

MINUTES

TITLE: Tasman Education Trust Application
DATE: Tuesday 22 February 2005
TIME: 9.30 am
VENUE: Council Chambers, 189 Queen Street, Richmond

PRESENT: Crs T B King (Chair), E E Henry, E J Wilkins

IN ATTENDANCE: Development Engineer (D Ley), Manager Consents (J Hodson),
Corporate/Engineering Administrator (V M Gribble)

1. TASMAN EDUCATION TRUST, HEADINGLY LANE, RICHMOND – APPLICATION RM040756

1.1 Presentation of Application

G Thomas presented the application on behalf of Tasman Education Trust.

The proposal is to construct and operate a private school on a 5.99 hectare property in Headingly Lane, Richmond.

M Hewetson presented evidence to show the relationship to the mainstream schools and the education curriculum.

Mr Thomas tabled correspondence received from Community Services Department supporting the landscaping development as per plans and conditions set out in the resource consent.

G Praat, Knapps Lawyers, read his written report and presented a legal submission on behalf of the Trust.

Cr King asked if other options were considered for siting of buildings.

Mr Thomas said the buildings were sited to keep them as far back from the coast. The Trust wanted them back to close out distractions from road noise etc.

Cr King said people who buy alongside rural areas have an idea of the noise they will encounter. Is the noise from school similar enough to come under permitted baseline?

Mr Praat said his view was that the noise emanating from the school would be concentrated in particular bursts, ie pre-school, morning interval, lunch time, after school. Level of noise and type of noise would be quite a lot less than might arise from a permitted activity.

Cr King asked for comment on cumulative potential effects and precedent.

Mr Praat said there would be no precedent effect because each proposal is different.

Cr King said he would be wary of discussion after the hearing on wording of conditions.

H Briggs, Principal of Hugh Briggs Partnership, presented his written report and addressed the relevant planning principles and issues that required consideration.

In reply to a question about whether pupils would be transported by bus or minivan, Mr Briggs said there would be a 34-seater bus from Motueka and several minivans from Nelson.

Cr Henry asked if the applicant had developed the colour scheme.

Mr Briggs said the Committee needs to state what “recessive” colours are.

Cr Henry asked if the height of the gymnasium could be reduced.

Mr Briggs said it is designed like a standard gymnasium for specific codes where specific heights are required. This building impinges by two metres.

Cr Henry said from information submitted to us, and also indicated on the plan tabled, the school will be built for 90 pupils and the plan indicates a future classroom block. Does that 90 pupils make allowance for a future classroom block or will it be built if the roll exceeds 90?

Cr Henry asked if there will be any other activities taking place that are really not related to the school, e.g church services in gymnasium, conferences or other activities that often do take place in school halls.

Mr Briggs said his understand was that there won't be, but the applicant will need to confirm that.

Cr King asked about the planting and whether Mr Briggs considered the tabled plan was sufficient.

Mr Briggs made it quite clear that a landscaping concept plan needs to be undertaken which will address issues that have been identified.

Cr King asked about outside events and outside school hours. He asked if the applicant had considered conditions restricting outside school hours.

Mr Thomas said he does not see why we should have night time noise limits imposed.

2. PRESENTATION OF SUBMISSIONS

Mrs J Morris presented and spoke to her submission which supported the application.

Mrs S Marshall spoke to her submission which was concerned with the state of the road and the traffic that will be generated. Headingly Lane is a very narrow lane. She is concerned about the build up of the land and potential flooding problems for other properties. Expressed concern about the intersection with Queen Street. Concerned that Council declined an application for a dependent person and cited traffic as one of the issues. She noted that the original application stated minibuses would be used for transport, but now it is being stated that buses will be used. She questioned the need for 70 car parks at the complex and also commented on the height of the gymnasium.

Cr Wilkins asked about the use of the road by heavy trucks.

Mrs Marshall said because of a lack of knowledge of streets, people mistake Headingly Lane for Beach Road.

Cr King asked about the dog exercise area and where cars park.

Mrs Marshall said most park their cars by Grace Church on Queen Street and walk down Headingly Lane to the exercise area.

Cr King said the applicants commented on what could happen in Rural 2 zone, ie bird scarers, etc, visual amenity issue. Effectively someone could build sheds etc.

Mrs Marshall said that would be acceptable as that is what you expect in a Rural 2 zone.

Mrs Marshall said the trees they have planted down the creek will be removed when Borck's Creek is widened. Would like to see more detail of the proposed plantings.

3. PRESENTATION OF APPLICATION – Continued

Mr Thomas continued with his evidence on behalf of the applicant.

Mr Thomas tabled three photographs showing that the relocation of the dwelling will not impact on the view, but the vegetation proposed, as a permitted activity, will completely block the view.

D Nottage, a qualified consulting Engineer, presented his evidence on hazard effects.

Cr Henry asked for a copy of Mr Nottage's report which had not been distributed.

Cr Henry sought confirmation that vehicles would be able to get onto the internal roadway even if there was flooding.

Mr Nottage said 3.56 metres is higher than the ground along the access track. 3.56 metres involves a sea level rise that we haven't yet experienced, and a factor of safety which may or may not be necessary.

Cr King said effectively 3.56 metre level set on coastal inundation is suitable to cover any other source of flooding. Condition 20 is therefore an added belts and braces type condition.

Mr Nottage said already there is a drainage channel along the southeastern boundary that intercepts any water from the southeastern direction.

S McAuley, Traffic Engineer, tabled and spoke to her evidence dealing with traffic issues. A private house generates 10 vehicle trips per day and that was the basis of estimating traffic on Headingly Lane. The Trust is now talking about a single bus operating from the site, whereas originally it was looking at ten minibuses operating. One 35-seater bus from Motueka and three to four minibuses will be used to begin with. As the school grows this will increase.

Cr Henry noted that it is the current intention of the Trustees that none of the students cycle or walk or go in their own vehicles. If in the future, the Trustees changed their mind and permit some students to do this, will there need to be any changes made to the road to ensure those students are safe.

