1,476** L/s) and 30% higher than the Verall peak post development flow for 50 yr ARI (**1,730** L/s). It should be noted that due to the different ToC for the TCEL and Verall Peak flows, direct comparisons are not possible since the ToC's are taken into account when calculating the stormwater flows in and out of the Detention Pond.

STORM WATER DETENTION POND ASSESSMENT

- 9.10 TCEL evaluated the attenuation of peak stormwater flows in the existing detention pond for both 20 yr ARI and 50 yr ARI stormwater events.
- 9.11 The modelling of detention pond performance took into account the different ToC for the TCEL peer review compared to the earlier Verrall and Envirolink calculations.
- 9.12 The revised detention calculations for the pond and orifice outlet to Hart Stream showed that the net effect of the shorter time of concentration (and hence storm duration) and increased peak inflows to the pond is to **reduce** both the maximum water depth in the pond (by approximately **135mm** in both 20 yr ARI and 50 yr ARI cases) and the maximum outflow from the pond (by **36 L/s** for 20 yr ARI and **32 L/s** for 50 yr ARI).
- 9.13 The reason for the reduction in outflow and pond depth is that the while the 10 min ToC results in a much higher rainfall intensity (28% higher than the 17 min ToC) the storm duration is also much shorter (41% shorter duration). Thus the net effect is that the total volume of stormwater arriving at the detention pond is significantly lower for the rainfall event with a lower ToC.
- 9.14 The maximum outflow (to Hart Stream) from the Detention Pond for a 20 yr ARI rainfall event is **266 L/s** (Maximum allowed is 344 L/s). For a 50 yr ARI rainfall event is **302 L/s**.

SUMMARY OF STORM WATER PEER REVIEW

- 10 The TCEL Peer Review concluded '*stormwater discharge from the original Olive Estate Main Block and also the additional Hill St Block, with allowance for future addition of the Nicol Home Block has confirmed that the original pond design and construction is adequate to mitigate the design stormwater flows*'.

CIVIL WORKS FOR HILL STREET BLOCK

- 11 TCEL will be providing civil engineering consultation for the Olive Estate Lifestyle Village extension in the Hill St Block. The work will include a continuation of our existing involvement with the main block plus specific additional work associated with the Care Facility.

- 12 Continuation of existing engineering consultation services will include:-
 - 12.1 Access road pavement investigation and design plus inspections during construction.
 - 12.2 Building platform investigation and design plus inspections during construction.
 - 12.3 Stormwater investigation and design. If required this may include investigation, design and construction inspections for stormwater detention systems.

- 13 In addition to the items listed in 12 above, TCEL will also provide civil engineering services for the construction of a building platform for the proposed new Care Facility. The preliminary estimated earthworks will comprise 13 000m³ cut and 8000m³ fill, over an area 8500m², with a maximum cut height of 5m.

- 14 This work will likely include:-
 - 14.1 Evaluate Erosion and Sedimentation control measures in compliance with TDC guidelines.
 - 14.2 Divert incoming stormwater from Hill St.
 - 14.3 Investigate the adequacy of the existing pond embankment and if necessary, provide for the removal and disposal of the soil in the embankment.
 - 14.4 Investigate, design and inspect the construction of sub-soil drains beneath engineered filling.

- 14.5 Design and inspect the construction of the certified earth fill for the proposed building platform. All fill will comply with the requirements of NZ4431:1989.
- 14.6 Investigate, design and inspect the construction of the rear cut face to building platform downslope from Hill St.
- 14.7 The preliminary estimated earthworks will comprise 13 000m³ cut and 8000m³ fill, over an area 8500m², with a maximum cut height of 5m.

Ron O'Hara
5 February 2021

BEFORE THE TASMAN DISTRICT COUNCIL

Under The Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
Applicant

And In respect of the proposed construction and operation of a retirement village (Olive Estate Lifestyle Village) at 109 Hill Street, Richmond

**EVIDENCE OF ANTHONY MICHAEL VERRALL ON BEHALF OF
THE APPLICANT**

10 February 2021

INTRODUCTION

- 1 My name is Anthony Michael Verrall.
- 2 I am a Licensed Cadastral and Registered Professional Surveyor, a member of the NZ Institute of Surveyors and Consulting Surveyors of NZ. I have a NZ Certificate in Land Surveying (1988) and a Bachelor of Surveying from the University of Otago (1992) and was registered under the Survey Act 1986 (1996). I have over 35 years' experience in surveying and planning, which includes the last 25 years within the Nelson Tasman District but formerly to this in Canterbury. For the last 15 years I have run my own surveying land development consulting business.
- 3 I also have considerable experience in land subdivision and engineering development having attended to the design of subdivisions and the associated engineering works for infill and green field residential developments and a vast range of rural and rural residential developments both in this region and formerly in Canterbury.

CODE OF CONDUCT

- 4 Although not required for this hearing, I confirm that I have read and agree to be bound by the Environment Court Code of Conduct for Expert Witnesses and confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence. The evidence I give is within my expertise.

SCOPE

- 5 I have been asked to briefly address sub-divisional and servicing requirements of the site.
- 6 I prepared the Infrastructure report dated 18th June 2019 which is an annexure to the original application.
- 7 As per Council's section 92 request for further information we prepared a response dated 7th November 2019 which included a peer review by TCEL of the catchment calculations and the capacities of the three outlets to be used as a combined solution.

- 8 Subsequently Council asked for a further assessment of the existing Olive pond capacities and a report by TCEL dated 27th Feb 2020 used pipe time rather than catchment run off and time of concentration and derived that the existing Olive Pond does have sufficient capacity and its current restricted outfall is suitable if pipe time and flow method is used.

DESCRIPTION AND LOCATION

- 9 The subject land is described as Lot 2 DP 511511 and is located on the western side of Hill Street just opposite Hillplough Heights with Brenda Lawson Way immediately to the east. The total title area is 3.3876 ha. The land to the north is owned by the applicant and is already consented for this type of development. To the east there is residential properties fronting Fairrose Dr & Jonathan Place.
- 10 Topography falls to the NW down the property at reasonably constant grade of 4% to 5%, with the contour lines generally parallel to Hill Street with a slight drop off closer to the eastern side and a hollow over in the SE area that includes an old irrigation storage pond. The northern boundary abutting the existing consented development of the applicants is 12m lower than Hill Street.

SUBDIVISION & ITS DESIGN

- 11 I designed the subdivision which is a boundary adjustment creating absolutely no additional titles. The basis of the subdivision is to enable Fairrose Dr when extended to connect through to Hill Street to be a legal road vested in Council since it is shown as an indicative road in the TRMP. Council have indicated their preference for Fairrose Dr to be a through road, not cul-de-sacs per the TRMP. The various lots encompassing villas, both within this site and those adjoining to the north on the existing Integrity Care holding will be a single title all be it in multiple portions held together by amalgamation. The Central care unit will be on its own title.

OPEN GREEN SPACE CORRIDORS

- 12 The applicant intends to create open green space corridors to enhance the living environment of its residents as a continuation of their existing development to the north. These are to be landscaped and maintained to a far higher standard than any Council reserve and I am surprised at the request to vest these as reserves as enquiries of all other residential lifestyle

villages in the Nelson or Tasman area has not shown any similar requirements within a privately owned facility such as this.

- 13 As a consultant for the subdivision of Langdale Dr for Wensley Road Developments Ltd (RMs 130458, 140306, 140308 and 181179v1) we are aware that Council declined having a 2000 sq m reserve on the corner of Langdale Dr and Stedyl Cres clearly advising that Council already had sufficient reserves in the area. Wensley Road Developments at various stages revisited this and the answer was always the same from Council. It was only at the twelfth hour of the development of RM 1181179 (4 lot consented subdivision) that Council negotiated to purchase a 1000 sq m area after some surrounding owners of freehold houses sought an outcome.
- 14 In regard to the indicative reserve within the applicants land this was clearly intended as a pedestrian linkage between the two cul-de-sacs shown as indicative roads in the TRMP and by continuing Fairose Dr all the way through to Hill Street which is Councils preference then this pedestrian linkage reserve is no longer relevant and is being taken completely out of context and scale by Council to attempt to force something on the applicant that is not appropriate for the nature and ownership model of this development or the intention of the now defunct reserve that was in the TRMP.

SANITARY SEWER

- 15 There is an existing 150mm main connection available in the Integrity Care complex to the north which will be extended up into the subject land and it in conjunction with the main at the current end of Fairose Dr will enable the whole site to be reticulated.

STORM WATER

- 16 This site is reticulated via three separate outfalls in combination with each other and each outfall will service separate portions/catchments of the site. The Fairose Dr pipe is limited in capacity (by agreement) and would take any water off the new Fairose Dr formation up to Hill Street and the land to the western side of that new road. The Wilkinson Place pipeline is also limited to pre developed flows and thus will take some of the flows about the Central Care unit lot with the balance of the site discharging via future 525 pipes that will extend up from stage 5B of the consented Olive complex to the north. It has been ascertained from the further information response and subsequent

TCEL report of 27th Feb 2020 that the existing Olive reticulation and detention pond have sufficient capacity to accommodate the balance of this sites flows.

WATER

- 17 Located in the existing Integrity care complex are 150mm water mains. There is also an existing main In Hill Street and a new 150 main will be laid about Fairose Dr with water meters installed in a similar fashion as per the existing site. The reticulation is on the high pressure zone and it has already been ascertained that there is sufficient head for domestic supply as well as fire requirements. Hydrants will be within the new Fairose Dr corridor on the proposed 150 main as well as on 100mm sub mains within the site so as to comply with the Fire Code requirements.

POWER AND TELEPHONE

- 18 There is existing mains cabling in the existing Integrity Care complex that will be extended up into this new facility and there is also reticulation in the Hill Street and Fairose Drive corridors if so required.

SUMMARY

- 19 The subdivision is a boundary adjustment creating no additional titles but allows the vesting of Fairose Dr through to Hill Street as per Councils wishes. The open green spaces corridors throughout the site will be laid out and maintained to a standard far beyond what Council would or could achieve if they were reserves. This is not a greenfield subdivision where vesting reserves is appropriate though the applicant has constantly signalled that they are not adverse to public thoroughfare. All mains services for this site are or will be available, including suitable fire and domestic water with sufficient pressure for both. There are no servicing reasons why the application as sought should not be granted.

CONDITIONS

- 20 My comments on the conditions are as follows.

Land use conditions

Condition 1 advice note

- 21 With respect to staging, the consent needs to be flexible enough to allow Olive Estate to change the order, size and location of a stage. Some of the stages shown on the staging plan are too big to complete as one stage. The advice note to condition 1 of the land use consent should also refer to the fact that the size of the stages may be different to that shown on the staging plan, and the other conditions should be checked to ensure consistency with this intent as set out in this advice note.

Condition 3

- 22 This condition relates to financial contributions for the cost of the Fairrose Drive stormwater detention basin and the condition proposes that this is payable prior to the issue of building consent for any building in stages 6B or 7C. The reference to 6B should be deleted as it is not part of the Fairrose catchment. As stormwater flows from stage 6B do not go into that system completion of that stage should not be a trigger to make the payment of the financial contribution. Stormwater flows from 6B go in to the existing Olive Estate detention pond.

Condition 27

- 23 The advice note should refer to Council having agreed that the relevant standards to apply are the TDC Engineering Standards 2013 to maintain continuity with the existing Olive development which is also consistent with the consent notice registered on the subject lands title when it was last subdivided.

Condition 35(a) and also Subdivision Condition 6

- 24 As for the existing Olive development (Langdale Dr), the legal road width of Fairrose Drive may vary since this development is not a green field subdivision and as such the condition needs to allow for this variation (as does the consent for the existing development). The road, footpaths and grass verge and will be wider where parking bays are also part of the legal road. 15.5 meters is more than what is required in general. The condition should relate to the area back of path to back of path only.

Condition 36

- 25 The vesting of the road may need to be staged and will be done as soon as practicable once formation of the road is completed.
- 26 Formation of the road would not occur until the adjoining villas or care facility are substantially completed. This is because it is a combined build environment and not a Greenfield subdivision. The applicant will have its own construction traffic to build the villas and the care facility it is in both the applicant's and Council's interest not to damage any roading. It could also create safety issues if Fairrose Drive is open to the public during construction of the terrace houses fronting Fairrose Drive.
- 27 Further, the completion of Fairrose Dr and its vesting cannot happen exactly as villas or the care facility are completed as there are processes to be observed to vest the road, namely completing its construction, legal survey, 224 approvals, LINZ processing etc.
- 28 As such, occupation of the care facility, townhouses etc alongside Fairrose Drive should be allowed at the time of practical completion of the works for the adjoining section Fairrose Drive.
- 29 The condition needs to allow for this staged construction and vesting as is the case with the existing consent.

Condition 39

- 30 The 224 certificate cannot be signed off on the boundary adjustment if it includes the road to vest unless the road is already constructed. For the reasons set out above, Olive Estate would want to be able to uplift the building consent for the care facility and substantially construct the care facility before building the road to vest (Fairrose Drive). Therefore this condition needs to be deleted.

Condition 46

- 31 Connection fees should apply to individual couple up points to existing Council reticulation (as is the case with the existing development) rather than per HUD, villas or the like.

Condition 47

- 32 Clusters of villas will share their water feeds and a meter rather than each and every villa being separately metered (as has been adopted in the existing Olive development).
- 33 The advice note to this condition needs to be amended so that the service connection fee is only payable with respect to the connection to the existing Council service, rather than each individual connection within the private network.

Subdivision consent

Condition 2

- 34 The mains services are totally private and internal to the greater integrity Care complex and will not require easements. In this regard other than Fairrose Dr which will be legal Road, all other secondary flow paths will be internal to the overall development and will not require easements. Delete any reference to easements over secondary flow paths. The conditions regarding easements over services should be consistent with the requirements in the original consent.

Condition 6 and also for Land use Condition 35(a)

- 35 See my comment above with respect to the legal road width.

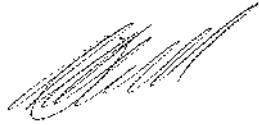
Condition 7

- 36 See comment on condition 36 above.
- 37 As a general comment, sequencing needs to be checked in all conditions to ensure this does not create delays in the building programme.

Appendix A

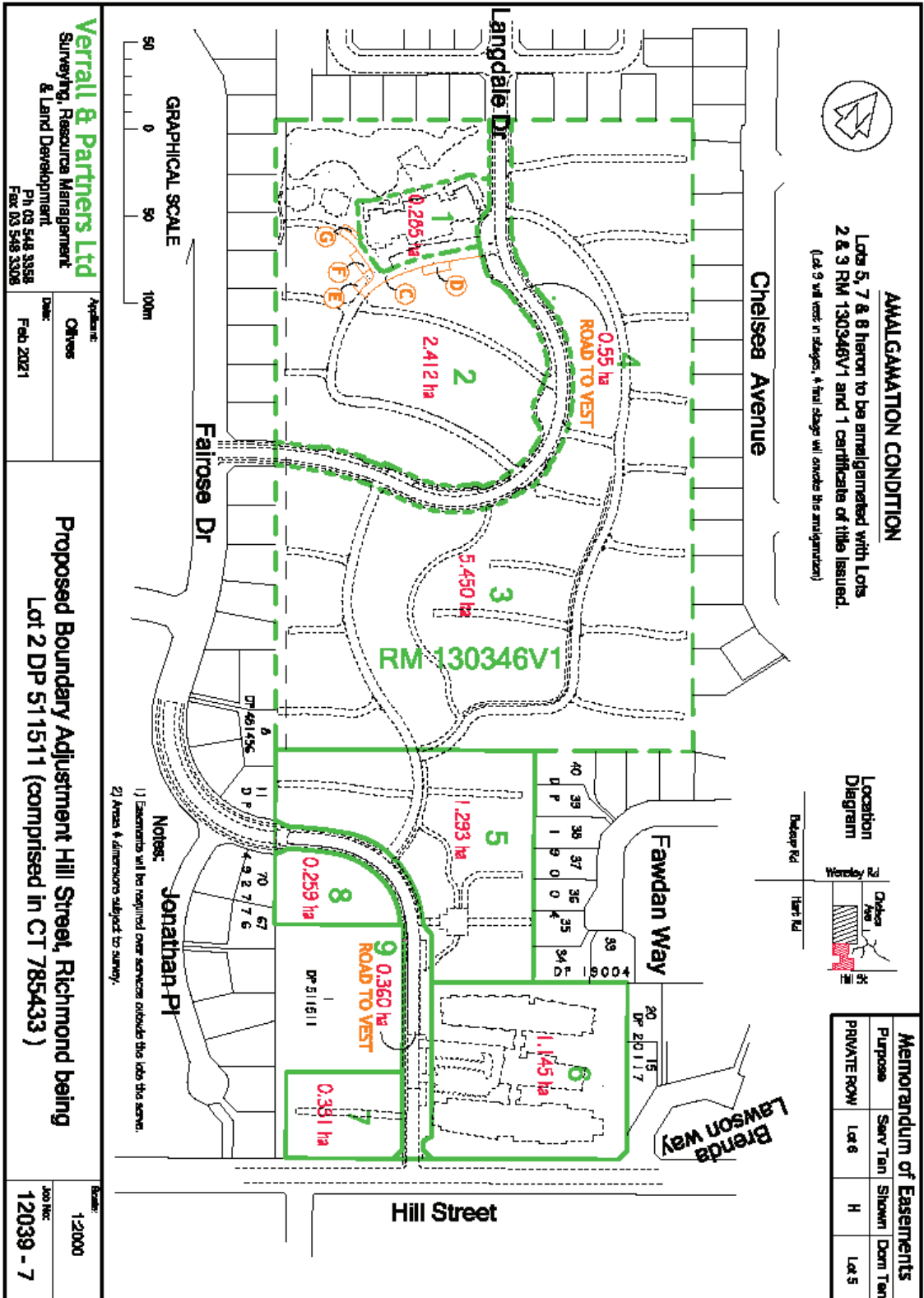
- 38 Attached as Appendix A is revised subdivision plan. The changes made are:
- 38.1 To remove the Brenda Lawson Way service lane.

38.2 Extended legal corridor to allow for additional parallel parking in front of lot 5.

A handwritten signature in black ink, appearing to read 'Mike Verrall', with a stylized, sweeping flourish at the end.

