

## RESOURCE CONSENT

This consent documentation was re-issued on 21 July 2021. Changes were made to conditions 29 (k) and condition 44 (f). This was done under section 133A of the Resource Management Act 1991. The reasons are identified in Section 34 of the re-issued Hearing Commissioners' Decision.

### Resource consent number RM190790

Under sections 104B and 104C of the Resource Management Act 1991 (the Act), the Tasman District Council (the Council) hereby grants resource consent to:

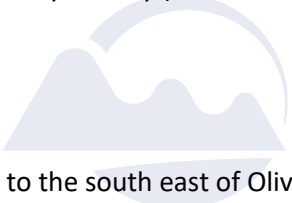
#### The Integrity Care Group Limited

(the Consent Holder)

#### Activity authorised by this consent

Land use consent under s 9(3) to construct a compact density development (comprising residential villas and terrace houses) and a community activity (care facility) and associated amenities on land zoned Residential.

#### Location details



Address	Land to the south east of Olive Estate Lifestyle Village with frontage to Hill Street between Brenda Lawson Way and 376 Hill Street, Richmond (the site)
Legal description	Lot 2 DP 511511, RT 785433

Under sections 108 and 108AA of the Act, this resource consent is issued subject to the following conditions:

## CONDITIONS

### General

1. The construction and operation of the lifestyle village shall be in general accordance with the information provided in the application and in general accordance with the following Plans prepared by Canopy Landscape Architecture, Weir Architecture and Verrall & Partners Ltd, attached to this consent:

- (a) 3.0 Master Plan – 3.2 Overall Site Development Stages referenced 17115 – 4th Amendment, dated 30 March 2021, attached and marked RM190790 A1, date 24 June 2021.
- (b) 3.0 Master Plan – 3.3 Overall Site Building Type Numbers referenced 17115 – 4th Amendment and dated 30 March 2021, attached and marked RM190790 A2, date 24 June 2021.
- (c) 3.0 Master Plan – 3.4 Overall Site Master Plan referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 A3, date 24 June 2021.
- (d) 3.0 Master Plan – 3.5 Proposed Development referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 A4, date 24 June 2021.
- (e) 3.0 Master Plan – 3.6 Care facility building referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 A5, date 24 June 2021.
- (f) 3.0 Master Plan – 3.6 Care facility building showing amendments referenced 17115 - 4th Amendment and dated 30 March 2021, marked RM190790 A6, date 24 June 2021.
- (g) 3.0 Master Plan – 3.7 Care facility building – Overland Flowpath referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 A7, date 24 June 2021.
- (h) 3.0 Master Plan – 3.9 Care facility building Section Elevations (sections (EE, II, JJ) referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 A10 to A12, date 24 June 2021.
- (i) 3.0 Master Plan – 3.11 Open Space Plan – Overall Site referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 A14, date 24 June 2021.
- (j) 2.0 Master Plan - 2.3 Design Guide Road Type Sections referenced 17115 – 4th Amendment and dated 30 March 2021, marked RM190790 C5 and C6, date 24 June 2021.
- (k) Catchment Plan for Proposed Boundary adjustment, Hill Street, Richmond referenced 12039-6a, marked RM190790 F1, date 24 June 2021.
- (l) Olive Estates Lifestyle Village Hill Street Proposal, Elevation and plans drawn Weir Architecture, Sk 1, Sk 2a, Sk 3, Sk 4, Sk 5A, Sk 6b, Sk 7 and dated 25 March 2019, marked RM190790 B1 to B7 respectively, date 24 June 2021.
- (m) Care Facility Hill Street Block Site Plans referenced 12.689, Sk.9, Sk.10, Sk.11A, Sk.12A, Sk.13A, Sk.14A and Sk.15A and dated 30 March 2021, marked RM190790 B8 to RM190790 B15 respectively, date 24 June 2021.

Where there are any discrepancies or apparent conflict between the information provided with the application and any conditions of this consent, the conditions shall prevail.

## Stages of work (including construction)

2. Staging Plan 3.10, dated 8 October 2020 and attached RM190790 A13, date 24 June 2021, shows the discrete stages of work proposed at the time of application. Stages may be reduced in size, thereby creating more stages, but there shall be no more than 12 stages nor less than 8 stages. The order of the stages may also be amended and stages may be completed concurrently. Engineering Plans required under condition 38 of this consent RM190790 shall be provided for each stage. While there is no restriction on the timing of the commencement of each stage, once construction of each stage has commenced (that is, the date earthworks commence) all works for that stage shall be completed within 18 months of the date earthworks commence, except that the care facility must be completed within 36 months of the date earthworks commence, or such longer period as may be allowed by the Council.

### Advice note

The consent holder may apply in writing to the Council's Team Leader, Monitoring & Enforcement to extend this timeframe should this be required to allow the consent holder some flexibility to respond to unfavourable weather and other unforeseen circumstances or circumstances beyond the consent holder's control. This time frame should not be extended without good reason and consideration of effects of extended earthworks periods on adjacent properties.

## Commencement date

3. The commencement date of this consent shall be the date an application is made to the Council for building consent for any villa or townhouse shown in the overall site master plan or the date that earthworks commence in accordance with RM190791 which may occur prior to the date the register of titles are issued for the allotments created by subdivision consent RM190789.