S McAuley said if there were a number of students walking or cycling, there would have to be a footpath. Talking over 15 to 20 children.

Cr Henry asked what the impact of the 35 seater coach on the road over a period of time would be.

S McAuley said Council engineers did not have a problem with the suggestion.

Cr Henry said there has been mention that the road speed should be reduced, do you have comments as to what the speed should be on Headingly Lane.

S McAuley said 50 kph is the speed in urban areas and that is what everyone expects to drive at. If you change it you have to introduce speed constraining measures, ie traffic management principles, including slow points, speed humps or traffic management devices. On long straight roads it would be extremely difficult to reduce the speed from 50 to 30 kph.

Cr Henry asked if the 35 seater coach leaving at the end of day, would turn right or turn left through the traffic lights.

S McAuley suggested that the driver would make a decision on that, unless he is advised by the school otherwise. If he finds it generally easy to turn right he will do so, or turn left and go through the lights if he has an issue.

Cr Wilkins said there could be as many as 90 students being transported, there will be times for dentist appointments etc, when their parents may pick them up. She asked if allowances had been made for these events.

S McAuley said they have made allowance for 10 extra movements, but have not allowed for dental appointments etc.

Cr King said the road narrows to 4.6 metres, and asked what the minimum width of the road between the turn off to the school and Queen Street intersection is.

S McAuley said the road is about 5 metres up to 5.5 metres approaching intersection. At the school it is 4.9 metres and increases to 5.0 metres just beyond the driveway. Standard width of a car is 1.8 metres.

Cr King asked if potentially the speed limit could be reduced.

S McAuley said it could be reduced to 30 kph with strict supervision. Would need to go through a process, perhaps as an experiment and have it monitored.

Cr King is it more or likely as effective that there are information signs as opposed to speed restrictions.

S McAuley will have to put school signs and should put both signs. Needs a no exit sign as well.

Mr Thomas noted it is only necessary to repaint the right turning bay chevrons as there is sufficient existing road carriageway.

Mr Thomas tabled a plan for landscaping that will comply with the Nelmac Coastal Plan. He said they had hoped to have a detailed landscaping available but it is not as yet.

Mr Thomas said the gymnasium will be 9.3 metres above existing ground level.

Cr Henry said there are far more car parks allowed for than the 26 that have been suggested. Why are the additional car parks required?

Mr Thomas said the car parking information was submitted as a question was asked as to what car parking would be on site for functions associated with school facilities.

Mr Thomas said there will be no church services, only occasional functions as associated with normal school facilities and operations, eg parent teacher interviews. The number of pupils, 90 is the future number, current is 70. All assessments to date are based on the intended maximum. There will not be any arrangement with Garin College, all facilities will be provided on site, sport, technical etc.

4. PRESENTATION OF SUBMISSIONS – Continued

Mrs Wells spoke to the submission and tabled additional evidence on behalf of the Horder Family Trust. She asked that consideration be given to not planting trees that will grow six metres high. She said it is a non permitted activity and therefore going against the plan. She accepted that the land is not particularly productive but other land around it is.

Cr King said regarding the issue of a large building impacting on the view and planting of trees, is it your concern that the planting would actually make things worse if planted high. In the event of it being granted, perhaps screening of the whole boundary is not the answer.

Mrs Wells suggested the building should be moved closer to the road.

Cr King asked if the submitter agreed the greatest risk is the sea coming in, along with waters coming from other areas.

Mrs Wells agreed and said there is poor drainage.

Mr L McGaveston represented Mr D Williams and spoke in support of the school development, saying the concept is good and the location is central for community and staff and submitted that all opposition submissions can be addressed suitably.

Mr M Clark was present and addressed the meeting. He has a contract on a property in Queen Street that could be affected by the application and said at no time he has been consulted, especially about the sewerage. He tabled some photographs after the flooding in June 2003. He said the Waimea Inlet is of national significance for wildlife habitat. Mr Clark said Queen Street / Headingly Lane is a problem intersection and said as an ambulance driver he was aware of more than two accidents that had occurred in the area. He said traffic speed on Lower Queen Street should be lowered to Nelson Pine Industries. He was in support of recessive colours being used for the painting of the school. He said the drain in its current format is insufficient to cater for extra drainage and will have significant effect on the productive land that he uses.

Cr Henry noted Mr Clark's original submission which asked that no fireworks be allowed, to protect farm animals, and also requested darkening curtains for the gym to protect from glare.

Mr Clark said it was a farming area and there are horses kept at the showgrounds and fireworks are very frightening to farm animals. The darkened curtains was because of the visual effects and he noted there is bare land now as the hedge has been removed. He said they do not want to see intrusive lights from their house. Mr Clark said currently there is a range of hedges that run to the sea and trees of comparative height would be fine.

Cr King noted the concern expressed over the impact of the proposal, ie visual impact, view from broader area.

Mr Clark said Council's last proposal said they wanted this land as industrial, so how compatible are they to each other. This has been on tables of Council for some time. It is timely to make a decision on intentions for this block of land, prior to a decision on this applicant.

Cr King said the Committee has to make a decision on the application.

Mr Thomas asked for clarification of the location of photos Mr Clark produced. Properties were on inland side of Queen Street, not coastal side.

Mr Clark said the pictures are properties on inland side of Queen Street, but there are a series of photographs all the way down to Headingly Lane where houses have been inundated.

Mrs D Fitzpatrick supported the submission of E Horder and concurred with her comments. She is concerned about traffic noise as both her and her husband are shift workers and traffic noise at 8.00 am will be an issue. School will be a community asset to a minority community. Mr Nottage stated flooding is not an issue, but she disagreed as in October 2003 water was over their land. She tabled photos of 72 and 81 and end of lane, showing flooding. Trucks have made a mess of the road at driveway of 81 as they find that the easiest place to turn around. She said the verge of the road is giving way in a lot of places so it is not safe to pull off the road. She asked that the application be declined.

D Fitzpatrick spoke to the submission on behalf of H Fitzpatrick which was concerned about traffic issues.