Mike Verrall
10 February 2021

APPENDIX A



F

BEFORE THE TASMAN DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
(Applicant)

And in respect of proposed changes to the existing retirement village (Olive Estate Lifestyle Village) at Lakehouse Crescent, and a proposed extension of onto a site at Hill Street, Richmond

EVIDENCE OF GARY CLARK
Dated this 10 February 2021

INTRODUCTION

1. My name is Gary Paul Clark. I am a Chartered Professional Engineer and hold a New Zealand Certificate in Civil Engineering. I meet the standards to be a Registered Engineers Associate (REA) and I am a Member of the Institution of Professional Engineers NZ (MIPENZ) and its specialist Transportation Group. I am a chartered professional engineer that specialises in traffic engineering and transportation planning.
2. I have post graduate passes and master's papers for Traffic Engineering, Advanced Traffic Engineering and Accident Prevention and Reduction. I am also a Certified Road Safety Auditor and assisted in writing the "Road Safety Audit Procedures for Projects" publication released by NZTA. I also co-published the NZTA document "The Ins and Outs of Roundabouts". I was a certified Commissioner after completing the Making Good Decisions Commissioners Course. I chose not to be recertified.
3. I have been working in the road and traffic industry since 1982. The knowledge and experience gained over 39 years includes most road and traffic related matters, and in particular elements around planning, design and safety. I have prepared transportation assessments for both small and large developments throughout New Zealand, conducted road safety audits and have been engaged in the development of strategies for road and traffic related issues. I have also reviewed and prepared designs for roads, intersections, developments, road safety schemes and town centre redevelopments.
4. I have presented evidence in Resource Consent hearings and the Environment Court for applications in my specialist area of traffic engineering, road safety, transportation planning and road design.
5. Over the last 39 years I have worked for the Ministry of Works, Ministry of Transport, Local Authorities and multi-national consultancies. More recently I was Transportation Manager at Tasman District Council and worked for Traffic Design Group (TDG) which I was a Senior Associate and Branch Manager of the Nelson Office. In July 2018 I decided to return to my own consultancy which has been operating since July 2004. I am the Director of that Company.
6. I have no commercial or other interest in the outcome of this application, nor any conflict of interest of any kind.

CODE OF CONDUCT

7. Although not required for this hearing, I confirm that I have read and agree to be bound by the Environment Court Code of Conduct for Expert Witnesses and

confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence. The evidence I give is within my expertise.

8. Below I outline my assessment of the development in terms of transportation and traffic engineering matters. My evidence, in particular, sets out:
 - Background
 - Application Assessment of Effects
 - Development Amendments
 - Assessment of Changes
 - Council's Section 42A Report
 - Draft Conditions,
 - Submissions, and
 - Conclusions
9. However, I am happy to provide further clarification should the Commissioners require this.

BACKGROUND

10. I became involved in this project in November 2018 following the purchase and decision to extend the Olive Estates development into the adjacent block of land which connects to Hill Street.
11. The design process considered a number of layouts to continue to provide the high-quality outcomes that exist in the current complex. This process included the key principles of providing a low-speed environment through the use of reduced road widths, quality architecture of different scale next to the carriageway and landscaping. This set the framework for the proposed design.
12. Another objective included moving the Care Facility, so it became more easily identifiable for visitors to the development site, with more direct access to the main arterial road network. It was also preferred to separate the servicing area from the public access to the Care Facility.
13. A pre-application meeting was held with Council to discuss the various aspects of the development. Council officers provided feedback on traffic matters which included the width/layout of Fairrose Drive and the on-street parking arrangements along the frontage of the Care Facility. Generally other traffic aspects were acceptable, subject to the Transportation Impact Assessment being presented as part of the application.
14. There was some discussion about the service access to the Care Facility being from Brenda Lawson Way. Tracking curves and analysis was provided to Council's

Traffic Advisor. Council was satisfied that this arrangement provided a workable design.

15. The applicant had a public meeting with interested parties on 19 September 2019 to present and discuss the extension of the Olive Estates development.
16. Minor changes were made to the design and the application was submitted to Council for Resource Consent.
17. Council responded with several “Requests for Further Information” which included the following traffic/roading matters.
 - Amended plans to have parallel parking along the front of the Care Facility on Fairrose Drive.
 - Provide at least 5.0 metres from the back of the footpath to the front of the garage.
 - Assess the demand for RV parking.
 - Assess the safety of the intersection in the vicinity of Units V28-V36 and Hill Street.
 - Maintenance of the road frontage on Hill Street.
 - Formation standards of Fairrose Drive.
 - Update parking assessment as a result of amendments.
18. Responses to the RFI were provided to Council. Some changes were made to the plans to address the RFI. It should be noted that no changes were made to the formation standards of Fairrose Drive.
19. The application was notified on 30 May 2020 and there were a number of submissions which I will discuss later in my evidence.
20. As part of reviewing the submissions, changes were made to the site layout to address/remove some concerns that had been raised. There had also been some changes to Transportation requirements as a result of the process in updating the Engineering Standards, now The Nelson Tasman Land Development Manual (LDM)

KEY POINTS FROM MY ORIGINAL ASSESSMENT

21. The proposed development will see the expansion of the Olive Estate into the adjacent block of land and the relocation of the Care Facility closer to the adjacent public road network. The Transportation Assessment considered the existing Olive Estate, the expansion to Hill Street and the overall effects of the completed development.

- 22. The completed Olive Estate development will have two additional connections to the wider road network via Hill Street and Fairrose Drive. This will reduce the reliance on the connection to Wensley Road and improve the overall connectivity of the adjacent road network. This provides greater flexibility for transportation to the wider community, as well as residents of Olive Estate.
- 23. The main changes to the overall development of Olive Estate are set out in **Table 1**:

	Consented (including variation)	Proposed with changes		Total on completion of development
Villas	119	53		172
Terrace houses	32	21		53
Carriage Houses	4	0		4
Apartments (two buildings)	16	0		16
Serviced Apartments (In Care Facility)	58	20		20
Dementia Beds	100	16	70	16
Hospital Beds		16		16
Rest Home		38		38
Staff for Care Facility	38	27		27

Table 1: Total Units and Beds across the Olive Estate development

- 24. There is an overall increase in villas by 53 and increase in terrace houses by 21. There is an overall reduction in the number of Care Facility beds (less 30) and serviced apartments (less 38) along with the staff (less 11) required to service the relocated building.
- 25. The development site is located within the Residential Zone (as well as part of the Richmond South Development Area) as listed within the Tasman Resource Management Plan (TRMP). The development is subject to the transport rules and standards as set out in Section 16.2 of the TRMP.
- 26. The compliance assessment showed that the development was able to comply with most of the requirements set out in the TRMP. The assessed non-compliances included separation distances from intersections for two units and the service access onto Brenda Lawson Way (now removed).

27. The overall car parking requirement can be met across the site. I note however that recent guidance and directions from government has required Councils to remove the car parking requirements from their planning documents. Accordingly, the proposed development now does not need to provide on-site car parking. However, Olive Estate management understand the importance of providing an appropriate level of car parking to meet the needs of its residents. Therefore, the level of car parking proposed in the original application is still being provided.
28. Section 16.3 of the TRMP sets out the rules and standards for subdivisions. The application does not include a subdivision and therefore these requirements do not apply. The TRMP Planning Map 129 shows two indicative roads (cul de sacs) that are located in the development land. The development will provide a connecting road from Fairrose Drive to Hill Street. While this connection is not required, this link to be vested as road is important for the development and the wider community.
29. The connecting road design as presented in the application did not meet Council's requirements for a vested road under Section 18.8 of TRMP. Section 18.8 has been replaced by the NTLDM. I will discuss the road design and subsequent changes later in my evidence.
30. The key element of the development with regard to the movement of vehicles and people, is the continuation of the design that has provided positive outcomes for users of the road environment. Set out in the TIA the design will see narrow roads, landscaping and urban design that encourages low speeds in safe environments for all road users.
31. This design is consistent with providing positive outcomes through excellent street design for liveable communities. It follows the guidance provided by NZTA about designing roads that are for all road users to move safely along roadways through narrow road design, vertical treatments along the edge of the road and in some cases physical treatments on the road such as thresholds.
32. **Figure 1** shows the typical layout along Langdale Drive which has proved to be successful in providing an environment that is safe and meets the needs of the different users.



Figure 1: Langdale Drive

33. As shown the road is constrained with some landscaping along the edges. These features provide the 30 km/h speed environment that exists on Langdale Drive.
34. The assessed traffic generation from the site is expected to be similar to the existing consent. While there is more land area associated with the expansion, the significant reduction in the size of the Care Facility will correspondingly result in a significant reduction in the traffic generation associated with that facility. It should also be noted that a more intensive standard residential development on this land would generate more traffic which I will explain later in my evidence.
35. One of the most significant changes of the proposed development is the ability for residents of Olive Estate to access the wider road network via multiple connections to the arterial road network. Also, the relocation of the Care Facility will remove any necessary internal traffic from within the development with more direct access to Hill Street, which is defined as a Principal Road in the TRMP. Traffic generating activities such as the Care Facility should ideally be located close to arterial roads.
36. The servicing needs of the development are controlled by Olive Estate Management through supply contracts. In particular, the Care Facility servicing requirements are managed on-site. As noted in the TIA that accompanied the consent application, servicing was located separately from the main entrance and accessed via Brenda Lawson Way. As noted above, the design has been changed to address concerns raised in submissions. I will discuss these changes later in my evidence.

37. The internal layout of the development has been specifically designed to provide a safe and liveable environment for residents of Olive Estate as well as the wider community that will move across the site. This design has proven to be successful in providing a safe environment within the existing development which will continue into the new part of the site.
38. The new intersection on Hill Street is able to meet the necessary design criteria to provide a safe intersection. The new connecting road from Fairrose Drive to Hill Street has been specifically designed to encourage low speeds and again provide a safe environment for all road users.
39. In concluding the TIA noted that “Overall the number of expected movements can be accommodated on the surrounding road network, the parking demands can be accommodated on the site and visitors to the development are provided with a safe and convenient access to the development site.”

DEVELOPMENT AMENDMENTS

40. The main traffic concern that came through the submissions related to the location of the service access from Brenda Lawson Way. While it was preferred to separate the service component to the public access area, the weight of the concern led to the reconfiguration of the Care Facility servicing.
41. The design was reviewed with the reconfigured layout having the service access and car park access being co-located on the extension of Fairrose Drive. This removed all access points for the development onto Brenda Lawson Way along with any associated traffic effects.
42. Further discussions with Council and the new LDM also led to changes to the Fairrose Drive extension. The two main changes were the removal of angle parking and the introduction of parallel parking, along with a proposed shared path extension from the existing Fairrose Drive into the development. These changes were agreed with Council’s Traffic Advisor.
43. Overall, the process in developing the design has led to an outcome where any traffic effects are mitigated and are less than minor. The amendments also did not change the final conclusions of my original assessment of the development with the Olive Estates expansion readily being able to be accommodated within the surrounding road network.
44. Two plans of the changes (Third Amendment dated 06/10/2020 - Plans 017 and 019) have been prepared to assist the commissioners and other interested parties. These plans have been provided to all submitters of the application.
45. All of the changes are internal to the development site and included the following:

- Threshold treatment at the existing end of Fairrose Drive at the interface of the development site.
 - The extension of the existing shared path on the southern side of the current Fairrose Drive formation into the development site. This will extend to Iris Drive where a crossing point will be located.
 - The paths on Iris Drive have been widened to provide the link on the shared network to the internal linkages within the development.
 - Fairrose Drive decreased to 6.0 metres in line with NTLDM and Council advice.
 - New service access and service area located off Fairrose Drive through one shared access point to the Care Facility. One access point was requested by Council staff.
 - Extended shared path along the front of units TH08 to TH11.
 - Reconfiguration of the Care Facility car parking and access. This added two further car parks onto the site. This excludes parking under the canopy for drop off and pickups.
 - A 1.5 metre wide footpath along the southern side of Fairrose Drive extension.
 - Angle parking on Fairrose Drive replaced with parallel parking as requested by Council staff. This reduced the number of on-street spaces by nine (23 – 14).
46. Overall, these changes will have a positive effect when compared against the original design included in the application. The only potential negative effect is the reduction of the on-street spaces on Fairrose Drive along the front of the Care Facility. However, the development is able to meet the TRMP parking requirements.

ASSESSMENT OF CHANGES

47. The most notable change is the removal of the service access from Brenda Lawson Way. While this had support from Council officers as part of the pre-application process, it became clear as part of the public notification process that this was a significant issue for some submitters.
48. The design of the service area and access was reconsidered which resulted in the relocation of the access and reorientation of the servicing needs for the site. The access was removed from Brenda Lawson Way along with the service dock facing in this direction.
49. The service access and servicing area is now located on the Fairrose Drive extension. Any effects relating to the service on Brenda Lawson Way have been

removed. Accordingly, any effects of traffic moving to and from Brenda Lawson Way have been removed along with concerns over the Brenda Lawson Way/Hill Street intersection. This is a positive change for the submitters who have raised concerns about Brenda Lawson Way.

50. The service access will come from Fairrose Drive. This change will see the access to the Care Facility and servicing area shared between the different users. Council requested one crossing for the Care Facility. While this is less than ideal, the timing of the servicing components for the development will allow some separation between the different users on the vehicle crossing. That said, there is excellent visibility, waiting areas and access width for these activities to co-exist.
51. The reduction in on-street spaces is a negative impact and was requested by Council. A total of nine on-street spaces will be removed from the car park supply. The development is expected to be self-sufficient and meet its car parking needs on the site. The on-site parking supply (205 + 2) also meets the requirements of the TRMP (193 spaces). The changes to the Care Facility car park will add two spaces to the overall on-site supply (207 spaces). Any effects relating to the reduction in on-street parking is expected to be less than minor.
52. The amended design has altered the width of Fairrose Drive from 7.0 metres to 6.0 metres. This is in keeping with the philosophy of the development and good practice. As I noted above council were initially seeking 8.0 metres based on compliance to standards at that time. Olive Estate were seeking six metres but compromised with 7.0 metres in the application.
53. The reduction in carriageway width of Fairrose Drive (to 6.0 metres) is consistent with the NTLDM (requires 5.6 metres) and was requested by Council. This is also a positive effect as the narrower road will provide good outcomes in regard to speed management, meet new standards and provide a safer road environment within the development and along Fairrose Drive.
54. The extensions to the shared path network and widening to 2500mm will provide for the expected road users. The new linkages will provide more connectivity for these users in the development and the wider community. This is a positive effect.

SECTION 42A PLANNERS REPORT

55. The Section 42A Report has been prepared by Council Officers and their consultant planner. The Reporting Planner would recommend the application be granted subject to a condition requiring the vesting of a reserve for recreation. However, recommends refusal based on the application not providing a reserve in the form that council staff would like to see.

56. From a traffic perspective the Reporting Planner and Council's Development Engineering Mr Ley are satisfied that any adverse can be mitigated. Traffic related conditions are provided to address the effects (as viewed by council) that require mitigation which are provided in Attachment 9 of the Section 42A Report.
57. Section 10 of the Section 42A Report provides an assessment of the traffic and access including parking aspects of the application. This section summaries the analysis and assessment provided in my TIA for the development and provides their comments on the information.
58. The Reporting Planner (Section 10.4) concludes that there is sufficient parking and there are no significant adverse effects on the adjacent road network or its users. The Reporting Planner agrees with the conclusions drawn from the assessment of effects in Section 7.7 of the TIA. I note that Section 7.7 of my TIA states that any effects are less than minor and there are no adverse effects.
59. The Reporting Planner has accepts as noted in Sections 10.5 and 10.7 that fundamental philosophy in achieving a safe environment for residential developments is through narrow roads. This has come from the TIA which sets out the analysis for the formation of roads that are narrower than traditionally constructed and required.
60. There is no disagreement around with this approach with Waka Kotahi currently working on new guidelines around designing streets for the 21st century. The underlying principle of this guidance is to provide narrow roads to reduce speed and make residential streets safer for all road users. I note that this philosophy is also a fundamental design principle in the NTLDM.
61. The Reporting Planner suggested that the carriageway width is narrower than the permitted standards set out in the NTLDM in Sections 10.6 and 10.10. To assist the commissioners and clarify any confusion I note the following:
62. The Engineering Standard 2013 required Fairose Drive to have a carriageway width of 13 metres at the time of application. This was too wide to achieve the outcomes of providing a safe environment for road users within the development. After discussions with council who were, at the time, seeking the eight metres, the proposed design included a seven metre wide carriageway. This was done as a compromise to address council staff's direction to have compliance. Mr Ley, at the time, still had difficulty in accepting a seven metre carriageway as it was below the standards of the day even through any effects were less than minor.
63. My advice and preferred position was a six metre wide carriageway, which is consistent with the goals of achieving slow speed environment and providing a safe environment for all road users. This width (six metres) has already proven to

be very successful within the existing already completed parts of the development.

64. The NTLDM 2019 was adopted by Council on 20 June 2019, after the consent application was lodged. The new standards (NTLDM) recognised the positive outcomes from narrower roads and provided new design criteria around carriageway widths.
65. Under the NTLDM the required carriageway width for Fairrose Drive is 5.6 metres being a Sub Collector road which was confirmed Mr Ley before the Section 42 Report was prepared.
66. The width of the carriageway was reduced from 7.0 metres to 6.0 metres which is consistent with the other roads within the development. The carriageway width easily complies with council's NTLDM requirement of 5.6 metres.
67. Section 10.12 seeks clarification of when the extension of Fairrose Drive will link through to Hill Street. It is unclear why this clarification wasn't sought as part of the further information requests. However, the applicant will complete the connection through to Hill Street as the development progresses. The connection will be needed before the Care Facility is operational.
68. Section 10.13 through 10.16 discusses submissions and in Section 10.16 outlines that further evidence is needed in respect to the location of the Fairrose Drive on to Hill Street. The TIA provides details of the new intersection which easily meets the required sight distance to operate safely. I note that Mr Ley has raised no concerns with the location of Fairrose Drive.
69. The Austroads suite of guidelines have been used to assess the appropriate sight distances for the new connection.
70. Austroads Part 4a set out a number of elements for the assessment of sight distances. These elements include reaction time, operating speed, road grade and coefficient of deceleration. For the purpose of the analysis the following parameters have been used to assess the available sight distance and safety of the road users.
 - A reaction time of 2.5 seconds (for older drivers) has been assumed.
 - A coefficient of deceleration (d) of 0.36. This is a standard default. Higher coefficients can be used with this rate being used as a conservative approach to the assessment.
 - An operating speed of 60 km/h has been observed. The posted speed limit is 50 km/h.