## Financial contributions

4. The consent holder shall, no later than the uplifting the building consent for each building, pay to the Council a reserves and community services financial contribution. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent in accordance with the following table. The total financial contribution due to the Council shall be reduced by the value of the land within the development area of RM190790 that the consent holder makes subject to an easement in gross, established in the following manner:
  - (a) The value of the land that is subject to an easement in gross shall be established, at the consent holder's cost, by a registered valuer.
  - (b) At the consent holder's request, the Council will (within 21 working days of receipt of a request by the consent holder) nominate three alternative independent

registered valuers for this purpose and the Council will select one of those registered valuers to undertake the valuation.

- (c) If the Council does not nominate any registered valuers within 21 working days of the consent holder's request, the consent holder shall provide to the Council a valuation for the land that is subject to an easement in gross undertaken by an independent registered valuer.
- (d) The amount by which the total financial contribution is reduced shall be the valuation provided by the independent valuer selected in accordance with this condition.
- (e) No reduction, remission or credit of the financial contribution shall be due until the Council receives confirmation of the registration of the easement in gross over the affected land.

<b>Financial contribution – building</b>	
<b>Component</b>	<b>Contribution</b>
Building consent (\$0 to \$50,000 value)	0%
Building consent (\$50,001 to \$200,000 value)	0.5%
Building consent (above \$200,001 value)	0.25%
<b>Notes:</b>	
(1)	The financial contribution is GST inclusive.
(2)	The building consent value is GST exclusive.
(3)	The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.
(4)	The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.

- 5. Prior to the issue of building consent for any building in Stage 7C on Plan 3.10 – Construction Staging Plan, or when the extension of Fairrose Drive is constructed, whichever occurs earlier, the applicant shall pay to the Council a financial contribution being an 8% cost share of the stormwater detention basin that has been constructed between Hart Stream and Pine Crest Drive (on Lot 101 DP 485765), in order to mitigate the adverse effects of stormwater flows from this property. The amount payable shall be \$59,000, adjusted for inflation from March 2016.

## Setbacks

- 6. The care facility building and the following villas / townhouses, as shown on Masterplan 3.5 'Proposed Development', 4th Amendment – dated 30 March 2021 17115, marked RM190790 A4, shall be constructed so as to comply with rules 17.1.3.1 (m) and (n)

‘building envelope’ and 17.1.3.1 (q), (r) and (s) ‘setbacks’ of the Tasman Resource Management Plan:

- V09
- V10
- V21
- V22
- V25
- V01
- TH01
- V14
- V31
- V32-36

## Care Facility Building

7. The care facility building shall be located at least 14.2 m from the eastern boundary (adjacent to Brenda Lawson Way) and at least 8 m from the boundary with Hill Street, in general accordance with the care facility plans prepared by Weir Architecture (marked RM190790 B8 to B15, date 24 June 2021), 3.0 Master Plan – 3.5 Proposed Development referenced 17115 – 4th Amendment and dated 30 March 2021, attached as RM190790 A4.
8. The care facility building shall be “benched” into the landscape on which it is to be constructed such that the building roof and elevations do not exceed the heights shown on the cross-section care facility plans prepared by Weir Architecture, referenced 12.689 Sk.12A, Sk.13A and Sk.14A and dated 30 March 2021, attached as RM190790 B12 to B14 respectively.
9. Prior to a Code Compliance Certificate being issued for the care facility building the consent holder shall provide to the Council’s Team Leader Monitoring and Enforcement certification by a registered surveyor that the heights of the roofs and elevations of the care facility building do not exceed the maximum heights shown on the elevations and cross sections prepared by Weir Architecture, labelled 12.689 Sk.12A, Sk.13A and Sk.14A and dated 30 March 2021, attached as RM190790 B12 to B14 respectively.
10. The footprint of the care facility shall not exceed an area of 4500 m<sup>2</sup> in accordance with the plan 12.689 Sk.8A prepared by Weir Architecture and dated 30 March 2021, attached as RM190790 B8.
11. The consent holder shall, no later than the date of lodging an application for building consent for the care facility building, submit to the Council’s Team Leader – Monitoring and Enforcement elevations and supporting commentary showing how the proposed exterior walls, glazing and roofs of the care facility building will incorporate elements of residential character and be integrated with the architecture of the dwellings and Lakehouse within Olive Estate, including by using:
  - (a) Architectural techniques and features to create variation of exterior form and to break up continuous lengths of wall;
  - (b) Window size and window placement to maintain residential scale of glazing;
  - (c) A variety of building materials, including at least two different cladding materials;
  - (d) Exterior wall and roof finishes and colours similar to those used on the dwellings, other buildings and built landscape features within Olive Estate, including the following details:

- (i) the type of material to be used for the walls and roof (eg, paint, Colorsteel);
- (ii) the name and manufacturer of the product or paint;
- (iii) the reflectance value of the colour;
- (iv) the proposed finish (eg, matt, low-gloss, gloss); and
- (v) either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The care facility building shall thereafter be constructed in accordance with the elevations supplied under this condition.