Mr L Tighe spoke to his submission. He referred to TDC Vision Statement. He commented on community and noted that the Trust community would not be involved in the existing community. He concurred with previous submitters about the effects on the environment. He said the problem with wastewater is that part of the policy of the church is not to have joint services.

Mr C Fraser was present to speak to the submission. He didn't agree that the proposed activity would be a community activity as it will not be open to the public. He said the issue of the width of Headingly Lane goes back many years. In 1980 an application for consent to develop a model village was lodged. The applicant was told the site was not suitable because of the width of Headingly Lane. Mr Fraser said the Lane would need to be at least 8 metres wide to cater for this development. He said there is a zoning issue and the whole area is under review at the present time. He said one of the main issues is the access. Council needs to be aware of its own proposals. He said Council proposes that low lying flood prone areas should be left undeveloped as open space. To allow this development would be going against Council's own recommendations. He asked that the application be declined.

Cr Henry asked if Mr Fraser was aware of any accidents involving pedestrians.

Mr Fraser said pedestrians need to step onto the verge for safety reasons, but he was not aware of accidents involving pedestrians.

Cr King said there is a legal expectation that the application will be heard subject to plans existing at this current point in time.

Mrs R Knalman said she was concerned about flooding in the area.

Mr T O'Brien expressed concern about the increased traffic which the school would generate and also flooding issues. He asked that provisional consent be given, subject to Tasman District Council providing proper infrastructure by constructing a safer intersection, widening of Headingly Lane to at least 6.2 metres, widening Borck's Creek and putting crash barriers along its length and providing a footpath.

Mr D Petrie spoke on behalf of himself, J Hill, A McLean, K Malcolm. All submitters represented by D Petrie were in support of the application being granted. He said the land is unproductive and sees the school as adding value. He said there are a lot of cul-de-sacs in the Richmond area with some of them servicing more properties than Headingly Lane and he sees Headingly Lane as very similar to those. He supported the cycle way/walkway being built around the coastal margin of the estuary and saw the granting of this application as an opportunity to extend the walkway. He asked that the Council grant unconditional consent.

Cr Henry asked Mr Petrie about flooding that he saw while grazing.

Mr Petrie said he hadn't seen any sea flooding, but the tidal mark is on the roadway, but not on the property, but it was surface flooding as drainage is poor and rainwater dispersed over two to three days.

Mr H Brewerton spoke on behalf of him Mr A Malcolm, Mr J Malcolm and Mr & Mrs Hewetson

He said he has not experienced flooding and considered if the school was elevated and built on the level set out by the experts it won't be in danger of being flooded. He said although the pupils will be Brethren, the teachers will come from the community.

Mr Brewerton said Mr A Malcolm submits it is a good use of land in the area, the design of buildings will have low visual impact and will be used as a buffer next to industrial land currently proposed on the western side. The school will have minimal impact on the environment, Council services and traffic density and asked for the application to be granted.

Mr J Malcolm submitted there will not be adverse effects on services of the surrounding environment, it fits well with Council's walking system and foreshore, and asked for approval in full.

Mr and Mrs Hewetson submit it is a suitable area for a school and landscaping and building will be an asset, and gives choices in education and employment opportunities.

Cr King mentioned the buffer area and industrial land adjacent, and asked if the submitters accept that a number of people in the area believe it currently provides a buffer in its current state.

Mr Brewerton said the usage is very limited as it is, having minimal impact on the environment.

Mr A Lewis supported the establishment of the school. He is the owner of Sepclean. And said he has not encountered problems with traffic on Headingly Lane while undertaking his business. Problems with traffic occur when we reach Richmond coming from Motueka. He has been involved in bus driving and doesn't see a problem manoeuvring a bus in the area.

Cr King said the interim suggestion for servicing effluent disposal is to take it off site. He asked how many trips that would entail in terms of pumping out storage tanks and how often it would be required.

Mr Lewis envisaged the facility using a large truck and trailer unit, probably once a fortnight. If a smaller truck is used, it might be twice per week.

Ms S Fraser said only one house is set back from the road and most of the residents will be affected by noise. She expressed concern about traffic turning onto and off Queen Street. The speed limit at the intersection is too fast. She was concerned that access to the estuary would be lost. The height of the gym does have an adverse effect on neighbours. Mr Nottage said he was not aware of any incidences of Borck's Creek overflowing and she asked that the community be spoken to about that. She considered a footpath should be established and asked that the application be declined.

Cr King said the applicants believe what they are proposing provides a buffer to development on one side and the estuary on the other.

Ms Fraser agreed with Council's proposal that the area be retained as a green area.

Mrs E Horder (Mrs Wells is her daughter). This group is not community as the school will not include other children. She said the relocation of the house will be directly in line of her view of the property. She was concerned about the affect of extra traffic and does not consider the risk to other cyclists or walkers as minor. Mrs Horder considered the intersection with Queen Street dangerous and asked that the application be declined.

J Hodson tabled and read a letter from Burton Consultants on behalf of Transpower NZ Ltd.

The hearing was adjourned at 5.30 pm, to resume at 9.30 am on Wednesday 23 February 2005, commencing at 9.30 am.

5. STAFF REPORT

Grant Russell, MWH NZ Ltd had prepared the staff report in conjunction with Sylvia Allan. Mr Russell was in attendance and presented his report.

An initial application to discharge wastewater to land was withdrawn as the Trust proposes to use another method, transporting effluent off site. They do not propose to use Garin College facilities.

The applicant did not receive all written approvals, so the application was notified. 16 written submissions in opposition were received and 23 written submissions in support, covering a range of environmental issues.

A number of submitters raised valid environmental concerns and issues in regard to surface flooding and surface ponding. In terms of traffic, submitters raised issues regarding traffic volume and issues about vehicles exiting and entering from Lower Queen Street. Rural amenity values, e.g lighting and glare, intermittent noise as it impacts on shift workers and these are important issues.

Development Engineer, D Ley, was present and spoke to the report.