- The road is flat in the vicinity of the intersection, so no grade correction has been applied. This is conservative as both the approaches to the proposed intersection have an uphill grade.
71. The Safe Stopping Distance (SSD) has been used which allows motorists on the main road to see a vehicle in the middle of the lane and react and stop without colliding with the opposing vehicle.
 72. Using Austroads Part 3 and the formula on Page 126 with the assumptions noted above we get an SSD of 81 metres. The calculation has no grade correction.
 73. The available SSD to the north is more than 300 metres and around 130 metres to the south.
 74. Accordingly, the available SSD will easily allow drivers to identify, react and stop safely, if required to do so.
 75. Interestingly the location of the connection as shown on the TRMP Map 129 is situated much closer to Brenda Lawson Way (around 40 metres to the south). At this location there are a number of driveways and a right of way. The proposed location will provide a safer intersection well clear of private accesses and has excellent sight distances.
 76. In concluding, Section 10.18 confirms that any traffic effects can be appropriately mitigated with appropriate conditions. The assessment of the Reporting Planner accepts the advice from myself (Mr Clark) and Mr Ley. However, there is no analysis on what effects need to be mitigated or an evaluation of the assessments provided.
 77. Attachment 7 of the Section 42A Report provides Mr Ley's (Council's Development Engineer) assessment of the application. The report is a memorandum addressed to the Reporting Planner.
 78. Page 3 of Mr Ley's assessment makes reference to "council's expectation that the land will be developed as normal for residential development and that Fairrose Drive would continue as a link to Hill Street." This expectation is not shown or provided for in Planning Map 129 or Mr Ley's figure on page 1 of his memo. The indicative road does not connect and there is no requirement to link these two roads. Notably there is a reserve shown between these two indicative roads which would also negate any connection on the TRMP Planning Maps.
 79. That said, in discussion with council, the design team and applicant it was agreed to connect Fairrose Drive to Hill Street, provided that the speeds along the road can be managed.

80. This was one of the drivers for reducing the width of the road as required by the Engineering Standards 2013. As I have noted above more recent changes to the standards (NTLDM) has allowed for 6.0 metre wide carriageway which is consistent with achieving the goals of safe speeds and environment.
81. I also note that the extension of Fairrose Drive is now classified as a Sub Collector (was a Collector) which leads to the reduced width.
82. Mr Ley makes a passing comment that the number of equivalent dwellings on the land will increase as to what was expected. I am not sure of the reason for this comment but note that this is not necessarily the case. If the point of the comment is around the suitability of Fairrose Drive to carry traffic, then the following matters are relevant.
- the overall number of traffic movements from the completed Olive Estate are similar to the already consented development as set out in the TIA. The reduction in the size of the Care Facility and the increase in the number of dwellings has a neutral effect on traffic generation.
 - The development of the land, as a typical subdivision, would generate more traffic than the proposed development. This is due to the number of trips from these types of developments (housing) and the timing of these movements being during the peak hours. In comparison lower trip rates for retirement villages and movements for this activity being spread outside the peak hours.
 - The 6.0 metre wide carriageway exceeds the requirements of the NTLDM and therefore it has the width expected.
83. Accordingly, the available carriageway width of Fairrose Drive is as expected and is suitable for carry the flows for the proposed development and wider road network.
84. Mr Ley usefully provides a table of the differences between the different standards over time and the dimensions for Fairrose Drive as proposed by the applicant.
85. There are some comments I would like to make around the presentation of this table which are as follows:
- The existing carriageway formation of Fairrose Drive ranges from six metres to ten metres (“10 metres in parts” noted in table). Some of the six metre wide sections do not include parking bays.

- The existing six metre wide sections on Fairrose Drive are located at intersections and in areas where speeds are being managed.
- It would appear the changes in carriageway widths relate to different developments that have happened over time.
- The proposed layout of the different parts of the extension of Fairrose Drive are met with the exception of the 19 metre legal width. This has no effect on the operational needs of the road.
- The layout as proposed road doesn't meet the pavement width suggested in the Mr Ley's table. This is due to the parking only being located on one side of the road. This is the same layout as Fairrose Drive near Harte Road. There is a portion of land that is yet to be developed and this could provide parking, if vehicle accesses allow.
- The layout meets the NTLDM requirements for pavement width when taking into account intersections and accesses.

86. In summary, the proposed extension of Fairrose Drive is consistent with the philosophy of the existing parts of Fairrose Drive and meets the operational requirements of the NTLDM. The pavement width is the same as other parts of Fairrose Drive near intersections. Any effects of the departures to the NTLDM are less than minor.

87. Top of Page 5 of Mr Ley's memo notes the extension of Fairrose Drive has been designed to the already completed Olive Estate section of Langdale Road. This is correct but I also note that is also consistent with the lower sections of the already built lower sections Fairrose Drive as shown in **Figure 2** below.



Figure 2: Fairose Drive at Harte Road. (Source: Top of the South Maps)

88. Fairose Drive at this end, where it connects on to Harte Road, is six metres wide with parking on one side of the road. This layout is consistent with the proposed extension of Fairose. I also note that Harte Road connects to Hill Street and each end of Fairose Drive as it connects to these Principal Roads is treated the same.
89. Mr Ley makes a statement about the travel and travel cost associated with the lengthen of Langdale Road and subsequently encouraging the use of Hill street and Harte Road. Both Hill Street and Harte Road are Principal Roads, and their primary purpose is for the movements of vehicles. Encouraging the use of these roads over internal sub collectors is appropriate and consistent with the functions of a road network.
90. Mr Ley notes that council have found that narrower road design achieves slower speeds, but the proximity of garage doors has created concerns with vehicles parking partially over the footpath. This statement is not correct as the narrow road design is not the cause of footpaths being partially blocked. This is a simply a function of the separation of the garage door (not building) and the width behind it.
91. The design of the existing Olive Estate has gone through a consent process and building consent process. The areas that are to be vested as roads has been well defined as part of that process. The suggestion that these have not been adhered

to is at odds with the various consenting process the development has passed to be built. I will not comment on shading of the footpath and the likelihood of frost and ice as this is not within my area of expertise.

92. Mr Ley's has suggested that reduced setback have created a problem. This then leads to requiring a 5.5 metre separation from the legal road boundary. Again, this statement is not strictly correct. The issue that needs resolving is the separation from the back of footpath to the garage door. I agree that a 5.5 metre setback is required but only from the front of the garage to the back of the footpath.
93. I see that a condition of consent has been included in Attachment 9 of the Section 42A Report requiring better separation to address this issue. I will discuss the conditions of consent later in my evidence.
94. There is a mention of the streetscape planting and how this is to be managed. This has been explained the various meetings with council staff and will be consistent with the other parts of the Olive Estate development. The Olive Estate management want control of the streetscaping to provide the amenity and road environment. Effective landscaping provides the positive traffic calming outcomes for all road users. This can easily be seen below.
95. **Figure 3** shows the road environment on Fairrose Drive which is similar in width to the proposed extension within the proposed development. This section of Fairrose Drive and particularly the areas outside the carriageway are managed by Tasman District Council.



Figure 3: Fairrose Drive with no landscaping.

- 96. As shown the streetscaping provides very little in managing the road space and has no effect on encouraging lower speeds. This part of Fairrose Drive is six metres wide.
- 97. **Figure 4** shows the first part of Langdale Drive which is the same width is the road in the photograph above.



Figure 4: Langdale Drive

98. As shown the design of the development creates an environment that motorists are encouraged to drive slower.
99. Commentary from Mr Ley then suggest ideally that the road to be vested needs to be 19 metres wide. In regard to the operational needs for the road to function safely and efficiently there is no need for this legal width. Often the servicing needs (underground services) is used to claim more road reserve than what is actually physically needed. The existing formation of Langdale Drive and legal road to be vested shows that a wider legal road reserve width is not required.
100. Furthermore, the requiring wider legal road leads to inefficient use of a valuable land resources, unnecessary wide berms and poor outcomes on how these are managed.
101. Mr Ley suggests that the on-street car parks are required as part of the NTLDM and these can used by residents. This is not the case. The NTLDM requires one car park per dwelling if the parking provision of two parking lanes is not provided. The extension provides parking lane between accesses as would be expected with possible future parking being provided on undeveloped land. It should also be noted that the development complies with the parking requirements. I also note that the NTLDM does not reverse the parking for residents. It would operate on a first come first serve basis.
102. Mr Ley discusses the public walkway/reserve that is proposed through the development. The mechanism to enable public access (walking/cycle) through the development is a relatively simple arrangement which has been elsewhere across the district. The most notable one exists for the Arvida development in Richmond West which interestingly replaced an indicative road. Mr Ley statement agrees that it is a relatively simple and common arrangement.
103. The application plans show a right turn bay marked on Hill Street. No traffic assessment was provided for the right turn and with the plans being a concept layout. The right turn bay should have been removed from the plans and was not picked up by me.
104. The traffic flows do not warrant the need for a right turn bay and I note that are no other right turn bays along Hill Street except at the intersection of Williams Street. Williams Street is a busy connecting road between Hill Street and Salisbury Road and also provides access to schools.
105. That said, there are benefits to all road users from the installation of a right turn and the visitors to the Care Facility. The benefits include separated turning facility, potential speed reduction due to visually narrowing the road and better management of the road space on a Principal Road.

106. In discussing the right turn bay with the applicant, they support the right turn bay and prepared to pay the cost to have it installed to the appropriate standard. The design will be included in the Engineering Plans for council approval.
107. The right turn bay will likely require the removal of car parking along this section. This is a process that falls under the responsibility of Tasman District Council. It would appear from most of the submissions that some removal of car parking would be supported.
108. Mr Ley has recommended that the access for Villa 18 is located off the RV access. The reason for this, is that reversing on to Fairrose Drive will dangerous. I do not agree with this suggestion.
109. For the access to be dangerous (unsafe) it is Mr Leys view that there is limited sight distance. There are number of factors that need to be considered when assessing sight distance, as set out in Austroads design guides. These include operating speed and reaction times. The access is located near the threshold treatment at Iris Drive which will reduce the speed of traffic. The operating speed along Fairrose Drive is targeted at 30 km/h. Driver using the road will be alert (2.0 seconds for older drivers) due to the nature of the road environment. The required Safe Stopping Distance (SSD) is around 27 metres. The available SSD is around 34 metres.
110. The access for Villa 18, as proposed, will operate safely with any effects being less than minor.
111. Mr Ley in summing up has again suggested that a typical residential development would have joined up Hill Street with Fairrose Drive with the same design elements. This is simply not the case. The TRMP does not require the indicative road to link Hill Street with Fairrose Drive. The NTLDM does not require the same dimensions for the road as the existing formation of Fairrose Drive.
112. Finally Engineering (Services Department) support the application with suggested conditions. I will discuss the conditions later in my evidence.

DRAFT CONDITIONS – LAND USE

113. Attachment 9 sets out a number of draft conditions should the Commissioner grant consent. I have reviewed the conditions relating to traffic matters and provide my comments and suggested amendments below.
114. Condition 14 require all staff and contractors to park on the site. For contractors this is a reasonable condition during the construction process. However, for Care Facility staff upon completion of the building, it is not. While it is expected that

staff will be accommodated on the site, it is not unusual for people to park off site for a variety of reasons.

115. As noted in the Section 42A Report and in the TIA, any overflow effects of parking on to the street are less than minor. Therefore, the condition is not required to manage any adverse effects. The notation “No Staff or” at the start of Condition should be deleted.
116. Condition 33 should include “conditions of consent” as with other conditions. The way it is currently worded does not allow for the consented design.
117. Condition 34 has an advice note that suggests that Fairrose Drive is an important strategic link. This is not the case and while it is provided for as part of the development it is not required. The advice note or Condition 28 does not set any timelines for the connection to be formed.
118. Condition 35 requires parallel car parks to be 2.5 metres wide. The NTLDM only requires 2.0 metre wide car parks. The extension to Fairrose Drive is 6.0 metres which is 400mm wider than the NTLDM requires. In this interest of encouraging slower speeds, it is preferred to provide 2.0 metre wide car parks as required under the NTLDM and return the space back into the footpath areas.
119. Condition 40 requires the formation of a right turn bay and refers to two different design standards. The formation of a three metre long storage bay is not long enough for one vehicle can have a clear spaces without sitting in the taper. The design of the right turn bay should be in general accordance with MOTSAM Figure 3.26.
120. Condition 43 seeks to make some of the internal roads within the Olive Estate Village function like public roads with easements for pedestrians/cyclists and vehicles. The arterial connections of Langdale Drive and Fairrose Drive are more appropriate as the connecting roads and for the use of vehicular traffic.
121. It is unclear why council require short cul de sacs and Olive Terrace for public access. Olive Terrace, Camarosa Place and Pajero Way have been designed to provide access to individual units and are not connecting roads for the general public. There would be informal access for the public, but this does not require an easement in gross.
122. Iris Drive does provide a link between Langdale Drive and Fairrose Drive (Extension). The public pedestrian/cycle link is intended down the linear reserve through the development (off road) and therefore the need to provide it on Iris Drive I consider unnecessary. While I can accept that there is some benefit in public vehicular traffic using Iris Drive and that is the intention, the lack of control

offered by way an easement for general use may be problematic for the applicant if additional measures are needed for safety reasons.

123. Iris Drive has the potential to be a short cut for some users, over the more appropriate route of Langdale Drive and Fairrose Drive which is the arterial network. With that in mind the need for strong positive control of the use of Iris Drive is needed which may be eroded with an easement for public use.
124. The preference is that Condition 43 is deleted. However, if the Commissioners are of a mind to allow full public access then I would recommend that only Iris Drive has the public easement for the reasons noted above. Further to this any easement document should allow full management and control to the applicant to manage any effects that may occur from vehicular traffic using this route as a short cut. This should include the ability to restrict vehicular access.
125. Condition 44 appears to be a duplication of Condition 40 and should be deleted.

DRAFT CONDITIONS – SUBDIVISION

126. Condition 6 as per my evidence above Section 118 and recommended changes to Condition 35 of the Land Use Consent.
127. Condition 10 as per my evidence Section 119 above and recommended changes to Condition 40.
128. Condition 3 as per my evidence above Sections 120 to 124.

SUBMISSIONS

129. The application was publicly notified on 30 May 2020 and there were submissions received in support and also in opposition to the development.
130. Submitters opposing the development raised concerns which can generally be included into the following themes.
 - Traffic safety effects, (which includes vehicular and pedestrian safety effects) of the development.
 - The proposed intersection of Hill Street and Fairrose Drive.
 - The design of the extension to Fairrose Drive.
 - The service road from the Care Facility building onto Brenda Lawson Way.
 - The intersection of Hill Street and Brenda Lawson Way and the proximity and alignment of the service road to the Care Facility building and the ability for service vehicles to manoeuvre safely and without adverse effects to other motorists or pedestrians; and

- The width and geometry of Hill Street and the ability for vehicles to travel in both directions along Hill Street, if vehicles are parked on both sides of the road.
 - Traffic volumes arising from the proposal, including the effects this will have in respect of a reduction in residential character and amenity (including in relation to headlight glare and noise).
 - An increased demand for on-street parking in the surrounding area and the associated traffic safety effects that may be associated with this.
131. Most of the concerns raised by submitters have been detailed in the Transportation Impact Assessment that was included in the application which concluded the effects are less than minor.
132. To further assist the Commissioners in understanding these matters I have provided further analysis and assessment below on the relevant matters. As noted in my evidence above, there have been some changes to the design to address concerns raised by some submitters.

Brenda Lawson Way

133. The traffic related effects on Brenda Lawson Way have been removed with the shifting of the access and servicing area.

Hill Street

134. The main concerns raised by submitters related to the increase in traffic along Hill Street, its width and the potential safety effects of increased traffic.
135. Hill Street is listed as a Principal Road in the Tasman Resource Management Plan. The purpose of a Principal Road is to provide arterial road connections between suburbs as well as to property. The design of these types of roads is primarily for the movement of traffic.
136. Hill Street forms part of the outer ring road for the Richmond area and is expected to carry more traffic over time as the development of the Richmond South area proceeds.
137. Concerns have been raised about the carriageway width of Hill Street when vehicles are parked on both sides of the road. The relatively low traffic flows along this Principal Road enables most drivers to navigate along its length without any difficulty. When vehicles park on both sides of the road (which occurs mostly at the northern end) near Queen Street, the road becomes more difficult to users with some motorists giving way to oncoming vehicles or two vehicles passing each other slowly. This is not uncommon in the New Zealand context, but it is

acknowledged that some drivers would find this uncomfortable and/or inconvenient. However, it is not generally unsafe.

138. With increasing traffic flows along the road, it is more likely that opposing traffic is going to meet more often and therefore increasing the level of inconvenience and in some cases reducing safety.
139. As explained in detail later in my evidence, since the TIA was prepared the number of crashes along Hill Street has recently increased, with some common cause factors. There may be a need for Council to better consider how on-street parking is managed to meet the needs of users of Hill Street and future growth in the southern parts of Richmond in the near future.
140. While not clear, it is suggested by some submitters that the new intersection of Fairrose Drive and Hill Street has limited sight lines. As noted in the TIA and in my evidence, the new intersection will exceed the best practice sight distance requirements for this form of intersection. The intersection is able to operate safely.

Fairose Drive Extension

141. A number of submissions have raised concerns over the width of Fairose Drive. As set out in my evidence the traffic lane widths along Fairose Drive extension exceeds the Nelson Tasman Land Development Manual (NTLDM) requirements for a sub collector road.
142. The design has been amended to provide a consistent shared path width from the existing section of Fairose Drive to the first internal intersection. This shared path then crosses the road and connects to the wider path network within the development. This is a higher provision than required under the NTLDM as shared paths are not required.
143. Parallel parking has been provided along the northern side of the road at Council's request to replace angle parking. This has reduced the number of on-street spaces in this area.
144. The layout of Fairose Drive extension is able to meet the needs of its intended users with any effects being less than minor.

Parking

145. There was also a number of submissions concerned about the level of parking provided for the development. The TIA had a thorough analysis of the expected parking demands that was based on the existing site, evidence accepted in the original hearing and research data, that is based on surveys.

146. The parking demands for the development are complicated due to the different activities and the different demands they will have for on-site parking. It should also be noted that the expansion of Olive Estate will be one site, as no subdivision for the units is planned.
147. Council has sought further information several times on the parking supply for the development, highlighting the complex nature of the demand and supply of car parking for the application. The most recent response is dated 5 March 2020.
148. This response provided a breakdown of the TRMP parking requirements and the total on-site parking provision. In summary the TRMP parking requirement is 193 spaces with the development providing 205 on-site spaces. The on-site parking did not include any on-street parking that is available for people to legally park.
149. It is suggested by submitters that any parking associated with Olive Estate should be contained within the development. That is not a requirement of the TRMP and nor is it anticipated by the TRMP.
150. As with any development, parking can occur on the street and notably the NTLDM allows for parking on the street to meet some of the demands of a development. The Olive Estate expansion should be treated in the same way.
151. That said it is important to manage any potential on-street parking effects, which is a role of Tasman District Council who are responsible for these assets. The applicant has no ability to manage where and how people park on-street which is done through parking restrictions. The applicant would support any parking restrictions that are required.
152. Any effects of the parking demand can be managed to ensure they do not create an adverse effect.