12. The consent holder shall supply to the Council, no later than the date of lodgement of a building consent application for the care facility building, a Detailed Landscape Plan (DLP) prepared by a landscape architect. The DLP shall be in general accordance with the following documents:

- 2.0 Design Guide (including 2.1 Landscape Statement, 2.2 Village Design, 2.3 Road Type Sections, sheets 07 to 012) Revision 04 dated 30 March 2021, attached to this consent marked RM190790 C1 to C6, date 24 June 2021;
- 3.0 Master plan set (plans 3.5 to 3.9 (sheets 017, 018 and 020 to 023 and 027, 028 and 030) Revision 04 dated 30 March 2021, attached to this consent marked RM190790 A4, A5 and A7 to A11, A12 and A14 respectively; and
- Hill Street render plans prepared by Canopy NZ Ltd (plans 5.1 to 5.3 (sheets 041 to 046) Revision 04 dated 18 September 2020, attached to this consent marked RM190790 D1 to D6, date 24 June 2021.

The Council will certify the DLP if it includes the elements and details specified to achieve the objectives stated below:

- (a) **Fawdan Way objectives:** To achieve screening that will reduce intervisibility between the northern elevation of the care facility building and the outdoor areas along the southern boundary of residential dwellings at 28 and 21 Fawdan Way, by:
  - (i) Installing 1.8-metre-high fencing along the shared boundary of a type illustrated in the design guide;
  - (ii) Continuous shrub, flax and native grass planting along the immediate boundary up to and including the storm water swale within Olive Estate that will create a visual screen between 1.5 m and 3 m high (at maturity);
  - (iii) Planting well placed trees that will (at maturity) provide screening between the second story balconies of the care facility building and the outdoor amenity areas of 28 and 21 Fawdan Way.

- (b) **Brenda Lawson Way objectives:** To provide visual mitigation of the eastern end of the care facility building in the area adjacent to 3 and 5 Brenda Lawson Way, and to create a park-like view from the outdoor amenity areas of the neighbouring residences, by:
- (i) Installing 1.8-metre-high fencing along the shared boundary, where there is no existing fence and where requested in writing by the owners of numbers 3 and 5 Brenda Lawson Way;
  - (ii) Planting shrub, flax and native grass planting along the sloping bank within Olive Estate immediately adjacent to the boundary with number 3 Brenda Lawson Way for a minimum horizontal width of 4.0 metres, that will create a visual screen and continuous vegetation cover between 1.5 m and 3 m high (at maturity) without blocking light from the dwelling at number 5 Brenda Lawson Way;
  - (iii) Densely planting small trees (capable of growing up to 6 m in height at maturity) between the planting specified in (b) (ii) above, no closer than 4.0 metres to the boundary with number 5 Brenda Lawson Way that will create a visual screen partially (but not necessarily completely) obscuring views of the building from number 5 Brenda Lawson Way;
  - (iv) Densely planting small trees (capable of growing up to 6 m in height at maturity) between the boundary of number 3 Brenda Lawson Way and the care facility building that will create a visual screen partially (but not necessarily completely) obscuring views of the ground floor of the building from number 3 Brenda Lawson Way;
  - (v) Planting trees capable of growing 8 m and higher (at maturity) between the planted areas specified in (b) (iii) and (iv) above and the care facility building that will add enhanced visual mitigation for views from Brenda Lawson Way properties.
- (c) **Hill Street & adjoining Hill Street properties objective:** To integrate and break up the bulk and scale of the care facility building as experienced from the footpath of Hill Street when parallel to the Olive Estate Boundary, by:
- (i) Implementing the screening, walls and boundary treatments including hedges outlined in the masterplan set Sheets 030 – 037 marked RM190790 A14 to A16, and RM190790 E1 to E5, date 24 June 2021. Along Hill Street, the 1.2 m-high fence will be staggered, permeable and comprise a mix of timber battens and rendered plaster walls to provide depth and interest along the Hill Street frontage.



- (ii) Planting a mixture of exotic deciduous and native evergreen trees along the shared boundary with Hill Street in a manner consistent with the Masterplan that will:
- (ii)(a) Provide interest, seasonality and variation in height of trees at maturity. Within 8m horizontal distance from the Hill Street boundary, 85 % of trees shall be capable of growing to a height no greater than 8m at maturity and 60 % of trees shall be capable of growing to a height no greater than 6 m at maturity (and the trees shall be maintained at those respective heights. All trees planted further than 8 m horizontal distance from the boundary may be capable of growing to heights greater than 6 m and 8 m at maturity.
- (ii)(b) Mitigate views of the 'Crow's Nest' staffroom, and to add interest to the streetscape through the placement of trees of additional height (provided these are no closer than 8 m horizontal distance to the Hill Street boundary).
- (ii)(c) Consist of tree species specified in the Olive Estate Design Guide submitted with the application and attached to this consent marked RM190790 C4 to C6.
- No trees shall be planted within 2 m of the boundary unless they are of a specimen type which at maturity shall allow all or most of the canopy to remain within the consent holder's site.
  - Species will predominantly be those provide seasonal fruit and / or flower and nectar production suitable for insects and native birds. In the event that it is impractical to do use these species, the reasons and rationale for not doing so shall be stated in the DLP.
- (d) **Fairose Drive objectives:** To achieve interest and stature within the streetscape, and to aid in way finding, trees of up to 8 m in height (at maturity) shall be planted along either side of Fairose Drive.
- (e) **Overland flow path objective:** and to achieve a high amenity overland flowpath area near the care facility, by
- (i) Providing planting and rock treatment generally in accordance with Masterplan plan 3.7 care facility building – Overland Flowpath, 4th Amendment dated 30 March 2021, attached as RM190790 A7 to A9, date 24 June 2021.
- (f) The DLP shall be drawn to a known scale, specify the proposed species including botanical names, their size at the time of planting, height at maturity and their layout position.
13. The DLP shall include a maintenance schedule to address the first two growing seasons and for the ongoing management of the landscaping to ensure successful establishment and



maintenance. Details shall include staking, mulching, watering, weed control, trimming and replacement of dead or dying plants.