Roading

Headingly Lane was sealed in 1993 with minimum preparation to control dust, and had first coat chip seal, was subsequently resealed in 1999 with grade 4. It will be resealed again in 2010. Council is happy with the way it has stood up to traffic loadings. Headingly Lane is an “access place” in Council’s roading hierarchy, with rural/residential character. Because the applicant said they will be using coaches and vans it has mitigated traffic effects that this road could cope with. Upgrading work will be undertaken on the first 500 metres in 2008 – 2012. He requested that a right turn bay from Queen Street be formed as an interim measure due to the flexible nature of development in the area. He proposed that conditions have a review date set into them for the future because of potential redevelopment. As part of Borck’s Creek upgrade, there will be potential for 1.5 metres of widening in Headingly Lane. He agreed that a “No Exit” sign should be erected and also a “School” sign.

Cr Henry asked in relation to the type of surface and under surface of the road in Headingly Lane, how it will stand up to the weight of 35 seater buses.

Mr Ley said surfacing of two coat chip seal meets standards and in our opinion the road can take those loadings.

Cr Wilkins asked if it would be a better option to have buses and cope with the road surface than cars and cope with road narrowness.

Mr Ley would prefer one bus to ten cars.

Cr King said there is no condition suggested to maintain that buses would be used. Should for one reason or another parents want to bring their children or bus service ceases, there is nothing to prevent everyone driving.

Mr Ley said there should be a condition requiring the type of vehicle movements and that private commuting for students be discouraged. Transportation should be as stated in the application, which is buses and mini buses.

Cr King asked why the right turning lane from Queen Street had been removed.

Mr Ley thought the paint marking was still visible. He didn’t believe it had been resealed and hidden. He said Headingly Lane intersection has a life of only a few more years before a major upgrade is needed around Headingly Lane, Swamp Road and Sandemann Road.

Mr Ley said resealing is designated around 2010 and reconstruction starts in 2008. Obviously Council wouldn’t be resealing if it was planned to reconstruct the road.

Stormwater

Borck's Creek upgrade programmed for 2004/2005 has been frustrated through land acquisition problems. It will have a Q50 flood capacity when completed. At present time it does overtop. The subject property is low lying and there is a lot of evidence of tidal flooding on a lot of occasions. The 3.56 metre building level was reached by 1.8 metres to normal high tide, adding king tides (.6 metre), global warming (.3 m), storm surges (.6 m) wave runner (.2), and safety (.1 metre). The applicant will have to make allowances for people upstream, by providing a swale or ditch around the outside of the property. The new ground level will be deemed to be ground level for any future development in terms of TRMP. The gym will be 8.5 metres high above the new ground level.

Cr Henry sought clarification about drainage that applicant would need to provide.

Cr King referred to photos of varying forms of flooding, Borcks Creek, surface water, tidal inundation. He asked if any are particularly relevant to the piece of property and further relevant to the area for building and road construction.

Mr Ley said if fill of 3.56 metres is adhered to, flooding will be mitigated as Borck's Creek programme is undertaken. Ground levels will be raised to mitigate effects from tidal influences. Roads are deemed to be secondary flow paths so will be kept lower.

Mr Ley said he didn't think flooding or tidal influences would affect this property.

Cr King asked if Mr Ley was satisfied that it won't have any impact on those properties upstream of the site as long as the drain down the boundary is continued and provision is made for any water that comes across to meet the raised area.

Mr Ley said the land slopes gently down from Queen Street and as long as swales are put in he would be satisfied.

Wastewater Disposal

Mr Ley said the original application was to discharge effluent to land, but that was altered because of the low lying nature of the property. Council is committed to reticulating the area. He agreed that a holding tank would be the better interim measure to mitigate effluent from the site. It is a 20 cubic metre tank. He said the holding tank and pump station are an integral part of the consent application and positioning of the pump station is relevant.

Council is prepared to pay for the land and will have a valuation undertaken. Council would like to enter into agreement with the applicant to acquire an easement to allow a pipe to be laid to serve properties east to the A & P showgrounds. At some stage the applicant will need to connect to the pump station and they may be able to lay a pipeline and then eventually have an easement in gross in favour of that. The reason for the size is the need to allow for vehicle movements, with a small crane to lift pumps and motors. A six hour storage tank in ground is necessary in case of malfunction or power failure. Need odour control facilities, normally bark filters, areas for controls and telemetry. The sewer line is a dedicated line for Nelson Pine Industries and it is metered back to Beach Road for Nelson Regional Sewerage Business Unit.

Mr Ley said vesting the land is creating a lot for a utility service, but Council is willing to pay for it. Vesting is not deemed to be gifting, it is creating a lot in the name of the Council for the pump site.

Cr King asked if it would be better for Council to arrange to purchase this piece of property and financial contributions be paid separately.

Mr Ley this is a pump station solely to service this immediate area and they should be kept separate. He interim solution will be for more than 12 months but hopefully less than 18 months.

Cr Wilkins, asked if in the event of sewerage taking longer than 18 months is it a satisfactory solution for sewage disposal for more than 18 months.

Mr Ley said there should be a review condition that it is checked every 12 months to make sure it is still competent and working well.

Water Supply

The site is presently connected to TDC's reticulation system. Headingly Lane starts with 100 mm dia water main, then drops to 50 mm main after 160 metres. All properties along Headingly Lane are connected. The applicant cannot connect to the main, which is a strategic line to Richmond. He believes there is already an illegal connection to it from the property at present. They may have to upgrade the line in Headingly Lane to cope for fire fighting flows.

Cr King, are you aware of requirements for schools in terms of fire fighting capacity.

Mr Ley may have to have fire fighting flows at strategic points.

Cr King asked if construction traffic had a detrimental affect to the road surface would it be a requirement that the applicant put that right.

Mr Ley if failure in road due to construction traffic, Council accepts that. If there were any over weight trucks we would want to know about it.

Mr Ley said this application came in before 1 July 2004 and would be considered under DP1 and DP2 rules. Building consent hasn't come through and that will be assessed by LTCCP rules and that regime of calculations. He asked that any reference for development contributions be delayed until building consent comes through and assess contributions at that stage. When Council formulated the LTCCP and drainage contribution areas it ring fenced areas for urban districts it would administer fees for and this is in the stormwater drainage area that goes right to the coast. He said the option should be left open that re-subdivision of land be permitted for boundary adjustments, utility lots or reserves.