Particular Submissions

153. There were some submissions that raised particular concerns or questioned the validity of the traffic assessment. I have provided more details for these submissions as they will assist in understanding other submissions and address particular issues raised.

Billington Submission 04

154. This submission raises concerns about headlight glare into their house which will be opposite the extension of Fairose Drive and the new intersection of Fairose Drive and Hill Street.
155. The location of the road and intersection is determined by the TRMP and the indicative roads as required by Tasman District Council. The submitters house is located to the south of the new intersection. The northern boundary of this site is roughly in line with the southern kerb line of the new road.
156. Vehicles exiting the extension of Fairose Drive will be to the right and north of the submitter's property and out of the range of the headlights. The house is also well back from the road (around 20 metres) and is above the road by around three metres.
157. There will also be street lighting at the new intersection which will reduce the effect of headlight glare in this area.

Firth submission 31

158. A number of concerns have been raised in this submission which include the standard of Fairose Drive which will adversely affect the safety and efficiency of vehicle movements.
159. It is suggested that if a road does not meet the Council engineering standards then it will be unsafe and inefficient. There is no evidential based data to prove that this is the case. In practice, the opposite is the case which is clearly demonstrated within the existing Olive Estate village. The extension of Langdale Drive, which is listed as a Collector Road, has provided a very safe and efficient road environment for all road users since its completion.
160. As with Langdale Drive, there are other examples in the Tasman and Nelson area which do not meet the Council engineering standards that operate safely and efficiently.
161. I have also recently attended a Waka Kotahi run workshop for the design of roads for the 21st century. The focus of this workshop was to design roads to meet the needs of people. This was achieved through the use of narrower roads and traffic calming measures. This practice is based in designing streets for liveable communities and is leading to changes in the various roading standards used across the country.
162. The new Nelson Tasman Land Development Manual (NTLDM) has recognised some of these changes in road design with noticeably more flexibility road width and cross sections.

- 163. Council have said that the extension of Fairrose Drive would be classified as a Sub Collector Road.
- 164. The proposed road width of Fairrose Drive is wider than the NTLDM requirements. Fairrose Drive has been made consistent with the design philosophy of the Langdale road layout, which has proven to be successful in providing the right safety outcomes, meeting the needs of all users and meeting the functional requirements to move vehicles.
- 165. With regard to parking, it has been provided in line with the NTLDM, noting that there is a section of Fairrose Drive which will be developed as part of a separate development in the future.
- 166. Shared paths and footpaths exceed the provisions of the NTLDM and have been designed to provide a clear high-quality linkage from Hill Street through to the Olive Estate entrance to Langdale Drive.
- 167. Any differences in the required design and what is proposed has been carefully considered with any effects being managed so they are less than minor. The design has positive effects in providing a road environment that caters for all road users safely and efficiently.

McGurk - Submission 67

- 168. The McGurk submission considers the proposed width of the Fairrose Drive to be too narrow.
- 169. McGurk also suggests that the crash data is selective. The approach to analysing crash data is consistent with best practice by taking the most recent full five calendar years and particularly in urban areas. I have also included reported crashes in the incomplete years following 2018 which included 2019.
- 170. There is a data lag with reported crashes being entered into the Crash Analysis System (CAS) managed by Waka Kotahi (NZTA). There has also been time pass since the writing of the TIA and notification and hearing of this application.
- 171. As noted in this submission and some others, there has been two recent crashes on Hill Street since the application was submitted. The following details of those crashes and others that were not available at the time of the crash analysis are provided in **Table 2**.

Road	Location	Date	Collision Date Reference	Accident Description	Severity

Hill Street	Opposite Hillplough Heights	2020155878	22/06/2020	<p>A van north collided with a parked truck with a trailer. The driver was travelling at around 40km/h. There were workers at the trailer at the time of the crash.</p> <p>The cause codes included the van being too far to the left and the driver being dazzled by sun.</p> <p>The worker (pedestrian) was injured.</p>	Minor injury
Hill Street	14 metres south of Pioneer Heights	2020156865	22/06/2020	<p>Car traveling north collided with a parked truck on the side of the road. The truck was in the process of unloading an oversized load which was flagged. Beam on the truck went through the windscreen of the car and struck passenger.</p> <p>Driver was travelling slowly due to limited visibility.</p>	Minor Injury
Hill Street	Opposite Resolution Place	2020153810	02/06/2020	<p>Driver fell asleep and collided into a ute with a trailer parked on the side of the road.</p>	Non-injury
Hill Street	42 metres south of Lorimer Lane	2020143509	29/01/2020	<p>Driver heading north on Hill Street collided with wing mirror of parked car. Driver fled the scene</p>	Non-injury
Hill Street	32 metres south of Lorimer Lane	201986729	04/12/2019	<p>There were two vehicles heading south on Hill Street. The front vehicle stopped suddenly when a cat (possibly) ran across the road. The following vehicle crashed into the rear of the stopped vehicle.</p>	Non-injury

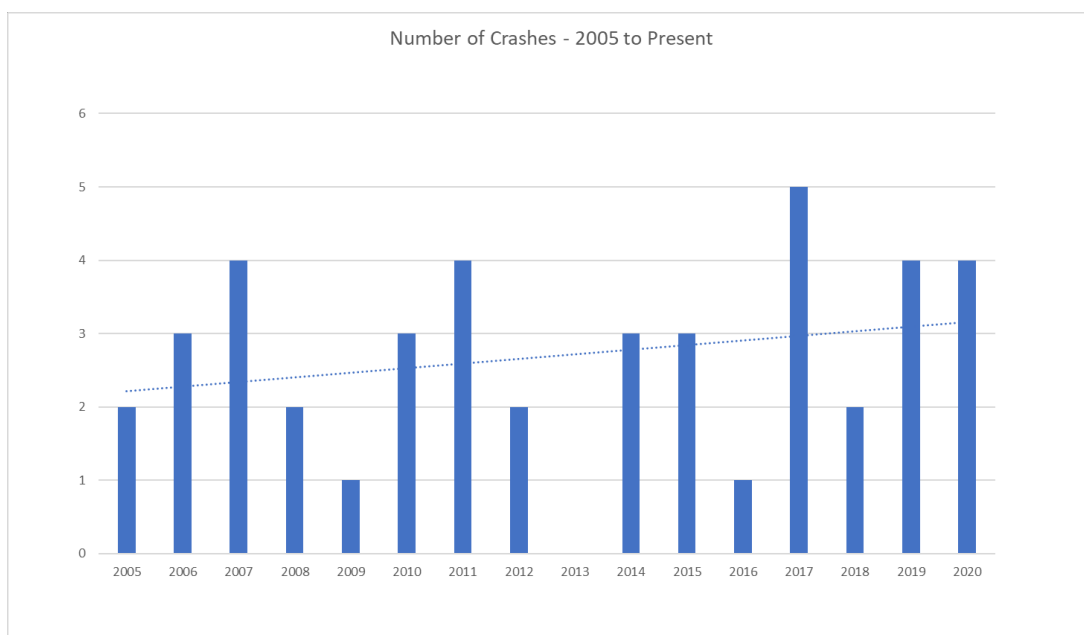
Table 2: Reported Crashes on Hill Street since 2018 (Source: Waka Kotahi)

172. I note that there have been no additional reported crashes at the intersection of Wesley Road and Langdale Drive, on Langdale Drive and in the vicinity (within 50 metres) of the new intersection of Fairrose Drive and Hill Street.

173. The crashes noted in Table 1 are outside the search area that was used for the crash analysis in the TIA. However, as part of considering the safety of the wider area other crashes were considered, which did not show any cause or movement factors that would suggest an inherent safety issue.
174. This submission and some others have expressed concerns over the general safety of Hill Street, its width and on-street parking. The more recent crash data is suggesting a trend in a particular type of crash factor being collision with parked vehicles. I note that this was not due to the road width but mostly sunstrike.
175. Of particular note is that most of the crashes have involved trucks or trailers, and one being an over dimension load.
176. Based on the nature of the crashes, it would appear that the increase in traffic flows along Hill Street is a result of the development of the Richmond South area, and some other factors on the wider road network are potentially leading to an emerging safety issue.
177. The proposed development will increase traffic along Hill Street, which is consistent with the residential zones of Richmond South, the arterial status of Hill Street and increases in new roads and accesses onto Hill Street.
178. With Hill Street being an important arterial road in the wider road network with increasing traffic, it would appear the time may have come for better parking management along the road. This would also be the opportunity to consider how speeds are managed along this road. As noted in the TIA, the operating speed is higher than the posted speed which needs to be considered as well. This does not meet Council's standards with regard to road management and the NTLDM.
179. The increase in traffic on Hill Street, the increased presence of parked vehicles on both sides of the road and the limited width of Hill Street should be addressed. This is a matter for Tasman District Council in their role to manage the changing road network arising from anticipated growth.
180. I note that while the development will increase traffic along Hill Street, this is notably less than what would occur from a standard residential subdivision. Furthermore, some of the land within the development site could also be more intensively subdivided under a more comprehensive residential development.
181. Housing for the older generation such as retirement villages, generates less traffic than typical residential developments. The Olive Estate homes, and the Care Facility will generate less traffic. Accordingly, the expansion of Olive Estate will have a lesser traffic effect than what could occur on this residentially zoned land.

182. It is unclear why McGurk thinks 2005 is a more appropriate point in time to take crash data from. To be helpful I have carried out a brief review of crashes on the road network in the vicinity of the development from 2005 to the present date. The search area included all crashes bounded by Harte Road, Hill Street, Chelsea Avenue. The intersections of Bateup Road/Wensley Road/Harte Road, Queen Street/Hill Street, Wensley Road/Chelsea Avenue and Wensley Road/Langdale Drive were also included.

183. **Graph 1** shows the results of this crash data search.



Graph 1: Reported Crashes 2005 to Present day (Source: Waka Kotahi)

184. As shown the number of reported crashes has steadily increased over time, based on the trendline. This is against a background of higher traffic growth. Most notably is the increase in traffic along Hill Street as a result of the significant development that has occurred in the last 3 to 5 years, which has not proportionally increased the number of crashes. This would suggest the road network is generally operating safer.

185. However, with the increase in traffic and with the expectation that this will continue with the ongoing expansion of the Richmond South area and other growth areas, it is reasonable to expect more vehicle interactions along Hill Street and the wider road network.

186. Tasman District Council will need to develop a strategy and provide physical improvements for the growth provided for within the TRMP. Such improvements might include the following:

- The introduction of a parking management plan for Hill Street.
 - The introduction of a roundabout at the intersection of Hill Street and Queen street.
 - Speed calming measures along Hill Street.
 - Traffic and speed management on Harte Road.
187. These measures are likely to be required regardless of the Olive Estate development, notably that this application generates less traffic than a typical subdivision on the development site as anticipated by the TRMP.
188. Any traffic related effects of the proposed development on Hill Street are less than what is already anticipated under the residential zone as set out ion the TRMP.

CONCLUSIONS

189. The proposed development will provide a continuation of the positive effects that already exist within the Olive Estate Village. The combination of road design with landscaping has a positive effect in reducing the operating speed within village and on all road users.
190. Changes were made to the design provided in the application which were targeted to address concerns raised by submitters. The main change was the removal of the service access from Brenda Lawson Way. The other changes have made no material difference to the traffic related effects for the development.
191. The proposed development provides an appropriate level of car parking on and off street for its demands and meet the requirements of the TRMP. As accepted in the Section 42A Report any on street effects are less than minor.
192. The traffic generated from the expanded Village is around the same levels as the original consent. This is due to the smaller Care Facility. Also, the expected flows from the development are less than what was anticipated under the residential zone and particularly at peak times.
193. The new intersection of Fairose Drive and Hill Street easily meets the best practice guides around providing a safe intersection with safe stopping distances easily exceeding accepted requirements. Council's Development Engineer, Me Ley, also has raised no concerns about the intersection form or location.
194. The proposed road layout for the extension to Fairose Drive meets the requirements of the NTLDM expect for the legal road width. Council is happy to accept the reduced width of new vested road.
195. The Section 42A report accepted that any traffic related effects are less than minor and can be mitigated.

196. The conditions of consent relating to traffic are largely accepted apart from the minor changes suggested in my evidence.
197. Overall, the traffic related effects of the application can be managed and are less than minor.
198. I am happy to answer any questions the Commissioners may have.

A handwritten signature in blue ink, appearing to read 'G.P. Clark'.

Gary Paul Clark

BEFORE THE HEARINGS COMMISSION FOR THE TASMAN DISTRICT
COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an Application for Resource Consent for the Olive

BY The Integrity Care Group Limited

STATEMENT OF EVIDENCE BY JEREMY WILLIAM TREVATHAN

10 FEBRUARY 2021

INTRODUCTION

- 1 My name is Jeremy Trevathan. I am an Acoustic Engineer and Director at Acoustic Engineering Services Limited, an acoustic engineering consultancy based in Christchurch.
- 2 I hold the degrees of Bachelor of Engineering with Honours and Doctor of Philosophy in Mechanical Engineering (Acoustics) from the University of Canterbury. I am an Associate of the New Zealand Planning Institute, and a Member of the Acoustical Society of New Zealand.
- 3 I have more than fourteen years' experience in the field of acoustic engineering consultancy and have been involved in a large number of environmental noise assessment projects throughout New Zealand. I have previously presented evidence at Council and Environment Court Hearings, and before Boards of Inquiry. I have acted on behalf of applicants, submitters, and as a peer reviewer for Councils.
- 4 Whilst this is not an Environment Court hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

BACKGROUND

- 5 In June 2019, my company was engaged by Integrity Care Group (the Applicant) to provide acoustic engineering advice in relation to a proposal to develop a care home on the Olive Estate Lifestyle Village site, in Richmond, Nelson.
- 6 My company prepared an Assessment of Environmental Noise Effects (AES file reference: AC19155 – 02 – R3), dated the 27th of June 2019. We also prepared a letter responding to Council RFI's (AES file reference: AC19155 – 04 – R1), dated the 16th of September 2019. These reports accompanied the Resource Consent application submitted to the Tasman District Council.
- 7 Subsequently the layout of the proposed care home was altered in response to concerns from submitters. The key change from an acoustics perspective was the removal of the access from Brenda Lawson Way, with all vehicles accessing the site via Fairose Drive.

SUMMARY OF ORIGINAL ANALYSIS

Acoustic criteria

8 Based on a review of the Tasman Resource Management Plan (TRMP), and other relevant guidance, I consider that compliance with the noise limits outlined in the Tasman Resource Management Plan will ensure that noise effects are minimal. These limits are:

Except in the Richmond West Development Area, noise generated by the activity, measured at or within the boundary of any site within the zone, other than the site from which the noise is generated, or at or within the notional boundary of a dwelling within any other zone, does not exceed:

	Day	Night
L_{eq}	55 dBA	40 dBA
L_{max}		70 dBA

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Night = All other times plus public holidays.

9 These limits are in line with current best practice in terms of the Standards referenced, and metrics used. When compared to World Health Organisation Guidance and NZS 6802:2008 recommendations, the Plan limits are however stringent with regard to the extent of the day and night time periods, with a longer night time period, and the fact that the night time limit applies all day on Sundays and public holidays.

10 I note that Affected Parties Approval (APA) has been received from 376 Hill Street, and therefore effects do not need to be considered at this property.

Expected noise levels

11 The main noise generating activity on the site is expected to be vehicles, the use of the external dining area, and mechanical plant.

Vehicles

12 The previous layout included access to the site provided by two access points – one from Fairrose Drive leading to a 29-space car park and main entrance,

and one to the north leading to a carpark on the lower level of northwest wing, and to a service / loading area adjacent to the central wing. All staff will access the site from Fairrose Drive.

- 13 Based on the predicted light vehicle traffic volumes, full compliance with the TRMP night-time noise limit of 40 dB LAeq was expected at all properties, apart from 376 Hill Street (which had provided APA) and 3 Brenda Lawson Way – where noise level of up to 46 dB LAeq were predicted between 1000 and 1500 hours, and up to 43 dB LAeq outside of these times. While this was an exceedance of the TRMP night-time noise levels, it was expected to occur infrequently, and noise level of less than 40 dB LAeq were expected at the façade of the dwelling itself. I therefore considered the noise effects to be minimal. As discussed below, this access has now been removed.
- 14 I understand goods and services vehicles will only access the site between 0900 and 1700 hours Monday to Saturday, with a peak flow of one truck per hour. With the trucks on the northern driveway, full compliance with the TRMP noise limits was expected at all of the neighbouring property boundaries.

Dining activities

- 15 I understand that based on the operators experience, the outdoor deck is not expected to be used frequently for dining. The Applicant has therefore proposed to limit the use of the deck for dining activities, and to keep the sliding doors closed outside of the TRMP 'daytime' noise period.
- 16 Noise levels of up to 48 dB LAeq are expected at the nearest neighbouring property due to use of the deck for outdoor dining. Full compliance with the TRMP noise limits is therefore expected at all neighbouring properties, and I expect the associated noise effects to be minimal.

Mechanical plant

- 17 The mechanical plant design is still be developed; however, I understand that the main items of plant will be located centrally on the roof. In this situation, I expect it is realistic for the mechanical plant to fully comply with the TRMP noise limits. A condition of consent has been proposed requiring a review of the plant in due course to ensure that the cumulative noise levels from the site (including mechanical plant) do not exceed the TRMP noise limits. This is common practice.

RELEVANT CHANGES TO THE APPLICATION

18 Since our original assessment, the overall layout has been altered in response to submitter's concerns. The changes that would be expected to have some influence on the noise levels to our original assessment are as follows:

- The removal of the access road to the service area and residence garages from Brenda Lawson Way, and subsequently the acoustic fence along this boundary.
- Update of the Fairose Drive carpark to have a shared entry/exit point, with an increase in carparks from 28 to 30, and new access ramp to residence garages.
- Reduced the outdoor dining deck area

I have updated our analysis as described below.

Vehicles

19 All vehicles accessing the site will now enter / exit via Fairose Drive. The most concentrated periods of light vehicle activity are expected to occur during staff shift changes. I understand that these will likely occur around the following times:

- 0600 – 0715 hours
- 1400 – 1530 hours (main shift)
- 2200 – 2315 hours

20 Based on advice from the traffic engineer, up to 55 vehicle trips per hour could be expected during the main shift, with less during the other changes.