14. The landscaping shall be implemented prior to occupation of the care facility building and maintained in perpetuity in accordance with the certified DLP maintenance schedule with any dead or dying plants replaced within the next planting season (May to August inclusive).

## Parking

15. Prior to the operation of the care facility building, a minimum of 49 car parking spaces shall be provided and located as shown on the plan titled Masterplan care facility building shown in Amendments (3.6 17115, 4th amendment, dated 30 March 2021) attached and marked RM190790 A6, date 24 June 2021. All parking spaces shall be formed and finished with an all-weather dust-free surface prior to the occupation and operation of the care facility building

## Care facility operational noise

16. The operation of the care facility shall not exceed the noise limits in the Tasman Resource Management Plan for the Residential Zone, at the boundary of the site which are:

	Day	Night
Leq	55 dBA	40 dBA
Lmax		70 dBA

'Day' is defined as 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' is all other times plus public holidays.

17. All plant and equipment (such as heat pumps, cooling fans, generators) shall be located, designed, installed and maintained using the best practicable option to ensure that the noise does not exceed the noise limits in the Tasman Resource Management Plan for the Residential Zone.
18. A suitably qualified acoustic engineer shall review the developed mechanical services design of all proposed external plant associated with the care facility, as part of the building consent process, to ensure that the noise emissions comply with the TRMP noise limits, when received at the boundaries of the neighbouring properties. This acoustic engineer review shall be submitted to the Council at time of lodging an application for building consent for the care facility.

## Other matters

19. Any area to be used for outdoor storage or rubbish holding and collection for the care facility building shall be fenced and landscaped so that it is screened from the view of any neighbour(s) and the general public, and shall also be:
  - (a) covered to prevent any windblown debris from leaving the storage area;
  - (b) separated from and not encroaching into any boundary setback for building or parking area under relevant zone rules at the time.
20. The consent holder shall advise the Team Leader – Monitoring and Enforcement in writing as to when the care facility building will be both occupied and operational at least 20 working days prior to occupation and operation of the care facility building.

## Buildings other than the care facility building

21. The residential units authorised by this consent shall be designed to include the following elements:
  - (a) the exterior of the villas and townhouses shall be finished in colours from the colour palette approved by the Council for the existing Olive Estate village developed to date.
  - (b) The villas shall be consistent in quality, style, and visual appearance so as to appear as a continuation of the existing Olive Estate villas that have been developed to date. This will be achieved by continuation of use of the Olive Estate Design Guide, labelled RM190190 C1 to C6 and attached to this consent. The villas and townhouses shall be clad in at least two different building materials.
22. All garage doors shall be a set back at least 5.5 m from the back of the footpath adjoining the frontage of each of the villas and townhouses.

## Outdoor living areas

23. Each villa and townhouse, shall be provided with an outdoor living area with a minimum area of 6 m<sup>2</sup> to which its occupants have exclusive rights of use in general accordance with the Private Space Plan prepared by Canopy Landscape Architects (referenced 3.12 – 17115 – 4th Amendment – dated 30 March 2021) and attached as RM190790 A15, date 24 June 2021.

## Landscaping

24. The landscape plans shall be implemented for each stage of the development in general accordance with the guide entitled “Olive Estate 2.0 Design Guide” prepared by Canopy Landscape Architects, 4th Amendment dated 30 March 2021 (RM190790 C1 to C6), and in accordance with the plans attached to this consent (including Master Plan 3.12 Private

Space Plan – Proposed Development 4th Amendment dated 30 March 2021, attached to this consent marked RM190790 A15).

25. The landscaping shall be maintained with any dead or dying plants replaced within the next planting season (May to August inclusive). The landscaping provided for each stage of the development shall be completed prior to occupation of the buildings within that stage.

## Service deliveries

26. All delivery and service vehicles entering and exiting the site for the purposes of the operation of the care facility shall be permitted to enter the site only between 7.00 am and 9.00 pm.

## Lighting

27. All site lighting shall be designed to ensure it is directed away from adjacent residential properties so that the light is directed onto the site. All site lighting shall also be designed to ensure that vertical light spill is minimised. This shall be achieved by either outdoor lighting being shielded from above in such a manner that the edge of the shield shall be below the whole of the light source; and/or low powered street-level lights are used (eg. bollard lighting).