Condition 10 – clarification of work needed. Clearly just paint markings.

Condition 14 – will have to connect to TDC system in Headingly Lane rather than pipe running through the property.

Condition 15 – 20 cubic metres tank, not 20,000 cubic metres

Condition 16 – holding tank and pump station integral to whole application. Once settlement negotiated land will vest with Council.

Condition 18 – if land is filled to 3.56 metres that will be well above levels of Headingly Lane, so will delete first bullet point.

Condition 25 – 27 – require certification when sites are filled. To be implemented as part of application.

Condition 28 – easements – delete for water as easement is in place. Usually 2 metre wide easement for sewer main.

Condition 29 – contributions – recommend that contributions for services be taken at building consent stage.

Condition 30 – delete “2004” and add “and amendments”.

Advice Notes:

1 – can be deleted.

2 – not sure if MDF has easement – can be deleted.

3 – 6 – should relate to contributions at time of building consent stage under LTCCP regime.

Cr Henry re condition archaeological about any artefacts located during earthworks. It was suggested by applicant (Mr Briggs) that this should be more appropriate to be an advice note.

G Russell had no problem with that recommendation and said he had seen resource consents that put that clause in as an advice notice. To action that advice notice have to undertake authority under Historic Places Trust as well.

G Russell noted Mr Briggs suggestion for rewording for landscape management plan. Applicant tabled a slightly revised plan and document from Nelmac identifying appropriate planting. General wording is alright and it gives opportunity for a comprehensive landscape plan to be drafted.

Recessive colours – position taken by applicant that it isn't relevant. There are matters that need to be looked at. Agree that nature of what is a “recessive natural colour” needs to be refined. Applicant may address in landscape aesthetic plan.

Noise – may not need to be listed as noise condition.

Lighting – one submitter had concerns about light spill. Need to confirm that the wording is sufficient to not have any light spill from the gym or actual school grounds. Refinement is required. Mr Briggs may have suggested some wording. Look at Nelson Plan to see if that wording is sufficient.

Transmission Lines – letter tabled from Transpower is sufficient and adds value to restrictive measures. It reiterated the position the Engineering Department is taking in terms of engineering aspects of the proposal.

Condition 32 – applicant felt it should be deleted but Mr Russell disagreed. He said Section 128 of RMA can specify purposes for which review may be kicked off. He said it is a standard clause and it should not be deleted.

Mr Russell said the consent should be granted, subject to reworked conditions.

Cr King said the applicant had presented a revised landscaping plan. At least one submitter suggested that the idea of 6 metre trees along the boundary didn't fall into their consideration as being a mitigating effect, and considered it may make things worse. He asked for comment and how conditions or landscaping plan may be able to take into account concerns over type and height of trees.

G Russell said landscaping plans need to fit in with school buildings and car parking. Landscape plan should not allow for 6 metres just because it is in a rural 2 zone. A school is not a rural type activity so it doesn't fit comfortably that shelter belts of that height should be required.

Cr King another issue raised in the staff report is that screening will soften and enhance the surrounding land, including the coastal area. The improved version doesn't include screening along north western boundary. Do you believe that landscape planting should happen in that area?

G Russell said based on other plans he has seen, details should be fleshed out a lot more in a comprehensive landscape plan and the relationship between coastal environment heading back towards the school would suggest a range of plants would be appropriate. He was not sure what type of fence the Trust was looking to put there, but it needs to be looked at in terms of the landscaping plan.

Cr King asked if it was reasonable to ask that the landscape plan be developed in consultation with neighbours.

G Russell agreed that it would be a good neighbourly thing to do, given the position of the school in relation to the coastal environment.

Cr King said the applicant thought they would have to comply with night time noise levels all the time, but that is just the standard condition.

Cr Henry – relating to wording “to construct and operate a private school”. Heard in evidence in relation to car parking that sometimes the complex may be used for one off conferences. If consent was granted would we need to specify in conditions they are able to do that or is it outside the parameters of what they have applied for.

G Russell, haven't seen definition of what they determine private school and subsequent activities. They refer to school activities. Picked up concerns about it used as conference type. He was not sure about the definition of private school in the TRMP.

Cr King said there was a bit of emphasis put on submissions around issue of community activity and whether or not a private school met that definition. Have you a definition of community activity and what it entails and does this fit into the criteria.

Mr Russell, not sure a private school can be a community activity. Some submissions had concerns about definition of community. It is a community but definition of private school needs to be fleshed out.

Cr King asked if the activity meets the TRMP definition of community activities.

Mr Russell agreed that it did.

6. APPLICANT'S RIGHT OF REPLY

Mr Thomas tabled photographs of landscaping on the boundary of the property. Vegetation height would be 1.8 metres. The Trust was going to volunteer that the landscaping plan be worked out in conjunction with neighbours, with the final say to be with Council and not to drag on for months. Three metre maximum height would provide shelter for both sides but help preserve measure of view from neighbours. The fence was taken down and replaced with a post and wire fence.

Mr Thomas said there has been no evidence to refute anything that has been presented by the applicant. Heard evidence from Mr Ley on stormwater and roading impact from Borcks Creek which confirms that flooding/stormwater is not an issue. The floor level put forward at 3.56 metres is in the region of 300 mm higher than the floor level of the existing dwelling. Need to differentiate between surface ponding and flooding. There is a drain along the boundary of the access drive and drain down boundary heading out to coast which will be enhanced. Photos presented by Mr Clark were misleading, showed so-called water pondings in different areas with no relationship to this property.

Evidence presented by Mr Ley in conjunction with Mr Nottage shows there is not an issue. Plans presented by D Ley on proposed upgrading of Borck's Creek show clearly that by the time it is finished there will be extra width on Headingly Lane for widening in the future. Have had evidence presented that Headingly Lane can handle traffic and heard a statement from the driver of septic tank trucks that he can get in and out. When wastewater reticulation is put through there will not be any septic tanks to clean out. With regard to the intersection, upgrading required is painting only of right turning bay. Gymnasium hall issues have been covered and why the Trust located it where it did.