21 Based on the location of the carpark relative to the neighbouring dwellings, even if half of the worst-case hour traffic volumes occurred during a 15-minute period (i.e. 28 vehicles) noise levels would be less than 40 dB LAeq at all neighbouring properties, apart from at the 376 Hill Street boundary. Therefore, full compliance with the TRMP noise limits is expected at all neighbouring properties at all times, apart from 376 Hill Street, which has provided affected parties approval.

22 It is now proposed that service vehicles enter and exit the site via Fairose Drive. These movements will only occur between 0900 and 1700 hours Monday to Saturday, with a peak flow of one truck visiting the site per hour. Resulting noise levels of less than 55 dB LAeq are expected from this activity

at all neighbouring properties, apart from 376 Hill Street where noise levels of up to 58 dB LAeq are expected.

- 23 With the proposed deck design located further away from Brenda Lawson Way, full compliance with the TRMP daytime noise limit of 55 dB LAeq is still expected at all neighbouring properties, and I would still expect the effects to be minimal.
- 24 I understand that there is concern that the dining area and associated outdoor area will be used for entertainment and group activities. If this was to occur, I would still expect full compliance with the daytime noise limits to be comfortably achieved. However, to provide further assurance that this aspect of the activity is appropriately managed, a Noise Management Plan should be developed for the facility which outlines processes and expectations to ensure appropriate consideration of neighbours.

SUBMISSIONS

- 25 I have reviewed the opposing submissions which mention noise. I note that a number of the submitters were concerned about the service access road onto Brenda Lawson Way, which has since been relocated. A number of other submitters raised issues which have been covered in my evidence above, including:

- Staff parking, particularly the shift changeovers
- Early morning service deliveries
- Dining area being used for entertainment and group activities
- Mechanical plant

I have discussed the remaining issues below.

- 26 Mr Rickerby is concerned about the noise from the dementia unit located in the wing adjoining Hill Street. The properties on the other side of Hill Street are 40 metres from the dementia wing, and the 3 Brenda Lawson Way property boundary is at least 14 metres from the building, with the dwelling more than 20 metres away. I have been involved with other projects where the potential noise from dementia patients was a concern, with similar setbacks to residential neighbours. In reality these areas of the facility are carefully managed, and I am not aware of any situation where this has subsequently been a source of concern. Management processes specific to the dementia unit could be captured in the Noise Management Plan I have recommended above.

- 27 Ms Sullivan at 28 Fawdon Way has expressed concerns about noise from people on the first floor balconies overlooking her property, and the noise from construction. As above, the development will comfortably comply with the TRMP noise limits, and the overarching management structure means that there is less likelihood of occasional nuisance noise than a situation with typical residential neighbours. The Noise Management Plan could however include specific requirements around the considerate use of elevated balconies.
- 28 With regard to construction noise – as discussed below the drafting of a Construction Noise Management Plan and compliance with the noise limits outlined in New Zealand Standard 6803:1999 are best practice for the management of construction noise effects. I expect that given the setbacks available and likely construction methodologies it is realistic for construction work in this case to comply with the limits outlined in NZS6803, and any construction noise effects will be minimal.

COMMENTS ON COUNCIL OFFICERS REPORT

- 29 Ms Lancashire has produced a section 42A report relating to the application for consent, to assist the Commissioners.
- 30 Ms Lancashire considers that *'the most significant measure that will mitigate the effects of the CFB on the amenity values of the area has been achieved by removing the proposed service lane onto Brenda Lawson Way. This has resolved one of the key matters of contention that was identified in a number of the submissions in opposition to the proposal. It is also assumed that this will have brought the development into compliance with the permitted daytime and night time noise standards of the TRMP (but this needs to be confirmed by the applicant).'*
- 31 As I have described above, with the change in layout, full compliance with the daytime and night time TRMP noise standards are expected at all properties apart from 376 Hill Street which has provided APA.
- 32 Ms Lancashire does not provide a specific discussion of noise effects; however, she concludes that the overall environmental effects of the care facility development are minor and can be appropriately mitigated through appropriate conditions of consent.
- 33 I have reviewed the conditions recommended by Ms Lancashire and have the following minor observations:

- a. Proposed Conditions 22 and 23 relate to the noise limits for the site. Condition 22 relates to the activities from the overall site, whereas Condition 23 only relates to mechanical plant. There is some potential redundancy or confusion between these two noise limit conditions. Condition 22 could be amended to mention mechanical plant if that was considered necessary, and Condition 23 could then be reworded to require the mechanical plant design to be reviewed prior to Building Consent to ensure that it complies with the noise limits outlined in Condition 22.
- b. Currently, the management of noise during construction falls to Condition 24 which requires a Construction Management Plan. As construction noise has been identified as a concern by neighbours, as above it would be in line with good practice to include a requirement for a dedicated Construction Noise Management Plan for the site, ensuring that the construction is undertaken in line with NZS6803:1999.

CONCLUSIONS

- 34 Compliance with the noise limits outlined in the Tasman Resource Management Plan will ensure that the noise effects associated with the proposed facility are minimal.
- 35 I have reviewed the noise likely to be associated with the proposed care facility and concluded that:
 - a. While the mechanical plant design is still be developed it is realistic for the mechanical plant to fully comply with the TRMP noise limits. A condition of consent has been proposed requiring a review of the plant in due course to ensure that the cumulative noise levels from the site comply with the TRMP noise limits.
 - b. Based on the location of the carpark relative to the neighbouring dwellings, even for worst-case traffic volumes noise levels will be less than 40 dB LAeq at all neighbouring properties, apart from at 376 Hill Street (which has provided Affected Persons Approval) boundary.
 - c. Service vehicles will enter and exit the site via Fairrose Drive, and only between 0900 and 1700 hours Monday to Saturday. Resulting noise levels of less than 55 dB LAeq are expected from this activity at all neighbouring properties, apart from 376 Hill Street.

- d. The use of the deck for dining activities will be limited to the TRMP 'daytime' hours, and I expect these activities can fully comply with the TRMP daytime noise limits.
- 36 A Noise Management Plan should be developed for the facility which outlines processes and expectations to ensure appropriate consideration of neighbours. Specific issues which should be covered include the use of any outdoor areas used for entertainment and group activities, management of the dementia unit and noise generated on elevated balconies.
- 37 Construction noise is expected to be able to be managed in line with best practice to ensure compliance with the limit outlined in NZS 6803.
- 38 Based on the above I expect the noise effects of the proposal to be minimal.



Dr Jeremy Trevathan
Ph.D. B.E.(Hons.) Assoc. NZPI®
Principal Acoustic Engineer
Acoustic Engineering Services

BEFORE THE TASMAN DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
(Applicant)

And in respect of proposed changes to the existing retirement village (Olive Estate Lifestyle Village) at Lakehouse Crescent, and a proposed extension of on to a site at Hill Street, Richmond

EVIDENCE OF CHRISTOPHER WARD

Dated this 10 February 2021

QUALIFICATIONS AND EXPERIENCE

- 1 My name is Christopher Walter Ward.
- 2 I am the Managing Director of Policy Works Limited, a consultancy company that specialises in working with local government to deliver community outcomes. I have over 12 years' experience working in and with local government.
- 3 I graduated with distinction in 1997 with a Master's Degree in Environmental Management from the University of Stirling.
- 4 In 2009 I joined Nelson City Council as a Community Policy Advisor. My work included the development of Reserve Management Plans and development of policy for Saxton Field Sportsground.
- 5 In 2011 I was employed by Nelson City Council as Manager Strategic Response. I managed a team of 11 policy and planning advisors that worked across all Council activities, including RMA plan changes; Parks and Reserves policy; and development of Asset/Activity Management Plans.
- 6 In 2013 I was employed by the Nelson City Council as Manager Environmental Programmes – responsible for the delivery of non-regulatory projects and programmes to meet Council's environmental outcomes.
- 7 In 2014 I was appointed as Group Manger Community Services, with overall responsibility for delivering the Council's Long Term Plan work programme for Community Development, Parks and Reserves, Libraries, Festivals and Heritage. I managed the business of both the Sports and Recreation Committee and the Community Services Committee.
- 8 I established Policy Works Limited in 2018. Since then, I have worked with a number of councils and other agencies to provide strategic advice, policy direction and options assessments aimed at delivering better outcomes for communities.
- 9 In preparing this evidence I have relied on:
 - (a) a site visit to the Olive Estate Lifestyle Village development area;
 - (b) review of relevant Tasman District Council's planning and policy documents and Council reports.

CODE OF CONDUCT

10 Although not required for this hearing, I confirm that I have read and agree to be bound by the Environment Court Code of Conduct for Expert Witnesses and confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence. The evidence I give is within my expertise.

SCOPE OF EVIDENCE

11 I have been engaged by Integrity Care Group Limited, owners of the Olive Estate Lifestyle Village, to review proposals for the provision of green space within the Village development by the owner instead of vesting a public reserve in Tasman District Council.

12 I will restrict my comments to the Local Government Policy Framework and the relevant content of the Officers Report.

LOCAL GOVERNMENT POLICY FRAMEWORK

13 The Local Government Act 2002 (LGA02) sets out the purpose of local government, which is:¹

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

14 The LGA is not prescriptive about how councils should achieve (b). Councils have the ability to deliver services and facilities themselves, to contract these out, or to work with others in the community to deliver the desired outcomes.

15 Under LGA02, every three years councils have to develop a Long Term Plan (LTP) which sets out their work programme and priorities for the following ten years. Tasman District Council's current LTP was approved in 2018.

16 The LTP contains a vision, mission and a set of community outcomes that are the goals the Council seeks to achieve as follows:²

Vision: Thriving Communities Enjoying the Tasman Lifestyle

Mission: To Enhance Community Well-Being and Quality of Life

¹ LGA02, s 10.

² Tasman District Council Long Term Plan 2018-28.

Outcomes:

- 1. Our unique natural environment is healthy and protected.*
- 2. Our urban and rural environments are people-friendly, well-planned and sustainably managed.*
- 3. Our infrastructure is efficient, cost-effective and meets current and future needs.*
- 4. Our communities are healthy, safe, inclusive and resilient.*
- 5. Our communities have opportunities to celebrate and explore their heritage, identity and creativity.*
- 6. Our communities have access to a range of social, educational and recreational facilities and activities.*
- 7. Our Council provides leadership and fosters partnerships, a regional perspective and community engagement.*
- 8. Our region is supported by an innovative and sustainable economy.*

17 The Olive Estate proposal delivers many of these outcomes, as it:

- Provides a well-planned, people-friendly community environment
- Makes private infrastructure available for use by the general public, delivering cost-effectiveness for the Council
- Provides a range of active recreation opportunities for the community, enhancing wellbeing
- Delivers a partnership approach to support an innovative and sustainable contribution to the local economy

18 Sitting underneath the LTP is a series of policy and planning documents that provide more detail on how the Council intends to deliver the identified work programme.

19 The following are of relevance to this evidence:

- Tasman District Council Reserves and Facilities Activity Management Plan 2018
- Tasman District Council Open Space Strategy 2014
- Tasman District Council Age-Friendly Policy 2019

20 The Council also deals with specific issues as they arise through Council reports. The following report is referenced in this evidence:

- Tasman District Council report RCD19-04-2 'Levels of Service Report' 04 April 2019.

TASMAN DISTRICT COUNCIL RESERVES AND FACILITIES ACTIVITY MANAGEMENT PLAN 2018

21 Tasman District Council Reserves and Facilities Activity Management Plan 2018 describes the strategies and work programmes for the Council's reserves and facilities activity.

22 The Activity Management Plan sets out the Levels of Service that will be provided by the Council to its community. The Level of Service relating to open space provision is identified as:

An interconnected open space network and recreation facilities that provide a range of leisure opportunities and meet the needs of users and the community

23 There are two relevant measures identified:³

- *The total area of park land provided by Council exceeds the minimum of 4 ha per 1000 residents required by the Tasman Resource Management Plan*
- *At least 85% of properties zoned Residential are located within 500 meters of open space*

24 The area of park "space" across the district, as of 30 June 2018, was 15.8 ha per 1000 residents, 11.8 ha per 1000 residents more than the Levels of Service performance measure.⁴

25 The Activity Management Plan identifies that it is meeting the performance measure that 85% of properties zoned Residential are located within 500 metres of open space. For those properties not within 500 metres of a Council reserve, Council has identified alternative open space, e.g., school grounds, that can be used by the community.

26 Under its current performance measures, there is no requirement for Tasman District Council to provide a new public open space area.

³ Tasman District Council Reserves and Facilities Activity Management Plan 2018, page 32-33.

⁴ This performance measure is taken from the Tasman Resource Management Plan, Policy 14.1.3.1.

TASMAN DISTRICT COUNCIL OPEN SPACE STRATEGY 2015-2025

27 The Tasman District Council Open Space Strategy defines open space as:⁵

Areas of land or water that the public has a level of free physical or visual access. This includes 'green spaces' such as parks, reserves, walkways and cycleways, and estuaries, the sea, harbours, coast, streams and rivers, and their margins.

28 It goes on to state:

... it is recognised that privately owned open space also makes a considerable contribution to the development of an open space network.

29 The strategy identifies that a survey of residents found walkways and cycleways were the most frequently visited setting with 44% of respondents using them once a week or more. Local or neighbourhood parks, although probably the most accessible open space setting considered by the study, were visited less frequently (44% visited at least 1 to 2 times a month) than rural recreation settings (57%).⁶

30 The Vision for the Open Space Strategy is:⁷

Tasman is a wonderful place to live and visit. A key component – the region's comprehensive network of well-managed open spaces – is highly valued by residents and visitors alike.

31 In relation to managing the quantity of open space in the District, the Strategy states:⁸

The Tasman District is renowned for its peri-urban, rural and coastal areas of open space, and investing in these, rather than small urban reserves may provide greater benefit for all residents.

32 In my opinion, the proposal by Integrity Care Group Limited is entirely consistent with the Vision and Policy outlined in the Council's Open Space Strategy. The proposed green space provides the public with a level of free physical and visual access and it contributes to the wider network of open spaces, and does not "need" to be owned by Council i.e., it is achieved in any event. What is proposed is wholly consistent with Council's vision, outcome and strategy.

⁵ Tasman District Council Open Space Strategy, page 9.

⁶ p42.

⁷ p21.

⁸ p23.

THE LANGDALE DRIVE PETITION

- 33 On 13 December 2018 a petition, with 175 signatures supporting a reserve on Lot 57 (corner of Langdale Drive and Stedyl Crescent, Richmond, approx. 160 m from the entrance to the village), was delivered to Tasman District Council’s Community Development Committee.
- 34 The Community Development Committee received a report on the issues raised by the petition on 04 April 2019. It reviewed the Levels of Service as they applied to the Richmond Ward. The report states:⁹

The accessibility level of service requires at least 85% of properties zoned Residential to be within 500 m of open space ...

The performance measure of 85% does enable some gaps and, in most cases, there are school grounds or other open space areas that offset the shortfall ...

Analysis of reserve provision in the Richmond settlement area shows that the 500 m proximity to open space is achieved in the entire residential area except for a small gap in the vicinity of Roeske Street. (emphasis added)

- 35 The report included a map of Richmond showing the extent of coverage of reserves. I have attached this as appendix 1a. I have also added a 500 m radius to the site of the indicative reserve (appendix 1b).
- 36 The report notes that gaps in coverage can be provided by school grounds or other open spaces.¹⁰ I consider that the Olive Estate proposal provides an ‘other open space’.
- 37 The report concludes:¹¹

The current policy framework for open space provision and accessibility in Tasman are soundly based and are being achieved. The levels of service are consistent with those of other New Zealand local authorities.

SOCIAL WELLBEING OUTCOMES

- 38 The Tasman District Council Reserves and Facilities Activity Management Plan 2018 states:

The provision of open spaces and recreational facilities contributes to the development of healthy, active, functioning communities. Council recognises that

⁹ paras 4.5-4.6.

¹⁰ para 4.5.

¹¹ para 10.1.

it plays a key role in creating the environment in which communities can prosper and enjoy improved health and wellbeing. We therefore aim 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.

39 This is consistent with the ‘social wellbeing’ outcome identified by LGA02.

40 The Vision from Tasman District Council’s Age-Friendly Policy¹² is:

The Tasman District will be a vibrant age-friendly community where older people are valued, visible and socially connected. Council services, activities and housing will be accessible and affordable.

41 Its guiding principles¹³ include:

- *Make provision for the ageing population in our strategic plans, recognising that the key issues (social connection, accessibility and affordability) are interconnected.*
- *Recognise that an age-friendly community is one that almost always works for everyone.*
- *Focus on areas which align with the purpose of local government, as defined in the Local Government Act.*
- *Recognise that there are already a great number of services and facilities that provide positive outcomes for older people, which the Policy will build on and promote.*

42 Olive Estate Lifestyle Village’s focus is catering for the needs and expectations of people aged over 55. The entire development is designed to provide age-friendly facilities. The proposal to open green spaces for public access enhances social connection and accessibility, and so contributes to enhancing the social wellbeing of Tasman District residents. There is no need for the space to be vested in, and owned by Council, for it to be “provided” or made available to the public.

43 Walking is one of the most popular forms of activity for older adults. Olive Estate Lifestyle Village already provides a well-designed walkway network with multiple green spaces, a pétanque court, community gardens, a children’s play area and a large pond.

¹² p4.

¹³ p4.

All are landscaped to a high quality. The proposal to further extend this green walkway network will further enhance the wellbeing of the users.

RESERVES PLANNING CONSULTATION

- 44 One of the key factors that Councils need to take into consideration when planning facilities is: what are the needs and views of the local community?
- 45 Need is assessed by looking at the demographics of the relevant community, identifying issues facing that demographic and options for addressing those issues. Consultation is then scaled to the level of the issue – for district wide issues, such as the draft LTP, all residents should have the opportunity to have their say. For local issues, such as planning for a local park, the consultation may be restricted to those living in the immediate vicinity of the proposal.
- 46 Olive Estate Lifestyle Village caters to the over 55s. It currently has 218 residents with an average age of 74. This number will increase if the proposed development goes ahead. Given the location of the requested indicative reserve, it would seem that the majority of the need for the park would be generated by residents of the Village.
- 47 The need would therefore be identified as facilities for older adults to remain connected and stay active. It is unlikely that a rectangular grassed reserve would be identified as a preferred option for this demographic. Instead, a series of connected green areas with seating and other activities, as is proposed by Olive Estates, would, in my opinion, better meet the need.
- 48 Any consultation would focus on people in the Village and some surrounding streets. In my opinion it is highly likely that, given the choices, the residents of the Village would support the green network approach.

