

6 August 2019

The Integrity Care Group Limited  
C/- Gary Rae Consulting Limited  
PO Box 57  
Motueka 7143

Dear Gary

**Further Information Request for Resource Consent Application Nos. RM190790, RM190789, RM190791 & RM120928V2 – Integrity Care Group – Olive Estate**

I refer to your applications for resource consent described above. An initial assessment of the applications has been made and, pursuant to Section 92(1) of the Resource Management Act 1991 (“the Act”), further information is now being requested in relation to the application as follows:

**Activity**

- 1 The activity meets the definition of a Comprehensive Residential Development as acknowledged in s5.8 of the AEE. However, the AEE only considers the activity against the Community Activity standards of the TRMP. It is acknowledged that RM190928 did not include an assessment against the Comprehensive Residential Development standards of the TRMP. However, that is not to say that the same approach should be applied to this application.

Please amend the AEE to include an assessment of the activity against the Comprehensive Residential Development rule in the TRMP (17.1.3.4) and provide an assessment of the matters of discretion listed under 17.1.3.4 (1) – (39).

- 2 Resource consent may be required under rule 17.1.2.1 (h) of the TRMP owing to the number of dwellings on the ‘site’. Please update Table 1 of the AEE accordingly and provide a brief assessment of effects which includes details about how the number of animals per household are managed in the Olive Estate.

**Reserves**

- 3 It is acknowledged that the application will provide residents with high quality open space and facilities within the development and the open space amenity evident in the existing development is very high.

It is also acknowledged that the applicant recognises the need to meet public open space requirements and has stated that they are open to options to provide that. The

question that community development staff would like clarified is where the public open space and connectivity is provided and how it will be protected for use by the wider community in perpetuity.

Paragraph 4.2 (e) of the AEE refers to green spaces, parks and gardens linked by a pedestrian pathway, and states that the parks will not be vested as public reserves but will be available for public use. Paragraph 4.41 of the AEE states that the park spaces are/will be readily available for public use.

Please clarify which areas are public parks/greenways, paths and which areas are private open spaces and how any public parks will be protected for public use in perpetuity if they are not vested in Council.

- 4 Table 4 of the AEE makes reference to Rule 16.3.3.1 (o) (iii) and the financial contribution rules. However, Rule 16.5.4.1 *Permitted Activities (Financial Contribution on Building Development)* requires payment of a reserve financial contribution on built development and Rule 16.5.4.4 states that the financial contribution will be offset where land is set aside at the request of the Council and vested for reserve purposes. The market value of such land shall be assessed prior to the approval of the proposed development.

Also Rule 16.5.5.1 *Requirement for Financial Contribution on Resource Consent (Other than for Subdivision or Building)* states that Subject to subsection 16.5.1, the Council may require, as a condition on any land use consent that a financial contribution of money or land, or a combination of these, be made for the following purposes:

- (a) To avoid, remedy or mitigate any identified adverse effect on the environment that is attributable to the activity that is the subject of the consent.
- (b) To attain any defined positive effect on the environment, in order to offset any identified adverse effect attributable to the activity that is the subject of the consent.

Rule 16.5.6.1 *Financial Contribution (Limitations)* states that where works, services or land are not available, nor likely to be available within a reasonable time scale that are considered necessary to meet the needs of a proposed subdivision or development in order to avoid, remedy or mitigate actual or potential adverse effects on the environment, and the applicant will not accept the responsibility of providing such works, services or land, nor the money needed for Council to undertake them, the Council may refuse to grant resource consent.

Council has indicated via a policy framework, an indicative reserve notation on the planning maps in the TRMP and during pre-application consultation that a public reserve measuring at a minimum 2500m<sup>2</sup> is required to meet its level of service for both the proposed development and existing development within 500 metres of the site.

Please clarify how this is provided for in terms of Rules 16.5.4.1 and 16.5.5.1 and 16.5.6.1 of the TRMP.

## Transportation

- 5 Please amend the plans to remove the 90-degree car parking spaces from Fairrose Drive as this parking layout is not supported by the Council from a traffic / pedestrian safety point of view. Parallel car parking spaces may instead be considered. Please also update the parking calculations accordingly.
- 6 The distance between the garage doors of some of the residential units and the back of the footpath is not sufficient for larger vehicles (as demonstrated below in the existing Olive estate development):



I note that a comparable driveway length is shown for a number of the residential units in the extended part of the development. This is not supported because it poses a safety risk to pedestrians, prams and mobility scooter users that may be forced off the footpath and onto the road to pass the 'overhanging' vehicles. The distance between the buildings and the back of the footpath should be at least 5 metres. Please address.