If Council was of a mind to move into the back corner to comply with height restrictions, the Trust would consider it, but would rather not and it doesn't think it is necessary or an appropriate course of action. Where it is proposed, is the best location for all parties and has a buffer of other classrooms around it. It is very clear in TRMP what a community activity is and this school qualifies in several aspects. The issue of a private school, is not much different to Garin College. They are not saying you are not allowed to attend – if you adopt the principles of the Brethren Church you can attend. A description of a private school from the Education Department says it has to be an efficient school.

If Council was concerned about it being used outside school activities, it could be covered in a condition. It would be more appropriately covered as an advice note under a review clause. The situation of going back to using cars for transportation should be covered as an advice note or in a monitoring clause. Can also monitor septic tank situation. For a monitoring clause to be fair, valid and enforceable, include effects you are wanting to control to ensure robust condition. Financial contributions, all agree that LTCCP is not applicable at this stage, if anything would be DP 1 and DP 2. Mr Ley thinks appropriate financial contributions should be deferred until building consent stage. Perhaps Council could volunteer DP 1 and DP 2 and we could volunteer the land. Put as advice note.

Agreed on most of conditions.

Condition 3 – raised and gone through with qualifications. Do accept it needs qualification. Asked Council to seriously consider not using words “landscape architect”. There are a lot of people around who are very well qualified and versed who can produce landscape plans, eg Nelmac. Comfortable in volunteering it be worked with 3 metre maximum height along boundary adjoining Mrs Knalmann’s property and working with neighbours.

Condition 4 – placement of trees – no problems.

Condition 5 – should be deleted. At the most it should be an advice note. Will be difficult to get linkage through to walkway.

Condition 6 – recessive colours – no colour scheme drafted but will be worked in conjunction with landscaping type plans.

Condition 7 – condition can be deleted. As it is worded, intended to refer to night time.

Condition 8 – Lighting – question the need for this. NCC has rules. TDC doesn’t.

Condition 9 – two coat chip seal. Suggested we don’t restrict to just seal, may want to use bricks, pavers, or concrete, or permanent waterproof surfacing.

Condition 10 – right turn bay – qualify as referring to painting only.

Conditions 11 & 12 - OK

Condition 13 – to meet requirement from Council to ensure all parking off road in case we had school prize giving function.

Condition 14 – Water supply – Need to say we connect into approved Council reticulation system. At that time it will cover the fact that whatever goes in has to be suitable for fire fighting purposes.

Condition 15 – 20,000 litre tank (or 20 m³). Accept requirement about decommissioning and connect to pump station within six months.

Condition 16 – Council will be buying or may be the Trust will be gifting it. It is outside of this consent because a condition has to be related to an adverse effect. If anything it should be an advice note and should have a finite time for buy, sell or exchange to be completed. Needs to be completed both for Council and the Trust.

Condition 17 - Stormwater – well covered.

Condition 18 – bullet point can come out.

Conditions 21 – 23 – Transpower want more all the time. Not an issue, Council can impose a condition, it is unnecessary because this proposal is not affecting the lines. If anything would prefer to see advice note.

Conditions 25 – 27 – accept any fill has to be engineer certified. 26 is an overkill. Geotech engineer would be required if there is reason to believe instability or ground prone to huge problems with slipping. Should become building consent issue.

Condition 28 – should be advice note and clarify 2 metre wide easement as per plan tabled.

Condition 29 – at very most should be deleted and if anything an advice note.

Condition 31 – advice note.

Condition 32 – review conditions. You can include use of buildings outside school activities, potential for alteration in type of traffic also onsite storage of sewage.

Advice Notes

Concerned about additional condition about subdivision. Not intention of Trust to subdivide. Putting a condition or advice note is presupposing future uses of this land and around this area. Council has flagged very clearly that this area is going to change. Suggest it is ultra vires, not fair or reasonable. Subdivision hasn't been applied for so there is no need for the condition. If anyone wanted to subdivide, they would require resource consent. Under Rural 2 it would be a discretionary activity, with a 99% chance it would be notified. If it is rezoned and has this condition it will not be able to be developed. Strongly opposed to it.

Council reserved its decision

Moved Crs King / Henry
EP05/02/25

THAT the public be excluded from the following part of the proceedings of this meeting namely:

Tasman Education Trust

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
Tasman Education Trust	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs Henry / King
EP05/02/26**

THAT for the purposes of discussing the application of Tasman Education Trust as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Henry / King
EP05/02/27**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. TASMAN EDUCATION TRUST, HEADINGLY LANE, RICHMOND – APPLICATION RM040756

**Moved Crs King / Henry
EP05/02/28**

THAT pursuant to Sections 104B of the Resource Management Act 1991, Council grants consent to Tasman Education Trust to construct and operate a private school at Headingly Lane, Richmond.

The application is granted subject to the following conditions and for the following reasons:

CONDITONS:

General

1. That the development proceed in general accordance with the application dated 25 June 2004, further information supplied dated 22 September 2004 unless limited by a condition of this consent.

Construction Noise

2. Construction noise emanating from the site shall be measured and assessed in accordance with New Zealand Standard 6803P : 1984 (The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work)

Dust

3. Where conspicuous dust is produced from the operational areas from land disturbance work including earthworks and construction work the dust shall be suppressed to the satisfaction of the Consent Authority to avoid nuisance effects.

Landscape Plan

3. The Consent Holder shall submit a detailed Landscape Plan, prepared by a Landscape professional, to the Council's Environment and Planning Manager for approval at the time that the building consent for construction of buildings is applied for.

The landscape plan shall be prepared in consultation with the owners of the following properties to enable their input plus the Council's Community Services Manager regarding the coastal area.

- Lot 1 DP 720
- Lot 2 DP 720
- Lot 1 DP 5151
- Lot 1 DP 2780
- Lot1 DP 5752
- Lot 2 DP 5752

Note that the final approval of the plan rests with the Environment and Planning Manager.