OFFICER'S REPORT

- 49 Attachment 4 to the Officer's Report includes a report on 'Integrity Care Group – Provision of Reserves' by Rosalind Squire.
- 50 In her assessment¹⁴, she states that '*The location and size of the indicative reserve in the TRMP provides a clear indication that a reserve is recommended in this area in order for Council to meet its levels of service for reserve provision in the area.*' I imagine that may have been the expectation when the TRMP was drafted, namely that the land would be developed as a standard residential subdivision, but that is not what has happened. That said, Olive Estate Lifestyle Village is making the land available,

¹⁴ p15.

to the extent the public may wish to access it, but that is by choice, not because of any 'need', actual or perceived.

- 51 As I have identified previously, Council's RCD19-04-2 'Levels of Service Report', and Council's Activity Management Plan both state that Levels of Service for Richmond are currently being met (with the exception of Roeske Street).
- 52 The map provided¹⁵ omits some of the reserves which were included in the Council Report.¹⁶ It has not identified Hart Road Reserve Walkway, Olympus Way Reserve Jimmy Lee Creek Reserve or Selbourne Avenue/Cropp Place Reserve. Those omissions rather lead her to an unsupported conclusion – if one adds the areas covered by these Reserves, then it is clear that greenspace is well provided for in the near vicinity and beyond.
- 53 Ms Squire's report acknowledges that land is being offered by Olive Estate for public use, 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 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 made available so that it would be consistent with the construction and operational schedule.
- 54 I note the high standard of design and maintenance of the existing network, which exceeds that of nearby public reserves (e.g. Chelsea Avenue Reserve and Hart Reserve). I have attached photographs (appendix 2a; b; c) which show these reserves and some of the existing landscaping in Olive Estate.
- 55 The Council's Reserves and Facilities Management Plan 2018¹⁷ shows that the its cumulative renewal expenditure is forecast to be less than its cumulative depreciation over the next 15 years. This is likely to lead to existing open space assets, such as open space areas being run down rather than improved over that timeframe.
- 56 With regard to the other conditions; (b) is not dissimilar from the rights the general public have if they are being subject to anti-social behaviour and nuisance and

¹⁵ p16, figure 9.

¹⁶ appendix 1a.

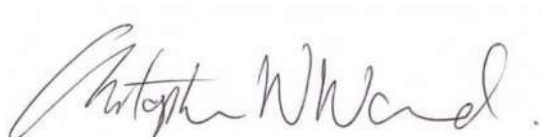
¹⁷ p69-70.

condition (c) is consistent with the approach taken by Councils to ensure people's health and safety whilst work is being undertaken on a reserve.

CONCLUSION

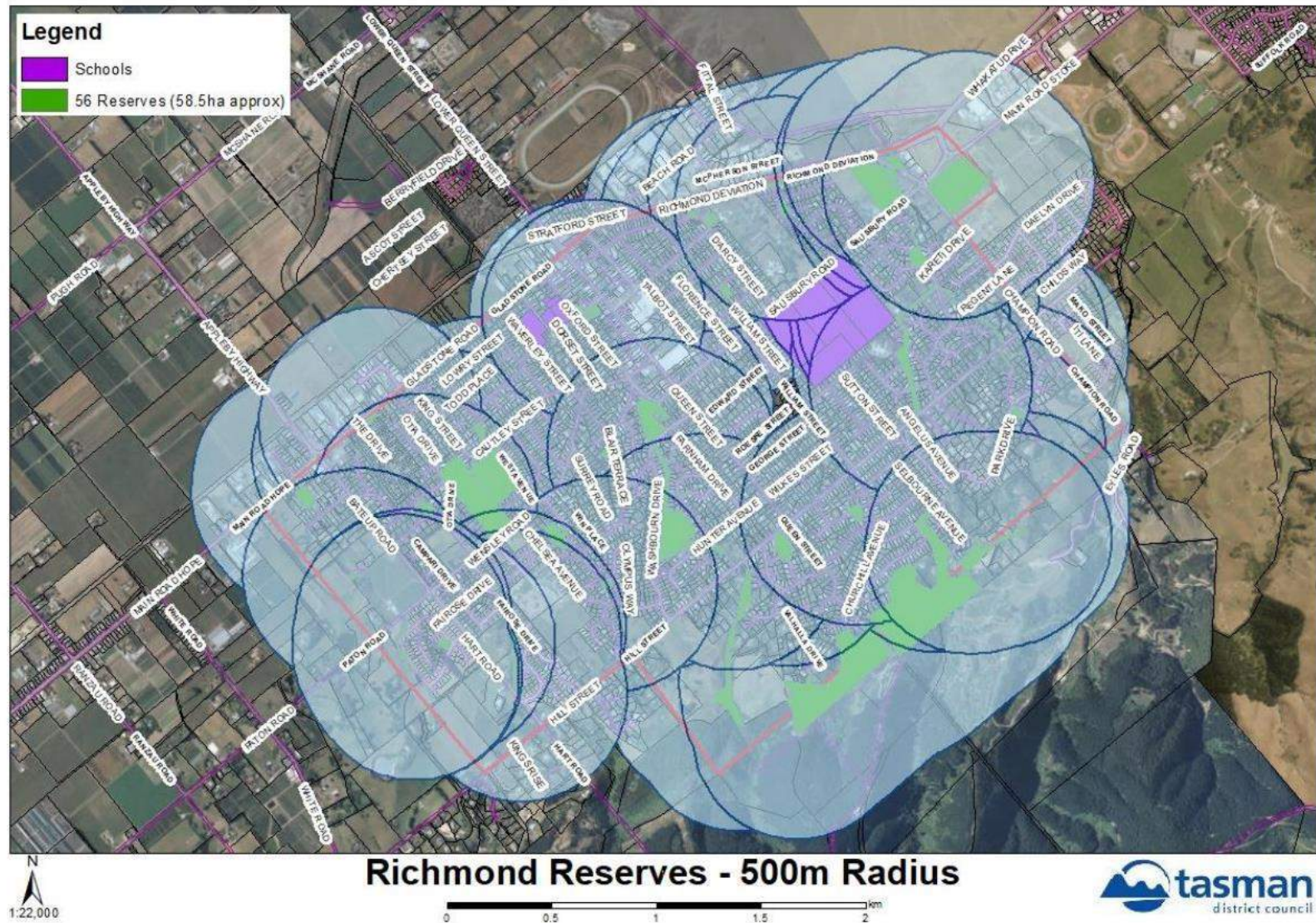
- 57 There is no requirement on Council to provide additional vested reserve in this part of Richmond nor any need for it in this location. It currently provides 15.8 ha per 1000 population, 11.8 ha more than its Level of Service.
- 58 Mapping analysis, provided in a Council Report, shows that the addition of a new reserve would not increase the number of properties to be within 500 m of open space.
- 59 I believe that the proposed approach will deliver better outcomes for the local community than the installation of a standard vested Council reserve. Olive Estate has higher maintenance and design standards than the Council has delivered in other local reserves, and the community receives significant benefits from the proposal at no cost to the Council.
- 60 Improved signage should be installed at public access points to encourage the wider community to access and use the space.

Dated this 10th day of February 2021

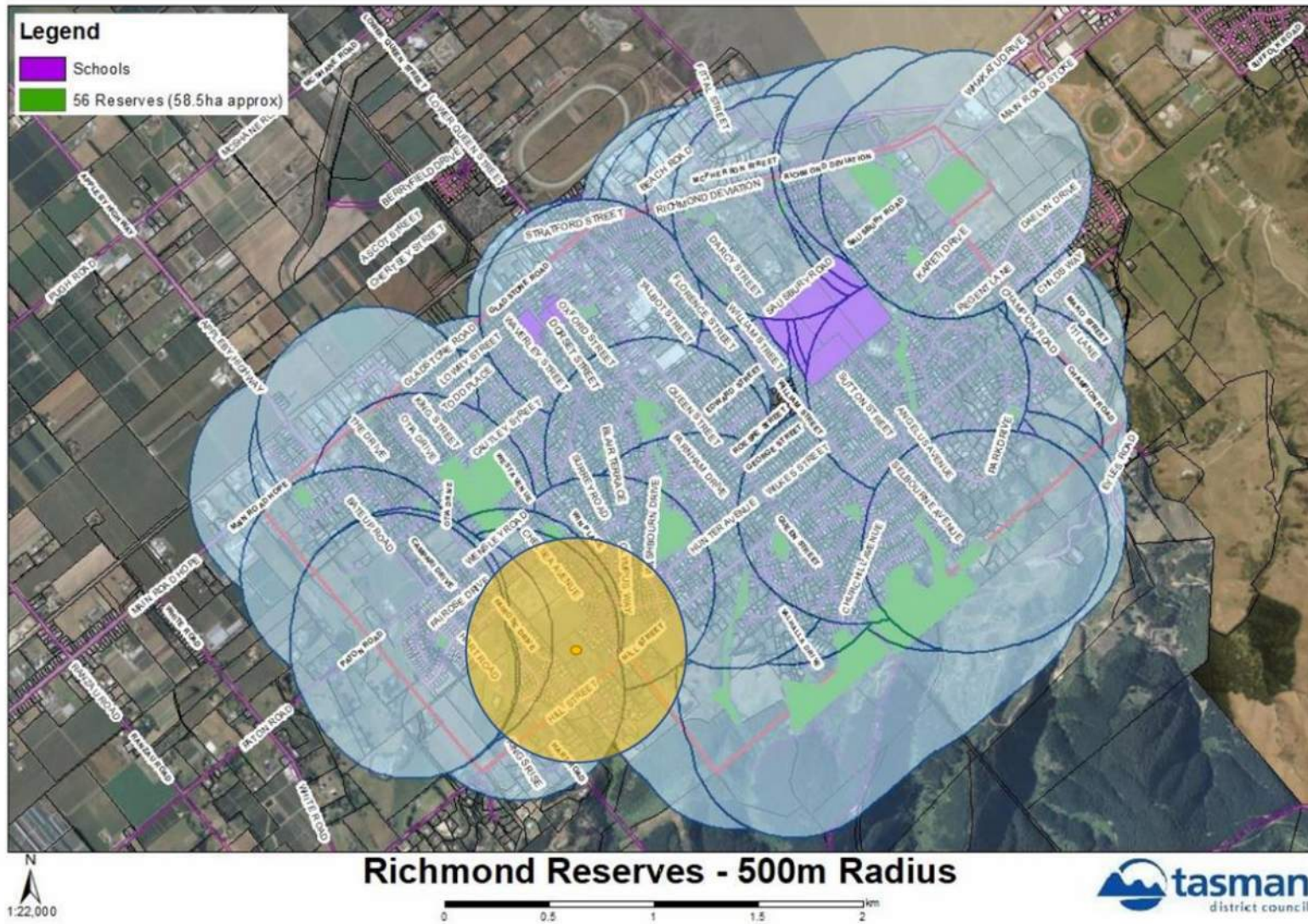


.....
Christopher Ward

Appendix 1a: Map taken from Tasman District Council Report RCD19-04-2 'Levels of Service Report' 04 April 2019.



Appendix 1b: Map taken from Tasman District Council Report RCD19-04-2 'Levels of Service Report' 04 April 2019 with shaded (orange) area showing 500 m radius from area shown as indicative reserve



Appendix 2a: Hart Reserve



Hart Reserve – improvised BMX track



Hart Reserve – walkway



Appendix 2b: Chelsea Avenue Reserve



Chelsea Avenue Reserve



Chelsea Avenue Reserve



Appendix 2c: Olive Estate – pond area



Olive Estate – landscaping



Olive Estate – play area



Olive Estate – pétanque court and community garden



BEFORE THE TASMAN DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of Resource Consent Applications RM120928V2 (land use change of conditions), RM190790 (land use), RM190789 (subdivision), RM190791 (land disturbance), and RM191308 (water permit)

By The Integrity Care Group Limited
(Applicant)

And in respect of proposed changes to the existing retirement village (Olive Estate Lifestyle Village) at Lakehouse Crescent, and a proposed extension of onto a site at Hill Street, Richmond

EVIDENCE OF GARY RAE ON BEHALF OF THE APPLICANT

10 February 2021

INTRODUCTION

- 1 My name is Gary Rae. I am a director of my own planning practice, Gary Rae Consulting Limited.
- 2 I have worked in the planning and resource management field since 1984. I hold a Bachelor of Science degree in Geography, and a Diploma of Town Planning.
- 3 I am a full Member of the New Zealand Planning Institute. I was awarded a Best Practice Award by NZPI in 2012 for the Port Nelson Noise Project. I served on the Board of the NZPI from 2015 - 2018.
- 4 I am a practicing Hearings Commissioner, and hold a current Chairing Endorsement through the *Making Good Decisions* programme. I have acted as Commissioner on more than 70 occasions. My recent roles have included the Dunedin City Council 2GP District Plan Review hearings; Shelly Bay SHA Hearings Committee; Private Plan Change 13 for a 900-lot residential subdivision in Cromwell; and redevelopment of the Cadbury site for the new Dunedin hospital. I am a Commissioner for Selwyn District Council's Plan Review.
- 5 My career as a planner has involved roles in central government, local government and private practice, including planning and management positions with Wellington City Council, Christchurch City Council, Works Consultancy Services, and the former Transit New Zealand.
- 6 Since 2001, I have been based in the Nelson/Tasman region but have worked mainly in other regions. In recent years, my work in Nelson/Tasman has included:
 - 6.1 Preparation of a private plan change for the new Richmond North Commercial zone at Salisbury Road/Champion Road (which is currently being developed for a new supermarket);
 - 6.2 Commissioner roles for the National Cycle Trail across the Waimea Estuary; new commercial zone at Three Brothers Corner; sewer pipelines to Bells Island; multi-lot subdivision at Champion Road, multi-unit housing at Weka Street; and the Nelson Suter Art Gallery redevelopment.
7. I have been involved in the development of Olive Estate Lifestyle Village (**Olive Estate**) since its inception, and I prepared the original applications for resource

consent which were lodged in 2013. I presented planning evidence in support of those applications, which culminated in resource consent being granted in March 2014. Since then, I have prepared applications for minor variations to the consent.

CODE OF CONDUCT STATEMENT

8. I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Note. I agree to comply with the Code and am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence. I understand that I have an overriding duty to assist the hearing in an impartial manner and that I am not an advocate for the party which has engaged me.

MY INVOLVEMENT IN THIS PROPOSAL

9. The Integrity Care Group is now seeking consent for an extension of Olive Estate onto an adjoining site with frontage to Hill Street, Richmond, which will include a new Care Facility and additional villas and terrace houses. The proposal also involves changes to the existing development, including replacing the consented Care Facility with new villas and terrace houses.
10. I was retained by the Applicant to provide advice with regard to this proposal. In undertaking this commission, I have:
 - 10.1 Been a key member of Olive Estate's design team;
 - 10.2 Liaised with the planners and other staff at TDC;
 - 10.3 Attended and presented the proposal at a public meeting held at Olive Estate's Lake House on 19 September 2019;
 - 10.4 Prepared the applications for resource consent and the Assessment of Environmental Effects (**AEE**) dated 28 June 2019; and
 - 10.5 Reviewed the issues raised in submissions and the report of the Reporting Officer, and provided advice to the applicant team accordingly.
11. In carrying out these tasks I have visited the site on several occasions.

SCOPE AND STRUCTURE OF EVIDENCE

12. In preparing the Assessment of Effects on the Environment (**AEE**) I provided a comprehensive description of the application, site and environs; an assessment of the relevant rules, objectives and policies; and an assessment of effects on the environment based on the relevant assessment criteria in the Tasman Resource Management Plan (**TRMP**).
13. On my reading, the section 42A report of Ms Lancashire is in substantial agreement with much of that Assessment. Our main difference is around the way we have each assessed the reserves issue, and the weighting of that issue in our overall evaluations. I will assist the Commissioners by confirming areas where we are in agreement and some other areas where we are not totally aligned.
14. I will provide a brief summary of the proposal and the process that has resulted in changes to the design. I will summarise the key planning issues contained in the AEE, including the relevant objectives and policies of the TRMP and other statutory documents.

Specific matters addressed in this evidence are:

- 14.1 Description of the application (as notified);
- 14.2 Amendments to the application;
- 14.3 Key issues (as identified in the section 42A Report);
- 14.4 Other Matters;
- 14.5 Part 2 and overall evaluation; and
- 14.6 Recommended conditions.

THE PROPOSAL

Applications

15. The proposal entails a suite of resource consent applications, as follows:
 - 15.1 Land use consent – change of conditions of RM120928V1 for the existing village to allow for the relocation of the Care Facility and the construction of additional residential units and an amended site layout;
 - 15.2 Land use consent – to construct a compact density development comprising residential villas and apartments, and a community activity (care facility), on the Hill Street block¹;
 - 15.3 Subdivision consent – a boundary adjustment to provide for the care facility on Lot 6 and to amalgamate Lots 5, 7 and 8 with Lots 2 and 3 of the existing development, and to create a new Lot 9 to vest as road (extension of Fairrose Drive) including consent for subdivision under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
 - 15.4 Land disturbance consent – to undertake bulk earthworks in association with the construction of a compact density development and care facility including de-commissioning and filling a pond; and
 - 15.5 Water permit - for de-watering a pond.

Activity Status

16. The TRMP does not provide specifically for retirement villages. The application for land use consent was lodged for a 'community activity', as that was how the original application for Olive Estate had been assessed, and consented, by TDC in 2014.
17. The section 42A Report disagrees with that and considers the activity status needs to be assessed as both a 'community activity' and as a 'compact density

¹ The public notice also included a reference to the application being "without the provision of the public reserve indicated in the TRMP".

development (**CDD**). On a similar vein, the section 42A report states the assessment of relevant rules in the application does not address the correct activity descriptions (i.e. CDD). As a result, the author 'mostly agrees', but provides a different assessment to the applicant's assessment².

18. I now wish to dispel any doubts the Commissioners may have had, from reading the section 42A Report, that the applicant has not correctly assessed the relevant definitions, activity status, and relevant rules.
19. The section 42A Report has not mentioned the Request for Further Information (**RFI**) process, through which the applicant had provided a full assessment of all relevant definitions and rules. It was through that process the applicant had suggested this activity would be most appropriately defined as both a 'community activity' and a 'CDD'³.
20. The applicant had also provided, through that process, an assessment of the relevant rules including those for CDD. The section 42A Report does not appear to have included all of the relevant rules for CDD in its Table 2, and so I have attached my Table 2A at the end of my evidence (and incidentally that shows compliance with all performance standards rules except 17.1.3.3(g)(a) for height of fences).
21. From that there appears to be no disagreement between the Reporting Officer and I on either the way the activity is to be classified (i.e. as a community activity and CDD), or as to the activity status (applying the 'bundling principle' it is overall to be assessed as a discretionary activity). I note that the TRMP does provide for some components of this proposal as a controlled activity (land disturbance and water take), and a restricted discretionary activity (the Care Facility), and later in my evidence I have made some references to that where relevant.

