

IN THE MATTER OF The Resource Management Act 1991

And

The Tasman Resource Management Plan

And

An application by Integrity Care Group Limited for a change of consent conditions, land use consent, land disturbance, subdivision consent and a water permit involving land at Olive Estate and adjoining vacant land at Hill Street, Richmond

Tasman District Council References RM120928V2, RM190790, RM190791, RM190789, RM191308

MINUTE NUMBER 1 OF THE HEARING PANEL

1. This minute confirms in writing the Panel's decision to adjourn the hearing and responds to the memorandum of counsel for the applicant dated 1 March 2021.

THE ADJOURNMENT

2. The hearing, which commenced at 9.30 am on Thursday 25 February 2021, was adjourned at 5.00 pm on Friday 26 February 2021. The Panel had, by then, questioned all of the applicant's witnesses on their pre-circulated evidence and had received the applicant's opening legal submissions and had heard the evidence of the submitters who had asked to be heard. We had also concluded our questioning of Rosalind Squires and Dugald Ley (witnesses for the Council) about their evidence on the topics of reserves provision and transport.
3. Following a site visit made on Friday 26 February 2021, the Panel requested that the applicant provide visual simulations to illustrate the visual impact of the proposed Care Facility on nearby neighbours. The applicant helpfully agreed to provide visual simulations to assist the Panel. Accurate visual simulations take some time to generate and the applicant proposed an adjournment to enable the visual simulations to be produced. The Panel agrees that is appropriate. Accordingly, the hearing was adjourned until a date to be confirmed and the applicant undertook to advise the Panel of the likely time frame for production of the visual simulations.
4. The applicant's memorandum (dated 1 March 2021) proposes to provide a further landscape and visual assessment, following a site visit to relevant properties. The memorandum also undertakes to provide visual simulations of the proposed development (and, for illustrative comparison, a structure on the applicant's site), as viewed from relevant properties. The memorandum proposes to provide this additional information by 30 March 2021 and suggests that the hearing then be reconvened. We agree that the hearing should be reconvened to consider all new evidence pertaining to the further landscape and visual assessment.

PURPOSE OF RECONVENED HEARING

5. The Panel has not had an opportunity to confer with the Council's administrative team to determine a reconvened hearing date or a timetable towards the reconvened hearing. At this stage, it may be sufficient to note that the further landscape and visual assessment and the visual simulations will be circulated to all submitters. It will be new evidence and there will be an opportunity for submitters to present additional evidence to the reconvened hearing, in response to that new evidence.
6. In addition, at the reconvened hearing the Panel may have additional questions for Ms Lancashire (the author of the Council's section 42A report) arising from the applicant's further landscape and visual assessment. During the hearing, the Panel highlighted a number of matters that Council advisers were requested to report back on. Ms Lancashire did not have an opportunity, in the time available, to respond to all of those matters. In this respect, the Council's team has not yet completed its evidence. Also, the applicant has not yet had an opportunity to submit its legal submissions in reply. Those reply submissions will follow the further landscape and visual assessment, any further evidence from submitters and completion of the Council's evidence.
7. Mr Jewell will be in touch with all parties about a reconvened hearing date and a timetable for evidence exchange leading to that reconvened hearing.

RELEVANT PROPERTIES FOR VISUAL SIMULATIONS

8. The Panel undertook to identify what we consider to be the 'relevant properties' from which visual simulations should be made. We request that the visual simulations described in the applicant's 1 March 2021 memorandum be produced depicting the primary views into the application site from:
 - (a) No. 3 Hillplough Heights (the Billington property)
 - (b) No. 5 Hillplough Heights (the Medicott / Swift property)
(and we note that it may be achievable to create a representative simulation from a point close to the mutual boundary between numbers 3 and 5 Hillplough Heights – but will leave that matter for the applicant to determine)
 - (c) No. 381 Hill Street (the Bagnall property)
 - (d) No. 3 Brenda Lawson Way (the McDouall property) and particularly from the upper living rooms
 - (e) No. 5 Brenda Lawson Way (the Goodman / Lukacs property) and particularly from the rear bedroom windows or the outdoor garden area
 - (f) No. 2 Brenda Lawson Way (the Davenport property) and particularly from the upper floor living room or balcony
 - (g) No. 21 Fawdan Way (the Tomlinson / Roy property) and particularly from the yard adjoining Olive Estate
 - (h) No. 28 Fawday Way (Janet Sullivan's property) and particularly from the yard adjoining Olive Estate
(and we note that it may be achievable to create a representative simulation from a point close to the mutual boundary between numbers 21 and 28 Fawdan Way – but will leave that matter for the applicant to determine)

9. It would be helpful if the applicant could confirm in writing its acceptance of the above request. We record our thanks to Mr McFadden and the applicant for their cooperation in this matter and look forward to receiving the further landscape and visual assessment and the visual simulations.
10. We will issue a further minute in due course, confirming the date of the reconvened hearing and the timetable for evidence exchange in advance of the reconvened hearing. In the meantime, if any party has any questions about the adjournment or this minute, please contact Mr Alastair Jewell at the Council (email Alastair.Jewell@tasman.govt.nz). Mr Jewell will confer with the Panel as necessary.



Christine Foster (Chairperson) on behalf of the Hearing Panel

4 March 2021