## Construction noise and vibration

28. This condition applies to construction of the care facility building and all residential buildings. All construction works on site shall be undertaken in accordance with NZS 6803:1999 Acoustics - Construction Noise. All construction works shall be undertaken in accordance with a **Construction Noise and Vibration Management Plan (CNVMP)** which is to be certified by the Team Leader Monitoring and Enforcement prior to any construction works on site commencing. The CNVMP shall be certified if it includes details of:
  - (a) mitigation measures in accordance with Annex E of NZS 6803:1999;
  - (b) good practice guidelines to reduce noise levels and vibration effects as far as practicable;
  - (c) the construction methods to be used to avoid vibration exceeding the guideline levels specified in the *German Industrial DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures* where practicable;
  - (d) Where avoidance of vibration in excess of the guideline levels specified in the *German Industrial DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures* is not practicable, the reasons why the vibration source is necessary and the measures to be adopted to carefully manage construction activities that involve potential vibration (such as piling and vibratory rolling) to avoid damage to buildings on adjoining properties;

- (e) the process for notifying persons in the immediate surrounding neighbourhood of the times and duration of particularly noisy aspects of the construction;
  - (f) a complaints procedure able to be used by people concerned about noise or vibration (which must include a 24-hour telephone number) and the method by which complaints will be recorded and transmitted to the Council.
29. The CNVMP shall include the following:
- (a) A requirement to provide written advice to the occupiers of the following properties of the scope of works and commencement date of construction activities in any development stage adjacent to the following properties at least 15 days before earthworks start on site:
    - 3 & 5 Brenda Lawson Way
    - 21 & 28 Fawdan Way
  - (b) The advice given in (a) above must provide the owners of 3 & 5 Brenda Lawson Way and 21 & 28 Fawdan Way with the following information:
    - (i) The consented times for works and the expected duration of the project
    - (ii) A contact name, telephone number and email address to be used for:
      - Asking any questions or lodging construction noise and vibration complaints
      - Discussing alternative times of day when particular aspects of work may occur in order to be less intrusive
      - Arranging pre-construction and post-construction condition surveys of their dwelling to be undertaken by an appropriately qualified structural engineer.
  - (c) A procedure for contacting and liaising with the occupiers identified in (a) above to determine if practicable arrangements can be made regarding times of day when particular aspects of work will be least intrusive, and to arrange pre and post construction dwelling condition surveys.
  - (d) Limitations on working days and hours
  - (e) Requirements and specifications for acoustically effective barriers and any additional screening or mitigation that may be required
  - (f) A procedure for responding to any noise and vibration complaints.
  - (g) A procedure for any noise and vibration monitoring during the works and applying any corrective action that may be required.

- (h) Details of practicable noise and vibration mitigation measures to be applied during the various stages of the construction period.
- (i) Procedures for ensuring that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects on the neighbouring sites.
- (j) The process for undertaking, at the consent holder's cost, a pre-construction and post-construction condition survey of the buildings on the following properties:
  - 3 & 5 Brenda Lawson Way
  - 21 & 28 Fawdan Way
- (k) The process to be followed in the event that the pre and post construction dwelling survey finds damage has occurred to these dwellings as a direct consequence of vibration from the construction of the care facility building. The process must include commitments by the consent holder that the cost of repair of all damage attributable to construction vibration on its site is the responsibility of the consent holder and must outline a prompt timeframe for repair of any such damage.

#### Advice note

The consent holder may include the requirement that any contractors undertaking the relevant works must hold the appropriate insurance to cover the cost of any repair necessary under this clause as part of the required commitments.

30. The consent holder shall undertake, at its own cost, a pre-construction and post-construction condition survey of the buildings on the following properties, to be undertaken by a suitably qualified and experienced structural engineer:
  - 3 & 5 Brenda Lawson Way
  - 21 & 28 Fawdan Way
31. The consent holder shall supply to the owners of numbers 3 and 5 Brenda Lawson Way and numbers 21 and 28 Fawdan Way a copy of the structural engineer's report on the pre-construction condition of the buildings on their individual properties. No construction shall commence on the relevant development stage until the structural engineer's report has been supplied to the owners of numbers 3 and 5 Brenda Lawson Way and numbers 21 and 28 Fawdan Way in accordance with this condition.
32. The consent holder shall, no later than three months after completion of the building work in the relevant development stage, supply to the owners of numbers 3 and 5 Brenda Lawson Way and numbers 21 and 28 Fawdan Way a copy of the structural engineer's report on the post-construction condition of the buildings on their individual properties and shall, at the same time, supply to the Council a copy of the post-construction condition report on the buildings on all properties.

33. Notwithstanding any other condition of this consent there shall be no construction works on the care facility building on Sundays or Public Holidays, and no noise-generating construction activities on parts of the site within 30 metres of numbers 3 and 5 Brenda Lawson Way and numbers 21 and 28 Fawdan Way before 9.00 am on any Saturday morning.

## Construction Management Plan

34. The consent holder shall, at least 20 working days prior to the commencement of work on site, submit to the Council's Team Leader – Monitoring and Enforcement for certification a detailed **Construction Management Plan (CMP)** prepared by a suitably qualified and experienced person. The CMP shall establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. The CMP shall include:

- (a) a contact telephone (mobile) number(s) for the on-site manager where contact could be made 24 hours a day / seven days a week;
- (b) details of appropriate local signage/information on the proposed work including the location of a large (greater than 1 m<sup>2</sup>) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell phone and after hours contact details;
- (c) a communication and complaints procedure for adjoining property owners/occupiers and passers-by;
- (d) a timetable and nature of the construction works proposed;
- (e) hours of operation;
- (f) safety fencing and associated signage for the construction site;
- (g) dust mitigation measures (the noise aspect of the Management Plan should be written with reference to NZS 6803:1999 Acoustics - Construction Noise); and
- (h) measures to ensure dirt, mud or debris is not left on the road, and does not enter the Council's stormwater system.