Description of Proposal

22. The AEE describes the Site and Environs, in Section 2. Section 3 describes the Background (including the design philosophy, and the history of resource consents granted to date). Section 4 describes the proposed development and its components under separate sub-headings for the land use consents; the

² Section 42A Report, para 5.4

³ Response to RFI, letter dated 12 November 2019

subdivision consent; and the land disturbance consent. I do not duplicate that material in my evidence, and I consider the section 42A Report accurately summarises the various aspects of the proposal⁴. I am therefore happy to answer any questions of clarification that may arise at the hearing.

23. I will however emphasise the following points:

23.1 Olive Estate has been under development for a number of years, and despite being located in an area that was historically a rural area this site now sits squarely within the Residential Zone of the TRMP, in an area experiencing considerable new residential development.

23.2 Olive Estate is not a standard residential development, however at essence it provides a facility to house and care for a large number of those people in our community aged 55 years and above, and it does so by providing a wide range, and interesting mix, of housing types and designs.

23.3 Olive Estate is a fully integrated development, in terms of:

(a) The internal layout - it provides attractive and well-designed connections between buildings and activity areas including quiet streets and paths, pocket parks, a playground, landscaped areas, a large pond and village green; and it provides community and commercial precincts to support the residents of Olive Estate; and

(b) Connection and accessibility with the adjacent residential areas and communities - the existing small-scale community and commercial services, and a small playground, are also widely used by people from the wider neighbourhood. A through-road connection will be made between Hill Street to Wensley Road along an extension to Fairrose Drive consistent with the indicative road network in the TRMP. It includes parks and green open space corridors for walkway and cycleway linkages, including areas available for public use.

23.4 The proposed changes on the existing site can be seen as normal 'part and parcel' changes that can be expected to be made as a large-scale development proceeds over several years through the design and

⁴ Section 42A Report, Section 3

construction stages. The changes to the current site, and the expansion onto the Hill Street Block, will all continue the integrated and high-quality amenity theme of this development.

- 23.5 This current proposal has been carefully designed over several years by the same specialists who were in the design team for the original development. The final design has been guided by input from meetings and discussions with TDC officers; feedback from the Urban Design Panel; constructive input arising from a public meeting; and as a response to submissions from residents.

AMENDMENTS TO THE APPLICATION

24. A number of amendments have been made since the application was lodged, on 28 June 2019, and are all considered to be within scope. These changes were in direct response to:

- 24.1 A request for further information ('RFI') from TDC;
- 24.2 Feedback from adjacent residents following a public meeting; and
- 24.3 Matters raised in submissions.

Request for Further Information

25. Council issued an RFI on 6 August 2019 on a broad range of matters, including the activity status for the land use and subdivision; number of animals per household; the provision of reserves; several transportation aspects; compliance with building set-back and daylight admission rules; de-watering of the pond; how wastewater will be held back in storm events; noise levels from mechanical plant; and details of the stormwater system and secondary flow-paths.
26. The applicant's response of 12 November 2019 included reports from the transportation, stormwater and acoustics experts. As discussed above under 'Activity Status' I also provided an assessment concluding that the land use activity was best defined as a Community Activity and CDD, and a CDD subdivision. An assessment of the rules pertaining to those activities was also provided. As part of that process, an application was made for the de-watering of

the old irrigation pond in the north-eastern part of the site. A plan was included to show the proposed open space and parks, and the 'green corridor' linking Hill Street to Wensley Road through, in response to the TDC's request for public reserves.⁵

27. The RFI response also signalled to Council that some amendments were being made to the application as a result of the meeting held with adjacent residents (discussed in the next section).

Feedback from Residents' meetings

28. In June 2019 plans of the proposed development were presented to residents of Olive Estate. No concerns were raised at the design or layout of the development, and they were satisfied with the provision of open space and parks.⁶
29. A public meeting, attended by 24 residents of this neighbourhood (and their representatives), was held at Olive Estate on 19 September 2019. Some of the residents expressed support for the proposal. A number of concerns were raised including the heights of trees potentially affecting views; stormwater and drainage issues; traffic safety at Brenda Lawson Way and on Hill Street; light spill; and the height of the Care Facility building⁷.
30. in response a number of minor amendments were made to the application as lodged, and itemised in a letter to TDC dated 8 March 2020, including:
 - 30.1 Car parking – a total of 19 additional car parking spaces;
 - 30.2 Tree heights – a restriction on species of trees to be planted near the Care Facility that typically reach heights no greater than 8 metres to protect views;
 - 30.3 Street lighting – a volunteered condition for all lighting to comply with the rules in the TRMP; and

⁵ Attachment 3 of the applicant's response to the RFI

⁶ AEE, paragraph 9.17

⁷ Taken from the notes of the meeting

- 30.4 Overland flow paths - a conceptual plan was included to show overland flow paths.

Matters raised in Submissions

31. The applications were then publicly notified by TDC on 30 May 2020. Following the close of submissions (on 29 June 2020) the applicant requested the application be suspended, on 24 July 2020, in order for it to consider and respond as appropriate to concerns raised in submissions.
32. In a letter dated 18 September 2020, the applicant advised TDC of amendments to the proposed layout of the development, the most significant being the relocation of the vehicle servicing driveway alongside the Brenda Lawson Way properties adjacent to the Care Facility. The changes were all accepted as being within scope. Notably, no changes were made to the Care Facility building (i.e. its location, height, boundary setbacks, or design - other than some minor changes to the parking layout and entrance to the new service area now to be located in front of the Care Facility off Fairrose Drive). TDC then took the application off hold, and sent the new plans and a summary of the changes to the submitters.
33. Those changes were:
- 33.1 Removal of the proposed service vehicle access from Brenda Lawson Way – to remove the potential noise source from vehicles close to properties on Brenda Lawson Way, and to remove their traffic safety and other concerns from having a new access close to Hill Street⁸;
- 33.2 Landscaping changes adjacent to Brenda Lawson Way – the removal of the service access drive at the rear enabled the opportunity for the large set-back areas between the Care Facility and the Brenda Lawson Way properties to be planted in gardens and lawns to improve the amenity of that area;
- 33.3 New dedicated service access and driveway from Fairrose Drive – all servicing of the Care Facility building will now be directly from the

⁸ The proposed acoustic fence was, as a consequence, removed from the application

extension to Fairrose Drive via a dedicated access drive to the western-most building wing;

- 33.4 New parking layout and single entry/exit point to the Care Facility car park – the Care Facility car park has had to be redesigned to accommodate the changes outline above; and
- 33.5 Parallel car parking on Fairrose Drive – the street-side parking along Fairrose Drive will now provide parallel parking in response to comments made by Mr Ley, TDC’s engineering officer. As a consequence, the height of the retaining walls adjacent to the shared pathways can be reduced.

STATUTORY CONSIDERATIONS

- 34. The relevant statutory considerations are accurately set out in the section 42A Report⁹. I will comment on two aspects raised in that part of the report, in relation to ‘permitted baseline’ and ‘receiving environment’.

Permitted baseline

- 35. The section 42A Report deals with this in the following way:

“The TRMP anticipates and permits the effects associated with a compact density residential development in the Richmond South Development Area. However, the TRMP does not anticipate or permit the effects associated with the construction or use of the CFB in the Richmond South Area. Further it does not anticipate or permit the effects associated with this particular compact density development as there are several aspects to the development that do not comply with the permitted activity standards of the TRMP. For these reasons I have not considered the permitted baseline in my assessment of effects ...”¹⁰

- 36. Firstly, I consider the permitted baseline concept can be applied to aspects of the built development. In particular the only performance standards for Building Construction that are not met are for what I consider to be, for the most part,

⁹ Section 42A Report, paragraphs 7.1 – 7.18

¹⁰ Section 42A Report, para 7.20

quite minor aspects: i.e. setback of the building from an indicative road boundary (which is redundant as a through road is being provided); no more than one dwelling per site (of no consequence because this is for a lifestyle village on a very large site); outdoor living space for dwellings (limited relevance to a lifestyle village); steps in plan (achieved by providing a village environment and varied building designs); and maximum height (the Care Facility breaches the height limit in a way that has minimal effect on neighbours and enhances the design, as requested by the Urban Design Panel). The standards specific to CDD are all met except only for the fence height on Hill Street which is 1.2m high instead of 0.8m.

37. The general building standards that are all met include density; building coverage; site coverage; building envelopes; and building setbacks. Those particular standards are all designed to protect the amenity of adjoining properties, and it can therefore be said the proposed buildings go a long way towards achieving the outcomes sought by the TRMP. It can be compared favourably to other permitted development, such as for example other compact density developments (which can have up to 70 percent site coverage and 50 percent building coverage). The Care Facility building, were the 'crow's nest' height intrusion to be removed, would comply with all relevant performance standards.
38. Secondly, I consider the TRMP does anticipate the effects associated with a Care Facility in the Residential zone. I address the relevant objectives later in my evidence, but I will draw attention now to Policy 5.4.3.2 which is: *"To allow for health care, ...and other community activities, including in the residential areas ..."*. Consistent with that, a 'community activity', is a restricted discretionary activity, which in itself is a signal that this activity is indeed anticipated in the zone, together with a range of other non-residential activities such as churches, schools, medical centres. Those activities are of course subject to site-specific considerations through a consent process and cannot therefore be considered under the 'permitted baseline'. It is however important to recognise this activity is anticipated in the Residential zone, particularly when assessing the effects on residential character (as I will outline later in this evidence).

Receiving environment

39. The receiving environment includes both the existing Olive Estate as well as those stages which have not yet been built but have been consented under

RM120928V1. I agree with the section 42A report on that. The consented development includes a Care Facility in a different location to that which is now proposed. The section 42A Report has taken particular account of this, in several places, when evaluating the proposed Care Facility¹¹.

40. If the two buildings were to be compared, I would comment that the new proposal is considerably smaller, and much less bulky in design than the re-designed three-module Care Facility. However, Ms Nimmo's statement confirms that the consented Care Facility is now redundant and a smaller Care Facility building is required in the proposed location near Hill Street. It is therefore more appropriate in my view to consider the proposed Care Facility entirely on its merits.

KEY ISSUES

41. The AEE provides an assessment of effects for each of the types of consent that have been applied for, drawing on the relevant Assessment Criteria set out in the TRMP. It also includes an assessment of the relevant objectives and policies. I am happy to answer any questions arising from that.
42. I will now comment on the Key Issues raised in the section 42A Report, which are based on matters raised in submissions. I provide an evaluation of the relative importance of those issues in my discussion on Part 2.

Non-Provision of a Public Reserve

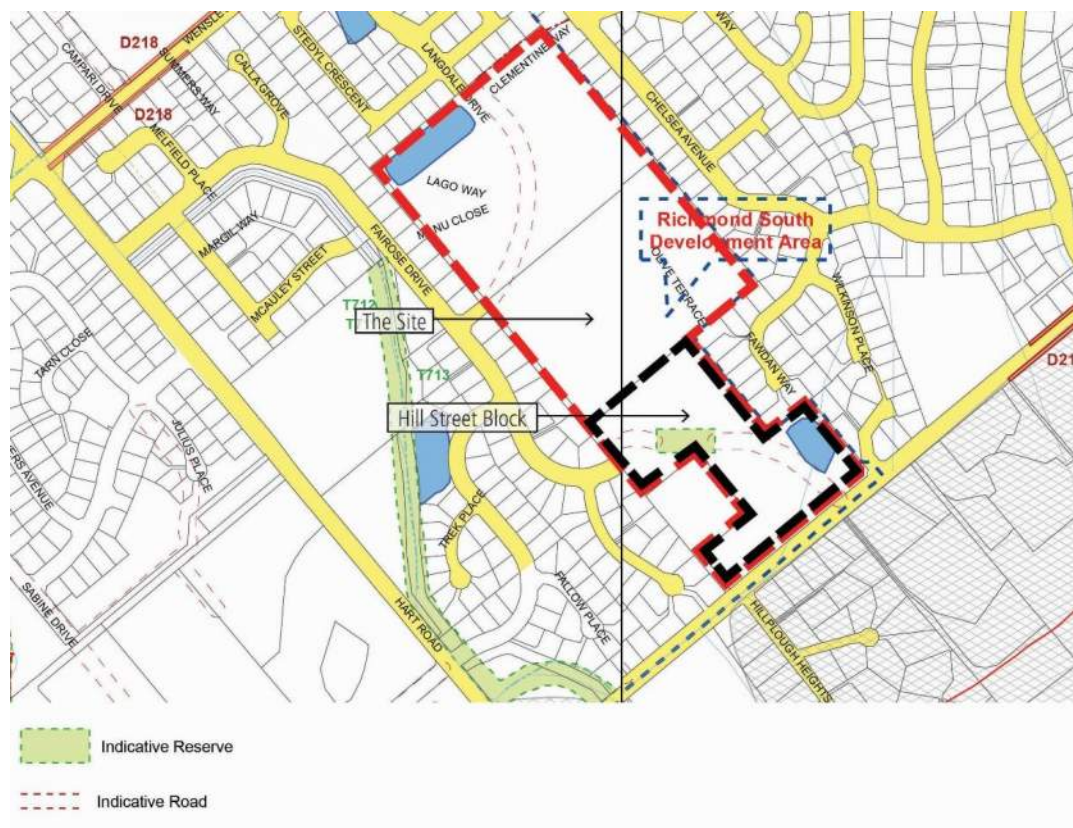
43. I note this issue has attracted the greatest number of submissions, but in my view the number of submissions need not be the correct gauge for determining the relative importance of an issue. Many of the submissions on the reserves issue have been made in a 'pro-forma' style, and most are from people who do not live near the site¹². The interest in this topic may have been partly due to the officers having included a reference in the public notice to alert readers to the fact that the application is made "*without the provision of the public reserve indicated in the TRMP*" and it may not have been apparent to all that substantial provision is being made for publicly available green open space, parks, and walkway connections through the site. Be that as it may, I do not consider this to be an issue that weighs against the proposal, for reasons which I will explain. I disagree

¹¹ Refer section 42A Report, paras 7.23, 9.5, and 9.16-9.17

¹² Section 42A Report, para 8.1. Ms Squire's report page 4

with the approach taken in the section 42A Report which has effectively made this the primary issue in its overall evaluation.

44. Reserves are addressed in AEE, in Section 6, under 'Subdivision', and I am happy to answer any questions on that. I now propose to provide some context around the reserves issue, and will make five main points from a planning point of view. Mr Ward, a community policy planner, has provided further expert evidence from his own experience in local government. Mr Porter's evidence on urban design addresses the open green spaces, walkways and parks and is therefore also relevant to this issue.
45. Firstly, I wish to comment on the purpose of the Indicative Reserve. Planning Map 129 shows an 'Indicative Reserve', as a small elongated reserve connecting two cul-de-sac road ends, on the alignment of an Indicative Road (refer to Planning Map below). The rationale appears to be that a reserve in this location will connect the two ends of the road to provide a green space linkage along the indicative road at such time as those roads are formed. However, with the extension of Fairrose Road through to Hill Street as is proposed in this application, there appears to now be no need to provide a reserve specifically to create such a linkage in this precise location.



46. Secondly, I comment on whether the rules envisage a reserve being taken in a situation like this. Rule 16.3.3.3(a)(iv) for CDD subdivision requires that land subject to a notation on the planning maps as 'Indicative Reserve' is to be set aside in general alignment with that indicative reserve, and vested in Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage). I accept that this proposal includes a 'subdivision', but would make the point it is a boundary adjustment subdivision and does not create any additional allotments. This is not a standard residential subdivision, where (in contrast to Olive Estate) it is often the case very little provision will voluntarily be made by the developer for open green space and parks. I can understand Council's desire to set aside reserves for those subdivisions.
47. I am aware the applicant will be challenging, through legal submissions, whether TDC has the ability to take reserves for this particular type of development, i.e. for a boundary adjustment subdivision associated with a retirement village. Regardless of the legal position, from a planning point of view I do not consider it is necessary to vest the Indicative Reserve in this instance.
48. Thirdly, I comment on the need for a reserve in this locality for recreation purposes. The evidence of Mr Ward is that: *"There is no requirement on Council to provide additional reserve in this part of Richmond. It currently provides 16.8 ha per 1000 population, 11.8ha more than its level of service"*. He reached that conclusion from assessing Council's Levels of Service Report and its Activity Management Plan. This directly challenges the assertion in Ms Squire's evidence that there is a need for more land to be made available in this locality for open space and public recreational use and that it must be provided within Olive Estate.
49. Fourthly, there are good reasons for the applicant wishing to retain the ownership and management of the parks and green open spaces, in the particular circumstances of this proposal. Ms Nimmo has described in her statement the reasons why Olive Estate does not wish to provide reserves vested in Council within its development. There is a need by the operator of Olive Estate to retain control over the parks and open green spaces within its development. That is so the design, and the manner in which they are used by residents and others, is compatible and does not conflict with the primary purpose of this land as a quiet environment for retirement living and special care of the elderly.

49. Fifthly, I consider the objectives of the TRMP can be met without vesting of this indicative reserve. The relevant objectives and policies in Chapter 14 are:
- 49.1 Objective 14.1.2 which seeks an *“adequate area and distribution of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values”*.
 - 49.2 Policy 14.1.3.3 seeks *“to identify potential open space areas in advance of subdivision in order to provide for the open space needs of the future residents and workers in the area”*.
 - 49.3 Policy 14.1.3.4 seeks *“to provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, ...”*; and
 - 49.4 Policy 14.1.3.9 seeks *“to encourage effective and efficient design and establishment of parks and reserves....”*.
50. The objective refers to the provision of “reserves and open spaces” collectively, as does Policy 14.1.3.9. The other two policies refer only to “open space areas” with no mention at all of reserves. From that I consider it will be possible to achieve the policy direction outlined above by means other than vesting land as reserves in every instance.
51. The policies also refer to the need to enhance “recreation, access and amenity values”, including “the provision of walking and cycling linkages”. I consider the proposal achieves all of those things. The evidence of Mr Porter describes the extent of open space being provided in this development (most notably it provides approximately 1.9 hectares of open space), which includes parks and walkway connections (of which some 2,500m² is to be made available for public use by easements in gross or a covenant). Mr Ward’s evidence details how these green open spaces and walkway connections are consistent with the outcomes for open space that the Council has agreed with its community.
52. Policy 14.1.3.9 also relates to the effective and efficient establishment of parks and reserves. Assessment Matter 10, for subdivisions, also includes a reference to cost-effectiveness.