- 7 Please update the Transportation Impact report to assess the potential demand and provision of RV parking within the development. From my site visit I noted a relatively high number of RVs (approx. 10) parked on a temporary demarcated portion of the construction site. Whilst it is not a TRMP requirement to provide RV parking, from my observations, the demand for RV parking might be higher in this development than in others and there is limited space to the front of the villas to accommodate RV parking. Approximately 10 RV parking spaces are shown in the Hill Street Block Development, seemingly to cater for the entire Olive Estate development. It is not clear that this will be sufficient.
- 8 Please update the Transportation Impact report to provide an assessment of the suitability / safety of the intersection to the residential units v28-v36 and Hill Street.

- 9 Please clarify who will maintain the Hill Street frontage and provide indicative fencing treatment designs for this boundary.
- 10 Section 4.38 of the AEE states that the private roads will be ROWs that will be retained in the ownership of Olive Estate so that the street planting and adjacent landscaped areas and gardens can be maintained and managed by Olive Estate and that easements in gross to allow public thoroughfare will be created and the Council will be responsible for the maintenance of the carriageway. The Council does not accept responsibility for the maintenance of the private ROWs. Please amend the AEE accordingly.
- 11 Please also confirm that the easements referred to in s4.38 of the AEE will allow for pedestrian, cycle and vehicle access (this appears to be confirmed in s4.22 of the AEE) and whether or not there will be a ROW over the greenway.
- 12 The extension to Fairrose Drive will need to maintain the same formation standards throughout the development and this road will need to vest with Council as road. Please confirm the same formation standards (widths, provision of footpaths on both sides of the carriageway etc) will be provided.
- 13 Please update the parking assessment in Table 2 of the Transportation Impact Report to provide a clearer determination of the total number of car parking spaces that are required by the TRMP for the entire development versus the total number that will be provided (noting the limitations identified in nos. 5 & 6 of this letter).

The parking assessment in Table 2 appears to focus on the car parking spaces needed for the care facility rather than the development as a whole and concludes that the development 'can comply' (as opposed to 'will comply'). Table 16.2C of the TRMP requires two spaces per dwelling and on pg. 23 of the Transportation Impact Report 'TRMP parking requirements' it infers that the TRMP only requires one car parking space per dwelling and it is stated that 'most' of the units will be able to accommodate a second car parking space in front of the garage.

### **Buildings**

- 14 Please demonstrate compliance, or otherwise, with all set-back and daylight admission rules of the TRMP in respect of units v09, v10, v21, v22 and v25 and the boundary with the dwellings on Fawdan Way and update the AEE as required. Particularly I note on dwg no. sk 2a (villa # 21) that the gable end of the dwelling breaches the daylight admission angle on the eastern boundary.

### **Pond – Dewatering**

- 15 There is a requirement under the Freshwater Fisheries Regulations (administered by the Department of Conservation) to manage the transfer of eels using a licenced contractor. It is likely that the pond (which is to be de-watered and filled) will contain eels. Please confirm that the requirements of the Freshwater Fisheries Regulations will be met and provide details of the licenced contractor that will be used to transfer eels from the pond.
- 16 Please provide further details about how the existing pond will be de-watered and decommissioned including details of the measures to be used to avoid sediment discharges into any waterway (including the Councils reticulated stormwater system).

Typically, any sediment laden water can either be pumped onto adjacent land in long grass or filtration, geobags or other methods can be used to ensure there is no sediment discharge to waterways. Please clarify.

- 17 The taking of water from the pond will not comply with permitted activity rule 31.1.2.1(n) of the TRMP, and consent will be required for this. Please update the AEE accordingly.

### **Wastewater**

- 18 Please provide details from a suitably qualified waste water engineer that show how wastewater flows will be held-back in storm events. Wastewater currently overflows at the Beach Road pump station (see rule 17.1.3.1 (y)).

### **Noise**

- 19 Please update the AES noise report to include details of the mechanical plant (i.e. type, number and location) to be used in association with the care facility and provide a noise modelling assessment for any mechanical plant that is to be used (such as heat pump units, extractor units, cooling equipment etc). The AES report states that this assessment is to be provided in due course however it is considered appropriate to consider the cumulative noise effects at this stage.
- 20 There is no information in the AES noise report relating to staff shift changes (i.e. frequency, time of day / night etc) and this may result in noise that exceeds the current noise performance standard. The AES noise report identifies one potential non-compliance with the existing noise performance standard for the area. That is in relation to the residential property at 3 Brenda Lawson Way as a consequence of vehicle movements on Sunday (and presumably public holidays, although that is not stated) when the TRMP standard of 40 dB LAeq(15 minutes) could be breached. This breach could be further exacerbated by the arrival / departure of staff. Please address.