The Council's Team Leader - Monitoring and Enforcement will certify the CMP within 10 working days if it contains the information required by this condition.

## Construction Traffic Management Plan

35. The consent holder shall, at least 20 working days prior to the commencement of work on site, submit to the Council's Team Leader – Monitoring and Enforcement for certification a detailed **Construction Traffic Management Plan (CTMP)** prepared by a suitably qualified and experienced person. The CTMP will establish acceptable performance standards

regarding public safety and amenity protection during the construction process of this development. The CTMP will include:

- (a) hours during which construction vehicle movements may take place;
- (b) the routes which construction vehicles will take to and from the site;
- (c) identification of potential impacts on pedestrians and cycle movements within the vicinity and how these will be addressed;
- (d) measures to ensure dirt, mud or debris is not left on the road, and does not enter the Council's stormwater system;
- (e) staff parking areas; and
- (f) communication and complaint procedures.

The Council's Team Leader – Monitoring and Enforcement will certify the CTMP within 10 working days if it contains the information required by this condition.

36. The consent holder shall implement the CMP and CTMP certified under conditions 34 and 35 throughout the entire construction period, subject to any modifications directed by the Council's Team Leader – Monitoring and Enforcement to address any adverse effects arising from deficiencies in the management plans or the implementation of them.

#### **Advice note**

Any earthworks, including works involving the disturbance of contaminated soils, must comply with the conditions of land use consent RM190791.

## **Engineering works**

37. All engineering works shall be designed and constructed to comply with the conditions of consent, the approved engineering plans and the Council's Engineering Standards & Policies 2013, or where the engineering plans or Standards & Policies 2013 are not complied with, to the Council's Engineering Manager's satisfaction.

#### **Advice note**

The Council has agreed that the relevant standards to apply are the Council's Engineering Standards & Policies 2013

There may be engineering works that are appropriate to be carried out in accordance with the Nelson Tasman Land Development Manual 2021 standards (although this is not obligatory, and is at the sole discretion of the consent holder).

## **Engineering plans**

38. The consent holder shall, prior to any works on any stage being carried out, submit to the Council's Engineering Manager for approval engineering plans showing the details of all works required, including details of all services, roading, footpaths and access, right turn



bay on Hill Street, and including works for stormwater control, sediment control during earthworks for each stage of construction work. The plans will be approved by the Engineering Manager if the works are designed to comply with the conditions of consent, and are in accordance with the Engineering Standards & Policies 2013 or, where the latter is not complied with, are to the satisfaction of the Council's Engineering Manager.

## Commencement of works and inspection

39. The consent holder shall contact the Council's Engineering Services Department five working days prior to the commencement of any engineering works. No work shall commence on any stage until the engineering plans for that stage are approved and signed by the Council's Engineering Manager.

## Engineering certification

40. The consent holder shall, at the completion of works for each stage and prior to occupation of any residential building in that respective stage, provide to the Council's Engineering Manager written certification by a suitably experienced chartered professional engineer or registered professional surveyor that the works have been constructed in accordance with the approved engineering plans, drawings and specifications and any approved amendments.

## Traffic and connecting road Lot 9

41. All vehicle access and car parking shall be in general accordance with the information provided in the application and the plans attached to this consent.
42. All roading and car parking shall be constructed in accordance with the conditions of this consent, or otherwise to the approval of the Council's Engineering Manager.
43. All roading and car parking shall be shown on the engineering plans required under condition 38 above in each respective stage of work.
44. The road to vest within Lot 9 shall be formed prior to vesting in accordance with the Tasman District Council Engineering Standards 2013 or as otherwise provided in the conditions of consent. The road formation shall include:
- (a) a 2.5 metre shared path and 1.4 metre footpath;
  - (b) a minimum 6 metre formed carriage way;
  - (c) street lighting as approved by the Council's Engineering Manager;
  - (d) fourteen 2 metre wide indented parallel parks; and
  - (e) A legal width, no less than 12.5m, sufficient to accommodate the road formation requirements set out above.

- (f) In addition, the road within Lot 9 shall be designed and constructed to ensure that the headlights of cars approaching and turning right onto Hill Street will be directed no higher than the top of the bank adjacent to numbers 3 and 5 Hillplough Heights.

45. Lot 9 may be constructed and vested in up to two stages, comprising:

- (i) the upper section from Hill Street to the boundary of Lot 6 containing the care facility;
- (ii) the remainder of Lot 9, from the boundary of Lot 6 containing the care facility to the boundary with the completed section of Fairrose Drive, providing access to dwellings TH01 to TH11 and V14 to V18 (dwelling numbers as per plan marked RM190790 A4 attached).

The portion of Lot 9 described in (i) above must be constructed prior to occupation of the care facility building. The portion of Lot 9 described in (ii) above must be constructed prior to occupation of the dwellings TH01 to TH11 and V14 to V18.

As soon as reasonably practicable following construction of the carriageway within each stage the road to be constructed on Lot 9 shall vest in the Council in accordance with the Verrall & Partners Ltd Plan 12039-6 dated June 2019, attached to this consent marked RM190790 F2, date 24 June 2021.