The plan shall be based generally on the landscaping described in the application received on 26 June 2004 and details provided at the hearing and shall be consistent with the Nelmac designs for the Coastal Walkway. The plan shall indicate the landscaping to be established to provide effective screen planting to soften and enhance the appearance of the school buildings from surrounding land including the coastal area.

The plan shall also recommend a palette of paint colours to be used for the buildings which shall be recessive and natural in character with this coastal location.

The plan shall provide for a 2 metre wide strip along the south-western boundary of the site to provide for a possible public drainage easement in the future. This strip shall not be planted in anything other than low ground cover.

In addition to specifying the species and location of the plantings, the plan shall also describe how the plants shall be nurtured over the establishment period and maintained thereafter. The approved Landscape Plan shall be implemented to the satisfaction of the Council in the first planting season after completion of the school buildings.

4. Any trees or other plants which die or are removed within the first five years following the implementation of the approved Landscaping Plan shall be replaced during the next planting season to the satisfaction of the Council.

Noise

- Noise generated by the activity, when measured at or within the notional boundary of any dwelling shall not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		70 dBA

Note: 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

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*.

Lighting

- All external lighting on site shall be designed and installed to the satisfaction of the consent authority to avoid light spill beyond the boundary of the site and any flood lighting shall be shielded to prevent glare and upward emission of light.

Roading

- All internal roading/parking shall be finished with a permanently weatherproof surface complying with the Tasman District Council Engineering Standards.
- The right turn bay, as described in the traffic report submitted with further information received on 23 September 2004, shall be installed from Queen Street turning into Headingly Lane. Repainting of the appropriate lines within the road reserve shall meet this condition.

Access

- Practical sealed access shall be constructed to the site from Headingly Lane carriageway, complying with the Tasman District Resource Management Plan.
- All vehicle access to the site shall use the single access point indicated in the application.

Parking

- Car parking spaces indicated on amended plan 1-F Ref 04/633 dated February 2004 shall be provided and shall be made available for school use at all times.

Water Supply

12. Full water reticulation, complete with all mains, valves, fire hydrants and other necessary fittings shall be installed and a water meter and approved housing box shall be provided. This may require the extension of the water main down Headingly Lane. Any unauthorised water connections shall be terminated.

Wastewater

13. A minimum 20 m³ tank shall be installed on site for storage of wastewater until a reticulated supply is available in Headingly Lane. A management and contingency plan shall be implemented, to the satisfaction of the Consent Authority, prior to the commencement of the school activity. When a Council pump station has been constructed in the vicinity to service the area, the applicant shall, to the satisfaction of the Council, decommission the holding tanks and connect to the Pump station within six months.

Stormwater

14. Stormwater from all buildings and paved areas shall be stored on site for reuse. Any excess stormwater runoff shall be directed to the open drain along the eastern boundary.

Flood Hazard Mitigation

15. Minimum ground level in the area of proposed buildings shall not be less than 3.56 metres above sea level, Tasman District Council datum.
16. If filling obstructs the natural runoff from an adjoining property then provision shall be made for the drainage of that property.
17. Drainage channels shall be constructed and maintained clear of obstruction along the south-eastern and south-western boundaries of the site.

Transmission Lines

18. Except with the prior written consent of the overhead electric line owner, fences of conductive materials shall not be constructed within 5 metres of any pole of a high voltage overhead electric line of 66 kV or greater on the site. As part of the consent the overhead electric line owner may prescribe the design of any such fence to be constructed within 5 metres distance.
19. All machinery and mobile plant operated on the lots must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.
20. Excavated or other material shall not be deposited under or near the Stoke – Upper Takaka A transmission line so as to reduce the vertical distance from the ground to the conductors to a distance less than:
 - 6.5 metres vertically, across or along roads or driveways;
 - 6.5 metres vertically, on any other land;
 - 3 metres in any distance other than vertical on all land.

21. No person shall, in the case of any pole supporting any conductor, excavate or otherwise interfere with any land:
- At a depth greater than 300 mm within 2.2 metres of a pole; or
 - At a depths greater than 750 mm between 2.2 and 5 metres of a pole; or
 - In such a way as to create an unstable batter.

Engineering Certification

22. At the completion of works, a suitably experienced registered engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
23. Certification in respect to the principal/caretakers residence if relocated, shall be required from a registered engineer experienced in the field of soils engineering. The certificate shall define hazard mitigation measures required for the relocation of the residential building.
24. Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced Registered Engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

Financial Contributions

25. The Consent Holder shall, no later than the time of uplifting the Building Consent for the works, pay a financial contribution for reserves and community services. The amount of the financial contribution shall be based on the value of the Building Consent component in accordance with Figure 16.5B of the TRMP):

Compliance with Engineering Standards

26. All the above works shall comply with the Tasman District Council Engineering Standards current at the time the works are carried out.

Review Condition

27. Pursuant to Section 128 of the Resource Management Act 1991 the conditions of this consent may be reviewed at twelve month intervals after the date of consent, for the purpose of reviewing the effectiveness of the conditions in avoiding or mitigating any adverse effect on the environment which may arise as a result of the exercise of this consent.
- a) The review may be necessary to:
- i) deal with any significant adverse effect on the environment which may arise as a result of this consent such as waste disposal and visual effects,
 - ii) deal with the conditions pertaining to traffic generation, access, parking and manoeuvring,
 - ii) deal with any other matters relevant to the authorised activity that may be raised through the review.

- b) The review of conditions shall allow for:
- i) the deletion or amendment of any of the conditions of this consent; or
 - ii) the addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment. The Council may, for the period until the activity is connected to the Council's reticulated wastewater system, and on the anniversary of the granting of consent each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, to deal with any adverse effect on the environment associated with the operation of the onsite storage and removal of wastewater, and to require any modification or improvement in the way that this part of the activity is being undertaken.