### **Stormwater**

- 21 Please provide a peer review of the stormwater for the Oliver Estate from an appropriately qualified and experienced storm water engineer. There is very limited information provided as part of the application and the information which has been provided is based on the initial report undertaken prior to construction of the first stage of the development.

Envirolink provide a report dated 2013 submitted as part of RM13034V1. The Council is concerned that the run-off co-efficient used in this report is lower than the co-efficient used in more recent stormwater reports in this area.

The built environment (aerial photographs) from the initial stage looks like it has more hard-stand than envisaged by the report. The weighted C of 0.56-0.60 looks low.

- 22 Please provide a contours map showing the secondary flows across the site and show that these will be in the roadways prior to leaving the site. This is needed to demonstrate that the secondary flows can be adequately controlled, and that the stormwater can be discharged to the Council-maintained road drainage network (see

rules 36.4.2.1 & 17.1.3.1 (z) which require the Councils system to have the capacity to receive the additional stormwater). Depending on the outcome of the stormwater peer review Table 5 of the AEE may need to be updated.

### Financial Contributions

- 23 Please note that the following information pertaining to financial contributions is not a request for information. Rather I have included this information for the benefit of completeness and so that you can give it your earliest consideration:

The development of the ex-Nicoll block (Lot 2 DP511511) is required to pay a financial contribution for cost share of the Trek Detention Basin.

This is in addition to DCs, as the Trek Detention Basin was not a DCs project. Rule 16.5.6.1 of the TRMP applies.

The other land areas required to contribute have all now had the cost share conditions imposed, except for RM190300 Totara Hill Estate which is still in process.

The Nicoll Block share is 8% = \$59,000, CPI inflation adjusted from 2016 x 1.05, current value is \$62,000. Payment of this FC will be due when the stormwater drainage reticulation to the Trek basin becomes operative and as such there will be an inflation adjustment clause in any condition of the consent.

### Approvals

Note: The following is not a request for information and an assessment under s95 of the Act has not been undertaken. Section 2.5 of the AEE suggests that the approval of the owners of 376 Hill Street has been provided because they sold the land to Olive estate to enable the development to occur (providing access from the extended portion of Fairrose Drive to their property boundary is provided). However, their approval has not been explicitly provided. You may choose to provide the written approval from the owners of this property should you want any adverse effects on these persons to be disregarded.

Section 92A(1) of the Act requires you to respond to the Council by 27 August 2019 (being 15 working days from the date of this request), in one of three ways. You must either:

- 1 provide the information requested to the Council; or
- 2 advise the Council in writing that you agree to provide the information (you may wish to choose this option if you are unable to provide all the information by the date specified above); or
- 3 advise the Council in writing that you refuse to provide the information.

Should you choose Option 2, then the Act requires the Council to set a reasonable time within which the information must be provided. If you are unable to provide the information by this date, please contact me as soon as possible so that we can discuss the reasons and set an appropriate alternative date.

Please note that the Council may decline your application pursuant to Section 104(6) of the Act if it considers that insufficient information is available to enable a decision to be made on your application. This may occur if you either:

- (a) choose Option 3 above (ie, refuse to provide the information);
- (b) do not provide the requested information within the period specified in the paragraph above (or the agreed alternative date); or
- (c) do not respond at all to this information request.

In accordance with Section 88B and 88C of the Act the processing of your application will be placed "on hold" from the date of this letter to the date of receipt of the information requested or, if you refuse to provide the information, the date the advice of refusal is received by the Council.

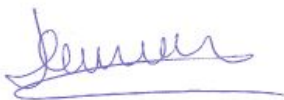
Once the Council has received the requested information, it will be assessed to determine its adequacy and the Council will then make a decision on whether your application requires public notification, limited notification, or, whether it is able to be processed on a non-notified basis. Council reserves the right to notify your application should the further information requested above indicate that the effects on the environment are more than minor.

Also, you need to be aware that Section 95C of the Act requires your application has to be publicly notified if you do not provide the further information by the deadline stated above or an agreed alternative date, or if you refuse to supply the further information. If either of these situations applies, Council will require you to pay the notified application deposit fee before taking any further action.

**Please note that the requirements of the Act outlined above are binding on you being the applicant, as well as on Council. Your opportunity to clarify or question the reasonableness of this request occurs now (within the next 15 days), not at some later date.**

Please feel free to contact me if you have any questions regarding this request or any other part of this letter. My contact details are listed at the top of this letter.

Yours sincerely



Jennifer Lancashire - Consultant Planner