#### Advice note

The above condition regarding occupation of the care facility and terrace houses relates to the construction of the relevant portion of Lot 9, rather than vesting, as the vesting process can take a significant length of time.

- 46. All roading and car parking within Lot 9 shall be shown on the engineering plans required by condition 38 above in each respect of each stage of work.
- 47. The vehicle access crossing into the care facility car park shall not exceed 7 m in width.
- 48. The consent holder shall develop a landscaping plan for the road to vest within Lot 9 in accordance with the "Olive Estate Design Guide" prepared by Canopy Landscape Architects and attached to this consent marked RM190790 C1 to C6 and shall submit the landscaping plan to the Council's Engineering Manager for approval as part of the engineering plans required by conditions 13 and 14 of subdivision consent RM190789. The consent holder shall complete the landscaping of Lot 9 in accordance with the landscaping plan approved under this condition prior to the vesting of the road.

#### Hill Street right turn bay

- 49. The consent holder shall arrange for a right turn bay into the road to vest in Lot 9 to be constructed on Hill Street prior to the vesting of Lot 9. The turning bay shall be constructed in accordance with the Manual of Traffic Signs and Markings (MOTSAM) Figure 3.26 for a 50 km/h speed environment, and shall have a 3 metre wide holding bay. Final design of this turning bay shall be included in the Engineering Plans required by condition 38 above.

### Advice note

For the purpose of this condition 'construction' means painted and constructed without raised median or channelisation or nose islands (as examples)

## Easement in gross

50. The consent holder shall grant an easement in gross in favour of Tasman District Council, in the form outlined in Appendix 1 to this consent, to allow public access to the 2,500 m<sup>2</sup> area marked "Olive Estate Green Space subject to easement in gross" on 3.0 Master Plan – 3.11 Open Space Plan – Overall Site" referenced 17115 – 4th Amendment and dated 30 March 2021 attached to this consent marked RM190790 A14.

## Servicing

51. Full servicing shall be provided for each residential unit and the care facility building in general accordance with Infrastructure report prepared by Verrall & Partners Limited (contained in Annexure E of the AEE provided with the application).

### Advice note

Connection fees will be payable to the Council at the time building consent is issued.

52. Prior to the occupation of each residential unit and the care facility building, a water connection shall be provided to the buildings in accordance with the Tasman District Council Engineering Standards & Policies 2013.

### Advice note:

Connection fees will be payable to the Council for each individual couple up point to existing Council reticulation rather than for each residential unit/building and this is payable at the time building consent is issued.

53. The servicing provided shall include:
- (a) Water Supply
    - (i) Water reticulation shall be provided to each residential unit, and the proposed care facility building, complete with all mains, valves, fire hydrants and other necessary fittings. The final layout of water reticulation and location of water meters shall be confirmed at the engineering plan stage. Clusters of villas may share water fees and a meter.
  - (b) Sewer
    - (i) Full sewer reticulation discharging to the Council's approved system shall be installed complete with any necessary manholes and connection to each residential unit and care facility building. Wastewater services provided through the site shall contain connections for Lot 2 DP 7794 (the Nicoll Block) in general accordance with the Infrastructure report prepared by Verrall &

Partners Limited (contained in Annexure E of the AEE provided with the application).

(c) Stormwater

- (i) Full stormwater reticulation discharging to the Council's approved system shall be installed in accordance with the Council's Engineering Standards 2013. The primary network shall be designed to receive stormwater flows up to a 5% AEP rainfall event and all secondary flow paths shall be designed to receive flow up to a 1% AEP rainfall event.

(d) Stormwater swale

- (i) Prior to the filling of the pond or re-contouring works within proposed Lot 6 the consent holder shall submit detailed design plans for the swale to be constructed to the north of the car facility to the Council's Engineering Services Manager for approval. These shall be accompanied by a report from a suitably qualified and experienced Chartered Professional Engineer certifying that the proposed design is appropriate to receive overland flows during a 1% AEP rainfall event without overtopping or scouring and setting out any geotechnical requirements for the construction of the swale. This report shall also provide a recommended maintenance schedule for the swale.
- (ii) Construction of the swale shall be carried out in accordance with the approved design and report and shall be supervised by a suitably qualified and experienced Chartered Professional Engineer.
- (iii) The consent holder shall maintain the swale in accordance with the maintenance schedule required above.

(e) Electricity and telephone

- (i) Live telephone and electric power connections shall be provided to each residential unit and care facility building and all wiring shall be run underground.

**Advice note**

Services connection fees will be payable with respect to the connection to the existing Council service (rather than each individual connection within the private network) in accordance with the Council's Long Term Plan at the time building consent is issued.

54. All the services referred to in conditions of this consent shall be installed in accordance with the Council's Engineering Standards & Policies 2013.

## Firefighting water supply

55. All domestic-scale residential buildings (villas and town houses) shall be provided with a firefighting water supply system and access to this system that complies with the *New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008*.
56. As a minimum, each residential unit shall be within 135 metres of a working fire hydrant and also within 270 metres of a second working fire hydrant. Both fire hydrants must be capable of delivering 12.5 litres per second to achieve compliance with SNZ PAS 4509:2008.
57. At time of building consent lodgement evidence of the above shall be provided to ensure compliance.

### Advice note

The optimal means of compliance with the New Zealand Fire Service Code is considered by the NZ Fire Service to be the installation of domestic sprinkler systems in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.

58. The care facility shall be provided with a firefighting water supply in accordance with the SNZ PAS 4509:2008.
59. Notwithstanding the above, the care facility building shall be provided with a sprinkler system in accordance with the relevant requirements of the Building Code.
60. The firefighting water supply shall be shown on the engineering plans required under condition 38 above.

## Stormwater Management Plan

61. The consent holder shall produce a stormwater management plan that provides for maintenance and servicing of the stormwater system, including secondary flow paths, through the site. The plan shall also address land use in the contributing catchment with the objectives of maximising ground soakage and avoiding the transfer of silt, bark, mulch and contaminants being entrained in the stormwater system.
62. The stormwater management plan shall be finalised prior to any residents being accommodated in Olive Estate and a copy of the plan shall be provided in writing to the Council's Team Leader – Monitoring and Enforcement for their certification.

## Lapse date

63. This consent shall lapse 10 years after the date that it commences, unless it has been given effect to, or unless the Council has granted an extension under section 125(1)(b) of the Act.

## GENERAL ADVICE NOTES:

### Council regulations

1. This is not a building consent and the consent holder shall meet the requirements of the Council with regard to all building and health bylaws, regulations and Acts.

### Other Tasman Resource Management Plan provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - (b) be allowed by the Resource Management Act; or
  - (c) be authorised by a separate resource consent.

### Consent holder

3. This consent is granted to the abovementioned consent holder but section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “consent holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.

### Development contributions

4. The consent holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Plan (LTP). The Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with the Council’s Development Contributions Policy under the Local Government Act 2002. This shall not preclude the Council and consent holder entering into a development contributions agreement.

### Interests registered on property title

5. The consent holder should note that this resource consent does not override any registered interest on the property title.

### Monitoring

6. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these

additional costs from the consent holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

## Archaeological

7. The Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Heritage New Zealand Pouhere Taonga Act 2014 to cease the works immediately until, or unless, authority is obtained from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.

## Firefighting standards

8. The consent holder should address the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). The NZ Fire Service Commission considers the optimal means of compliance with the NZFS Code is the installation of a domestic sprinkler system in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010.
9. For the (care facility building the sprinkler requirements of the Building Code are applicable.
10. Regarding the design of the care facility it is recommended that early contact is made with New Zealand Fire Service fire risk management personnel to discuss management and integration of the evacuation scheme and alarm system requirements.
11. The first point of contact for discussing firefighting requirements as set out in the conditions of consent and in advice notes above is Rob Dalton, Senior Fire Risk Management Officer on (03) 577 8211 or 027 4956 691.

## Signage

12. Any signage proposed must comply with the Tasman Resource Management Plan standards in Section 16.1 for the Residential Zone. Separate resource consent would be required for any signage that does not comply with these rules.



# Appendix One to RM190790 conditions (page 1 of 3)

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This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

**“A”**

## Form 22

### Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

#### Grantor

Olive Estate Lifestyle Village (as to [insert title reference])

#### Grantee

Tasman District Council

#### Grant of Easement or *Profit à prendre*

**The Grantor** being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

#### Schedule A required

*Continue in additional Annexure Schedule, if*

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of access	[reference open space plan]	[title reference]	Tasman District Council in Gross

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Filename as received by the Council 24 May 2021 - "Attachment A (easement in gross) (\_13093058\_1).PDF"

## Appendix One to RM190790 conditions (page 2 of 3)

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### **Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 ~~and/or Schedule 5 of the Property Law Act 2007~~

The implied rights and powers are hereby **[varied]** ~~**[negated]**~~ ~~**[added to]**~~ or ~~**[substituted]**~~ by:

[Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017]

[the provisions set out in Annexure Schedule A]



## Appendix One to RM190790 conditions (page 3 of 3)

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### SCHEDULE A

1. The Grantee has the right to allow the public to enter, recreate and go over and along the Easement Area on foot, or on a bicycle for the purposes of recreation subject to the terms of this easement instrument.
2. The Grantee acknowledges that the Easement Area is owned by the Grantor and administered by it.
3. The Grantor reserves control and management over the Easement Area.
4. The Grantor may temporarily prohibit access to the Easement Area during construction activities.
5. The Grantor may temporarily restrict access to members of the public in the event of the following:
  - (i) Any members of the public are, in the opinion of the Grantor, displaying anti social behaviour while within the Easement Area.
  - (ii) Any members of the public are behaving in a manner that impacts on the quiet enjoyment of residents while within the Easement Area.
  - (iii) Maintenance.
  - (iv) Health and safety requirements.
6. The Grantor shall have the responsibility for maintenance of the Easement Area.
7. The Grantor shall place signs stating the name of the Easement Area and shall place these at each end of the easement area advising that it is open to public access and identifying restrictions to that access and that it is administered by the Grantor.
8. In this Schedule 'Grantee' includes the Grantee's employees, contractors, agents and invitees.
9. In this Schedule 'Grantor' includes the Grantor's employees, contractors, agents, tenants, licensees and invitees.
10. Where there is a conflict between the provisions of Schedule 4 Land Transfer Regulations 2002, and the modifications in this easement instrument, the modifications shall prevail.

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