(10) The extent to which the subdivision provides well-distributed small neighbourhood reserves that contribute to the legibility and character of the area, provide for a range of uses and activities, and are cost-effective to maintain¹³.

53. I understand that TDC will not be required to establish, or maintain, the parks and walkway linkages provided in this development. I also understand the applicant will agree to pay appropriate financial contributions on top of that. In that sense there is a substantial cost saving to the Council and the ratepayers, consistent with the above policy and assessment matter.
54. For all of the above reasons, I consider this proposal is consistent with the relevant objectives and policies in Chapter 14 of the TRMP relating to Reserves and Open Space.

Care Facility Building

55. The effects of the Care Facility building are assessed in Section 6 of the AEE. I will summarise the key aspects in this evidence.
56. The Hill Street block is a large green-fields site located in the Richmond South Development Area of the Residential Zone. I accept that the Care Facility will represent a significant change to the area. However, I also consider it would not be unrealistic for neighbours to expect either an extension to Olive Estate or another community activity to establish on this site, which has frontage and good access to the road network. There are many other examples throughout Richmond of community facilities, often with large buildings and car parks, located in residential areas on front sites such as this. These are 'part and parcel' of the residential fabric of any community. This is a clear conclusion reached from my assessment of the relevant objectives and policies in the TRMP.
57. In this case, particular attention has been paid to the design, scale and height of the Care Facility building, and landscaping and fencing to take account of its effects on residential character, as outlined in the evidence of Mr Weir and Mr Porter. In particular, the breaking of the building mass into three smaller interconnected buildings which substantially comply with the maximum height limit¹⁴, notwithstanding the recommendation of the Urban Design Panel which

¹³ Rule 16.3.3.3, Assessment Matter 10 'Open Space/Reserves'

¹⁴ One of the three building modules has a height exceedance for the staff room 'crow's nest'

was to increase the height. The relocation of the service access and driveway away from Brenda Lawson Way has enabled the traffic and parking effects to be internalised to a much greater degree. That has also allowed more open space and gardens to be provided alongside those neighbouring properties.

58. Ms Gavin, who prepared the Landscape and Visual Assessment report in the AEE, has provided evidence on the visual effects of the Care Facility building and its effects on adjacent residential properties in terms of shading, loss of outlook and privacy. I concur with her evidence, which concludes that there will initially be a low-moderate effect on landscape and amenity values which will lower over time to a low effect as plantings become established. Ms Gavin also concludes there are moderate positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.
59. Noise effects are addressed in the evidence of Dr Trevathan. I concur with his conclusions to the effect that the development will, or is able to, comply with all relevant noise standards in the TRMP when measured from all properties other than one property for which affected party approval has been provided. He also recommends some additional measures including noise management and construction noise management plans, which I consider are appropriate.
60. The relevant objectives and policies in Chapters 5 and 6 of the TRMP are set out in the section 42A Report¹⁵. They generally seek to avoid, remedy, or mitigate adverse effects from the use and development of land on the use and enjoyment of other land and site amenity (Objective 5.1.2 and Policy 5.1.3.1). Policy 5.1.3.8 addresses particular aspects, such as effects of noise, building and structures, and vehicles. Other policies address privacy, adequate sunlight and daylight, outdoor living and amenity planting and landscaping. All of those effects have been assessed in the AEE, and in the evidence of Ms Gavin in particular.
61. I am in general agreement with the section 42A Report's assessment which, from my reading, is that the proposal is generally consistent with the above objectives and policies.
62. Objective 5.4.2 is for: "*Accommodation of a wide range of residential activities and accessible community facilities in urban areas*". Policy 5.4.3.1 is: "*To enable*

¹⁵ Section 42A Report, pages 44 - 58

a variety of housing types, recognising different population growth characteristics, age, family and financial circumstances and the physical mobility of, or care required by, residents". Policy 5.4.3.2 is: "To allow for health care, ...and other community activities, including in the residential areas, providing these do not compromise the character or amenity of the residential neighbourhood".

63. The section 42A Report assesses the proposal as consistent with these provisions, as a result of the mitigation measures and changes made to the application, including relocating the service access drive away from Brenda Lawson Way. It is also providing for a wide range of housing types with a high standard of design. I concur, and note the Care Facility will also provide for the care of dementia patients and other aged citizens requiring certain levels of care.
64. The section 42A Report concludes the proposal is only "partly consistent" with Policy 5.4.3.2. That is because whilst it provides a health care facility in this residential area the Care Facility building it will compromise the amenity values of the neighbourhood "*albeit to a moderate extent (given the mitigation proposed)*"¹⁶.
65. I consider that taking account of the substantial compliance with permitted activity standards, and the special measures the applicant's design team have gone to in order to make this building a good fit in this setting, the Care Facility does not compromise the residential character of the area. Taking account of Ms Gavin's evidence in particular, I consider the adverse effects on amenity values will be no more than minor.

Traffic and Access

66. Traffic, access and parking are addressed in the AEE, in section 6. Olive Estate promotes a low-speed traffic environment in which residents and visitors can walk, cycle or use mobility scooters in a safe manner. This is achieved by the roading hierarchy and by design and alignment of roads, road surfacing, calming measures and street trees. The design of the street network extends this theme, noting a through road extension of Fairose Drive is also proposed.
67. Mr Clark has provided traffic evidence on the proposal, including the servicing of the Care Facility, parking layouts, and traffic and pedestrian safety issues raised by submitters including at the proposed intersection on Hill Street. I concur with

¹⁶ Section 42A Report, page 54

his assessment, which is that “*overall the traffic related effects of the application can be managed and are less than minor*”¹⁷. Council’s Development Engineer, Mr Ley, is also satisfied that the development can be appropriately serviced and accessed by motorists and pedestrians without significant detriment to the efficiency and safety of the surrounding road network, subject to certain design engineering standards being met¹⁸. Mr Clark has commented on the recommended conditions, and has suggested some changes.

68. The section 42A Report concludes that, based on the traffic evidence, the relevant objectives and policies in Chapter 11 of the TRMP are met. In the AEE I assessed the proposal as being consistent with those provisions, and so I concur with Ms Lancashire on that¹⁹.

Ecology

69. The section 42A Report has identified ecology as an issue, as there have been some submissions on the proposed filling of the redundant irrigation pond and removal of green space on the site by earthworks. Some other submitters have supported the proposal because of its positive ecological effects, noting it incorporates a variety of open green spaces and open stormwater swales.
70. The application for de-watering the pond has been assessed for TDC by Ms Wolter. She has also assessed the proposed earthworks and concludes that subject to appropriate conditions of consent the adverse effects of the works will be no more than minor. Ms Wolter also considers the proposal is consistent with the relevant objectives and policies in Chapter of the TRMP.
71. This development provides a very large amount of open green space, relative to other residential developments. This, together with extensive planted areas, will off-set any loss of ecological values. I note also that the land disturbance, and the de-watering of the pond, are both provided for in the TRMP as a controlled activity. With the appropriate conditions recommended by the Council’s expert in this area the adverse effects will be minor or less than minor.

¹⁷ Mr Clark, para

¹⁸ Section 42A Report, para 10.11

¹⁹ AEE, Section 7, page 54

Positive Effects

- 72. The section 42A Report assesses the positive effects of the proposal as ‘high quality urban environment’ and ‘economic’²⁰. The author at first seems slightly underwhelmed, stating that the submitters “*contend*” this proposal will bring the first set of benefits, and that this development “*might also*” have economic benefits for the region. The report goes on to conclude that this development will “*to some extent*” help to support the economic, social and development opportunities in the region. The lack of a vested reserve appears to have weighed on the report writer when considering the positive effects²¹.
- 73. Notwithstanding this the section 42A Report reaches the conclusion, overall, that the positive urban environmental outcomes and economic benefits are in accordance with the objectives in Chapter 5 of the Tasman Regional Policy Statement (**TRPS**)²². My assessment of the TRPS in the AEE concurs with that²³.
- 74. The section 42A Report states that the NPS on Urban Development Capacity 2016 (**NPS-UDC**) is relevant to this proposal²⁴. However, that document has since been replaced by a new version, which took effect on 20 August 2020. It is a requirement of Section 104(1)(b) of the Act to have regard to any national policy statement when making a decision on a consent application, and I therefore consider that the consent authority must have regard to any relevant provisions of the current (August 2020) version of the NPS-UDC.
- 75. It is generally similar to the 2016 version, and from my reading it is clear there is still a thrust to provide for additional housing opportunities not only through district plan provisions but also by decision-makers.
- 76. I refer in particular to Objective 3, and Objective 6:

Objective 3:

Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities*

²⁰ Section 42A Report, section 12, page 63

²¹ Section 42A Report, para 12.6

²² Section 42A Report, para 12.9, page 58

²³ AEE, Section 8, page 55

(b) the area is well-serviced by existing or planned public transport

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 6:

Local authority decisions on urban development that affect urban environments are: ...

(c) responsive, particularly in relation to proposals that would supply significant development capacity.

77. This is underpinned by Policy 2 which requires local authorities to “... *at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term*”.
78. This proposal will result in a further 37 residential dwellings on the existing site. On the new site there will be a further 47 residential dwellings, 20 serviced apartments, and a 70-bed care facility providing rest home, dementia and hospital long term aged residential care. It also provides a choice in housing types of varying designs and sizes (i.e. villas, terrace houses, apartments, serviced apartments), and it provides for the health care needs of people of a senior age.
79. I consider this is much-needed residential development in the context of the nation-wide shortage of housing, and in the context of the strong demand that clearly exists in the Nelson/Tasman region for modern well-designed housing.
80. I would also draw attention to Policy 6 as being particularly relevant to this application for Olive Estate, because it recognises that the important provision of additional housing may have some consequences on the amenity of an area:

Policy 6:

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(b) the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect.

81. In conclusion, I consider the proposal has very significant positive economic and social effects. It is in accord with the NPS-UDC, and with the relevant provisions of the TRPS, and the Act.

OTHER MATTERS

82. The Section 42A Report expresses a concern at what is seen as a precedent effect occurring in the event that a reserve is not required to be vested for this development²⁵. Precedent in planning terms, if it exists at all, is akin to 'like being treated with like'. A grant of consent to the Olive Estate proposal does not create any situation which would apply to anything other than a similar development such as this. I note also that the Arvida lifestyle retirement village in Lower Queen Street does not have a public reserve, and to my knowledge neither do any other retirement villages and rest homes in Tasman District or Nelson City. That is logical and with good reason, and there should be no reason to treat Olive Estate any differently on a 'like for like' basis.
83. If the planner is also concerned that a precedent may affect other residential developments then I would comment that what is proposed at Olive Estate is quite different to any standard residential subdivision. I also consider that the Council's objectives are able to be met by an alternative mechanism for owning and managing the open green spaces, parks and walkways. This need not influence how another application is assessed, but in the event that a different development can similarly satisfy Council's objectives for open space and parks, then that would also be a good outcome.

²⁵ Section 42A Report, page 67

PART 2

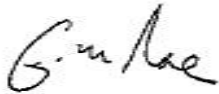
84. In terms of section 5, I consider the proposed development will:
- 84.1 Enhance the social and economic well-being of current and future residents of Olive Estate by providing for residential living, aged care and dementia/rest home/hospital care - in a setting with high amenity and with enhanced opportunities for social interaction;
 - 84.2 Provide economic benefits from this multi-faceted development, and generate increased employment opportunities in the Richmond community and beyond;
 - 84.3 Provide a substantial amount of new high-quality residential dwellings, of varying types and designs, in an area to address the housing needs of the community;
 - 84.4 Enhance the amenity of the site and local environment, by extending onto a vacant site a modern and comprehensive, integrated, development designed in accordance with good urban design, and having particular regard to its residential setting;
 - 84.5 Provide a facility with attractive and accessible open spaces and parks (existing village green, pond, playground, existing and proposed parklands connected by walkways, and a pocket park near Hill Street) including defined areas available for community use, enjoyment and interaction in this locality; and
 - 84.6 Mitigate any adverse effects on the environment through appropriate site layout; design of buildings; stormwater management; landscaping and planting measures.
85. In terms of section 7(b), the residential development of the residentially zoned Hill Street block, in the Richmond South Development Area, represents an efficient use of a large and valuable natural and physical resource.
86. In terms of section 7(c), the amenity values of this site will be considerably enhanced by the proposed development, with the use of good urban design, planting and landscaping measures. The completed development will provide an interesting and innovative opportunity for retirement and lifestyle living, with associated community facilities, in an integrated fashion.

CONCLUSIONS

87. My professional opinion is that the redevelopment proposed for Olive Estate will meet the needs of the residents who will live there, and will be an asset and make a positive contribution in the community in which it is located.
88. The design has evolved to take account of concerns of adjacent residents. Whilst it represents a change to the Hill Street block this can be seen in the context of an extension to the existing Olive Estate, continuing the same high-quality design and integrated development.
89. The Care Facility, as a community activity, is anticipated and encouraged by the TRMP to be located in a residential area. Special care has been taken with this proposal in its design to minimise effects on residential character and effects on the amenity of adjacent residents in this setting on Hill Street.
90. I do not agree with the Reporting Officer that the particular manner in which the parks and open green spaces are to be owned and managed is sufficient reason to refuse consent to this application without the applicant first agreeing to a vesting condition. To use a colloquial term this would effectively 'scuttle' the proposal. A Council-owned and managed reserve in this location would be incompatible with Olive Estate, and it would also require substantial re-design of the layout. A refusal of consent would also remove the opportunity for a substantial amount of extra well-designed housing and care facilities for aged people in our community, and would then be counter to the directive in the NPS-UDC.
91. In any event, the needs of the community for open green space, parks and walkways will be more than met, and in ways that will provide a much better outcome than from vesting a small area of indicative reserve.
92. Overall, I consider the proposal promotes the purpose of the Resource Management Act, and represents the sustainable management of natural and physical resources. Accordingly, I recommend that consent is granted.

CONDITIONS

93. The applicant's witnesses have made comments on the recommended conditions attached to the section 42A Report as covered in their respective statements.
94. Changes are also needed to ensure consistency with conditions of the original consents for the establishment of Olive Estate. For example, conditions 5 and 6 of RM130346 deal with service conduits, street furniture and planting within the Main Road (Langdale Drive). Similar conditions should be included with respect to Fairrose Drive.

A handwritten signature in black ink, appearing to read "Gary Rae". The signature is written in a cursive, slightly slanted style.

Gary Rae

10 February 2021

Table 2A, from the Applicant's response to RFI, letter dated 12 November 2019

Table 2A – Compact Density Development Rules		
Rule	Comment	Proposed Activity
17.1.3.3(a) Multiple Consents	The rule requires buildings to be located within the site as approved as part of compact density subdivision under rules 16.3.3.3, 16.3.3.4, or 16.3.3.7.	Complies – Olive Estate involves a subdivision, for boundary adjustment. This has been applied for at the same time as the land use consent, as directed by Rule 16.3.3.3(a).
17.1.3.3(b) Dwellings	More than one dwelling may be constructed on any site.	Complies – There will be multiple dwellings on the sites.
17.1.3.3(c) Site Coverage 17.1.3(ca)	Maximum site coverage is 70 percent. Maximum building coverage is 50%.	Complies – The proposed building coverage is approximately 31% and it follows that the total site coverage with buildings and other features will be less than 70%.
17.1.3.3(d) Stormwater	The stormwater generated from an individual site or development approved as part of any subdivision after 11 March 2006 in the Richmond South Development Area must comply with Rule 16.3.3.1(mc).	Complies - No changes are proposed to the existing stormwater system at Olive Estate (all stormwater will be managed on site through the detention pond, with the piped discharge to Hart Stream as per the existing resource consent (RM120928)). For the Hill Street block, this site has three stormwater outfall points which in combination allows reticulation to all parts of the land irrespective of contour (refer Infrastructure Report in <i>Annexure E</i>).
17.1.3.3(e) Internal boundaries	Buildings are to be set back 2 metres from the front boundary, and, and no more than 5 metres, except that: (i) all garages and carports are set back at least 5.5 metres from road front boundaries if the vehicle entrance of the garage or carport faces the road; (ii) there is no side boundary setback where there is vehicular access to the rear of the site from a legal road or approved access; (iii) where there is no vehicular access to the rear of the site, a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site; (iv) there is at least a 5-metre setback from the rear boundary.	Complies – The proposed development provides multiple dwellings on very large sites. Buildings are all set back by more than 2m from the front boundaries, and all garages are set back at least 5.5 metres from road front boundaries (the Applicant volunteers a condition to require this).
17.1.3.3(f) Building envelopes	Buildings must be contained within an envelope from a vertical line 6m above the boundary then at 45 degrees inwards (for 50% of the boundary length).	Complies – All buildings are sufficiently spaced from internal boundaries such that they fit within the building envelope for compact density development (the Applicant volunteers a condition to require this).

<p>17.1.3.3(g) External boundaries</p>	<p>Buildings must comply with building envelope and setback rules in 17.1.3.1 where adjoining land is not part of the development.</p>	<p>Complies – All buildings are sufficiently spaced from side and rear boundaries such that they will comply with the daylight admission lines (the Applicant volunteers a condition to require this).</p>
<p>17.1.3.3(ga) Fences</p>	<p>Any fence, wall or screen erected in the front yard shall be no higher than 0.8m.</p>	<p>Does not Comply – the proposed fence along the Hill Street frontage, in front of the Care Facility will be 1.2 metres high</p>
<p>17.1.3.3(h)-(l) Outdoor living space</p>	<p>Dwellings are required to have 20 square metres of outdoor living space at ground floor level, and apartments above ground floor are required to have balconies of 7 square metres and 1.5m minimum width. They must be more than 4m to internal boundaries. They must meet the Urban Design Guide.</p>	<p>Complies – All of the villas and terrace houses have outdoor living areas exceeding 20m² (plus shared use of community spaces and activities). For the apartment blocks the units each have balconies of the required minimum dimensions, plus shared use of community spaces and activities. All balconies are more than 4m from boundaries. All other requirements are met, and they meet the Urban Design Guide.</p>
<p>17.1.3.3(m) Stormwater</p>	<p>All stormwater is required to be discharged to a Council-maintained stormwater drainage network that has sufficient capacity; or it complies with Rule 36.4 of the TRMP.</p>	<p>Complies - No changes are proposed to the existing stormwater system at Olive Estate (all stormwater will be managed on site through the detention pond, with the piped discharge to Hart Stream as per the existing resource consent (RM120928)). For the Hill Street block, this site has three stormwater outfall points which in combination allows reticulation to all parts of the land irrespective of contour (refer Infrastructure Report in <i>Annexure E</i>).</p>