Advice Notes

1. The consent holder is requested to consult with Council over;
 - Making an area of land available to the Council on the seaward side of the stop bank for a coastal walkway ,
 - Making an area of land available for a utility site for a pump station,
 - Creating an easement along the south-western boundary of the site for the purpose of a future public wastewater drain.

2. Development Contribution

The Consent Holder is advised that the Council will require the payment of a development contribution in accordance with the Council's Development Contribution Policy under the Local Government Act, 2002 for the development which is the subject of this resource consent.

The Development Contribution Policy is presented in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to the uplifting of the building consent.

3. Should any archaeological or waahi tapu sites be uncovered at any time during any earthworks or construction, then all works shall cease and the Ngati Rarua Iwi Trust and New Zealand Historic Places Trust be consulted prior to any works being re-commenced.
4. Pursuant to Section 125 of the Resource Management Act (1991), this resource consent lapses on the expiry of five years after the date of commencement of this consent unless the consent is given effect or other criteria contained within Section 125 are met.
5. The consent holder may apply to change the conditions of the resource consent (except for duration) if circumstances change pursuant to Section 127 of the Resource Management Act 1991.
6. The consent holder shall pay to the Council any administrative charge fixed in accordance with Section 36(1) of the Resource Management Act (1991) and any additional charge required pursuant to Section 36(3) of the Resource Management Act (1991), payable in respect of this consent.

REASONS FOR THE DECISION:

1. The land is zoned Rural 2 in the Proposed Tasman Resource Management Plan.
2. The activity is a restricted discretionary activity under the Proposed Plan as it falls within the definition of “community activities”. The gymnasium is also a restricted discretionary activity because the height exceeds that deemed to be a controlled activity in the Coastal Environment Area. Due to the progress of the Proposed Plan through the statutory process the provisions of the Transitional Plan are not considered relevant as there are no relevant references to the relevant rules of the Proposed Plan. The application has been considered pursuant to Part 2 and Sections 104B of the Resource Management Act 1991.
3. The Committee noted that the main issues of concern in relation to this application were:
 - traffic generation and pedestrian safety on Headingly Lane and the intersection with Queen Street
 - the question of inappropriate use of Rural 1 land,
 - facility not being a contribution to the whole community,
 - waste water management,
 - adverse effect on rural character, amenity and outlook associated with noise, bulk and location buildings and nature of the activity,
 - effects on coastal amenity,
 - flooding and inundation issues,
 - servicing issues.
 - effects on existing electricity assets
4. The Committee carefully considered the concerns of submitters in terms of the traffic issues. The Committee heard that although Headingly Lane is only approximately 5 metres wide, it is sufficient to cater for the expected traffic movements associated with the private school on the basis that the pupils will be transported to school by bus and will not be allowed to walk or cycle to school and the use of private cars by parents will be discouraged. It is on this basis that the Committee found agreement with the proposal. This matter was confirmed by the site inspection. It was also explained that the school buildings would only be used for school related activities and therefore there would be no other kinds of activities which would generate large numbers of vehicles using Headingly Lane. The Committee also heard from the experts in traffic management that the intersection of Headingly Lane with Queen Street was satisfactory (although limited) provided that the right turn bay was re-instated on Queen Street. The Committee noted the need for a “No Exit” and “School” sign to be installed at the entrance to Headingly Lane.
5. The Committee noted that the wastewater would be stored on site and then transported and disposed of appropriately. This is an interim arrangement until this area is serviced by a Council wastewater reticulation system. The Committee was satisfied that this arrangement would be suitable provided the system and effects were able to be monitored and the consent reviewed if necessary.

6. In terms of the flooding and inundation, after considering the extensive submissions put to the hearing, the Committee was satisfied that provided the ground level in the area where the buildings are proposed to be located was raised to the specified level, this would sufficiently mitigate this hazard and that the provision of drains around the south-eastern and south-western boundaries of the property would ensure there would be no additional effects from inundation. The Committee was made aware of the plans to widen Borck's Creek which will enable the creation of a footpath in the future and will assist with drainage problems in this area.
7. The Committee considered that it was unfortunate that more details regarding proposed landscaping had not been provided as it was possible that this detail could have dealt with some of the concerns from submitters. However, provided the affected neighbours (as listed) have the opportunity to give their input into the drafting of a landscape plan, this should enable the landscaping to be designed to take account of their concerns. The Committee noted that the applicants had offered to consult with the neighbours in this way and also with the Council over the coastal walkway. This was appreciated. The Committee noted that the area has a mixed character containing industry, rural, residential and other activities and that there would be no significant reverse sensitivity effects associated with any adjoining activities. The Committee noted that there was no intention by the applicant to exceed the noise limits applicable in the Rural 2 zone and that a condition to that effect was appropriate.
8. The Committee was satisfied that the private school fell within the definition of "community activities" and that although not everyone may choose to have their children attend this school, its creation enabled part of the community to provide for the education of their children in the manner they consider appropriate. The Committee considered this to be consistent with the purpose and principles of the Resource Management Act 1991.
9. The Committee accepted the need for the gymnasium to be the height proposed and that if it had been located further "inland" there would have not been the same height controls on it but it would have possibly had a greater impact on the adjoining properties. The location of the gymnasium near to the playing fields and sports courts was also accepted as being appropriate and logical. The Committee considered that the site coverage non-compliance was minor when compared to the permitted baseline.
10. The Committee was satisfied that the proposed private school was not contrary to the objectives and policies of the Proposed Plan in terms of site amenity effects, rural character and amenity and land transport effects, particularly in recognition of the conditions imposed on the consent.
11. The Committee considered the issue of the financial contributions and noted that the application was submitted prior to 1 July 2004 which is when the Council's Long Term Council Community Plan (LTCCP) was operative. Therefore it is clear that the application has to be assessed under the rules of the Tasman Resource Management Plan in relation to financial contributions.

12. In summary the Committee considered that the proposal should be granted as it was considered that the administrative offices would have no more than a minor adverse effect on the environment in terms of visual effects and effects on the character of the area. It was further considered that the proposal in this location, was not inconsistent with the policies and objectives of the relevant planning documents.

CARRIED

Confirmed:

Chair: