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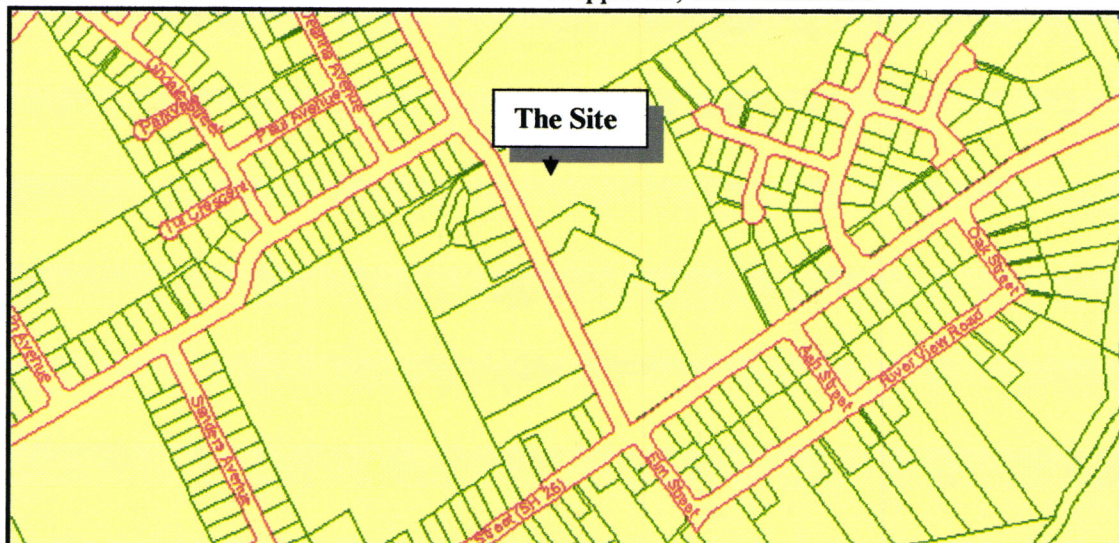


## APPLICATION FOR LAND USE AND SUBDIVISION CONSENT: RCS 1101/ RCD 0671

**Tasman Village Society, Seales Road, Morrinsville**

### 1.0 PARTICULARS OF APPLICATION

|                          |                                                                                                                                                                                                                    |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SUBMITTED BY             | : Thompson & Farrer                                                                                                                                                                                                |
| APPLICANT                | : Tasman Village Society                                                                                                                                                                                           |
| DATE RECEIVED            | : 4 December 2002                                                                                                                                                                                                  |
| STATUTORY DAYS AVAILABLE | : 20 Days                                                                                                                                                                                                          |
| STATUTORY DAYS USED      | : 45 Days                                                                                                                                                                                                          |
| PROPERTY                 | : Lot 1 DPS 88203                                                                                                                                                                                                  |
| CERTIFICATE OF TITLE     | : CT SA 66D/750                                                                                                                                                                                                    |
| AREA                     | : 3.4889 ha                                                                                                                                                                                                        |
| ADDRESS                  | : 2 Seales Road, Morrinsville                                                                                                                                                                                      |
| LOCATION                 | : Corner Seales Road/ Thames Street, Morrinsville                                                                                                                                                                  |
| ZONING                   | : Residential                                                                                                                                                                                                      |
| PROPOSAL                 | : To develop 19 new residential units on unit titles.                                                                                                                                                              |
| RULES                    | : 2.2.3.9:- Accommodation Facilities in the Residential Zone<br>6.1.1.9:- Subdivision of activities with resource consent.                                                                                         |
| APPLICATION              | : Section 88 Resource Management Act 1991<br><b>Discretionary Activity:-</b> Accommodation facilities in the residential zone.<br><b>Discretionary Activity:-</b> Subdivision of activities with resource consent. |
| RECOMMENDATION           | : Approval, with conditions                                                                                                                                                                                        |



## 2.0 BACKGROUND INFORMATION

Tasman Village is a retirement complex located at the intersection of Seales Road and Thames Street, Morrinsville. The development was first mooted in December 1989 when Council granted a planning application under the then Town and Country Planning Act for an 80 unit retirement complex.

To date, 32 units have been constructed in stages, the last of which (Stage 5) was approved by Council under the RMA in 1997 (Ref: RCN 0278)

On 23 April 1999, Council approved the development of a further 19 units to be known as "Stage 7" (Ref: RCS 0751). This approval was not acted on and has now lapsed.

## 3.0 PROPOSAL

In December 2002, the Applicant re-applied for consent to develop Stage 7, comprising Units 55 – 61, and 65 – 76. The development will be similar in character to the existing stages.

Under the Proposed District Plan, resource consent is being sought for three components of the proposal:

- Discretionary land-use consent to establish accommodation facilities (comprising 19 units) on land zoned residential;
- Controlled subdivision to subdivide Lot 71 of 7,406m<sup>2</sup> which will accommodate the 12 units which comprise Stage 7A, from the 2.7483ha balance of the land (Lot 72).
- Discretionary subdivision of the 12 units in Stage 7A as per the scheme plan of units and covenant areas, under the rules for "subdivision of activities with resource consent".

## 4.0 STATUS OF THE APPLICATION

### 4.1 TRANSITIONAL DISTRICT PLAN

The property is zoned "Tasman Retirement Village Zone" under the Transitional Plan (Piako County Section).

Dwelling houses are a predominant use within this zone, provided the following development controls are met:

- ***Staged Development:***

*For each stage of development a development plan incorporating landscaping, stormwater, sewerage, roading, accessways, parking, services, and residential units be submitted to Council for approval.*

- ***Design and Appearance:***

*All household units are to be designed and constructed so as to provide a harmonious design and architectural theme. A maximum of two household units to be constructed within one building and garages are to be incorporated into the design of the buildings.*

- **Bulk and Location:**

*No building shall be erected closer than five metres to a public road, or closer than three metres to any other zone boundary.*

- **Site Coverage:**

*The maximum permitted site coverage over the whole zone, is 35%.*

- **Building Separation:**

*All buildings shall be a minimum of three metres apart and the main glazing of the main living area shall not penetrate directly into the main glazing of another unit, unless separated by a distance of at least 6 metres.*

- **Outdoor Living Court:**

*Each household unit shall be provided with an outdoor living court which meets the following requirements:*

*Minimum area- 40 m<sup>2</sup>,  
Capable of containing a circle of at least 6m,  
Not oriented south of the unit,  
Be unobstructed,  
Abut the main living area,  
Be screened.*

- **Outdoor Service Court:**

*Each unit to be provided with an outdoor service court which meets the following requirements:*

*Minimum area – 20m<sup>2</sup>,  
Free of obstructions,  
Screened from public view.*

- **Roading/ Services Standards:**

*All services to comply with NZS 4404:1981*

- **Parking:**

*One parking space for each household unit.*

- **Landscaping:**

*All parts of the retirement village to be landscaped to a comprehensive overall scheme.*

## 4.2 PROPOSED DISTRICT PLAN

The site is zoned “Residential” under the Proposed District Plan.

The following development controls apply in the “Residential Zone”:

- **Maximum height: 9m**

- **Height relative to site boundaries:**

*No part of any building shall exceed a height of 2m plus the shortest horizontal distance between that part of the building and the nearest site boundary.*

*Where there is more than one dwelling on a site, they shall be either designed and built as one building separated by a fire wall; or built sufficient distance apart that no part of a dwelling unit exceeds a height of 2m plus the shortest horizontal distance between that part of the building and the nearest part of any other principal building on the same site.*

▪ **Yards:**

*Front- 5m*

*Side- 2.5m*

*Rear- 4m*

*Rear site- 3m*

- **Household density:** 1 dwelling/ 500m<sup>2</sup> nett site area.
- **Maximum building coverage:** 35%.
- **Household recreation space:** 80 m<sup>2</sup>
- **Service Areas:** Screened from public view.
- **Parking:** 2 spaces per dwelling (one may be stacked).

## **5.0 STATUTORY REQUIREMENTS – Resource Management Act 1991**

### **5.1 SECTION 88**

This is an application for land use and subdivision consent in terms of Section 88 of the Act.

### **5.2 SECTION 94**

Section 94(2) of the Act determines that an application for a resource consent need not be notified if the consent authority is satisfied that the adverse effects will be minor and provided that written approval has been obtained from every person considered to be affected.

As this application basically entails a further stage of a development that is already well established, and for which consent was granted four years ago, the effects are considered to be no more than minor, and no parties are considered to be affected.

Consequently, and pursuant to the provisions in Section 94(2) of the Act, public notification was not required and has not been undertaken.

### **5.3 SECTION 104**

The Council is required to have regard to the following matters (subject to Part II of the Act) when considering an application for consent:

- The actual and potential effects on the environment,
- Any relevant regulations,
- Any relevant national, regional or coastal policy statement,
- Any relevant regional plan,
- Any relevant district plan,
- Any relevant water conservation order,
- Any relevant designations or heritage orders.

### **Discussion of Section 104 in relation to this application:**

- The actual/ potential effects, and provisions of the relevant district plan are considered below, in Paragraph 7 of this Report.
- There are no relevant regulations, water conservation orders or designations, heritage orders or other matters applicable to the property concerned.

### **5.4 SECTION 105**

Section 105 defines the power of Council to grant a resource consent. It has been determined that this application is for a *discretionary consent*. Section 105(1)(b) of the Act determines that Council may grant or refuse an application for discretionary consent, and if granted, may impose conditions.

### **5.5 PART II**

Part II of the Act states the purpose of the Act, matters that shall be recognised and provided for, and matters that Council shall have particular regard to and take into account:

- **Purpose** – to promote sustainable management
- **Matters of National Importance**, such as the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development
- **Other Matters**,
- **The Principles of the Treaty of Waitangi**

### **Discussion of Part II in relation to this application:**

This application is considered to be not contrary to Part II of the Act.

## **6.0 COMMENTS**

### **Resource Consents Officer**

A copy of Council's Resource Consents Officer's report is attached hereto as Appendix A.

## **7.0 ASSESSMENT OF THE PROPOSAL**

### **7.1 PROPOSED DISTRICT PLAN**

The provisions of the Proposed District Plan determines that the application be assessed in terms of the following standards and criteria:

#### **A: PROPOSED SUBDIVISION OF LOTS 71/ 72**

As Lots 71 and 72 are specifically being created to facilitate further development in stages of the retirement facility, therefore the standards and assessment criteria for conventional residential subdivision are largely irrelevant.

#### **B: LAND USE CONSENT TO ERECT 19 UNITS**

The proposal meets most of the development controls, except that the density exceeds one dwelling unit per 500m<sup>2</sup> of nett site area, household recreation space is generally less than 80m<sup>2</sup>, and screening details have not yet been provided.

However, it must be kept in mind that the proposal is for a retirement home, rather than a conventional residential subdivision. It is therefore to be expected that the recreational space will be less and the density higher than that associated with conventional residential development.

Discretionary assessment criteria relevant to this application are:

- **Visual:**

The proposed development forms a harmoniously designed extension of the existing complex, and will complement the existing visual appeal.

- **Noise:**

The development will have no difficulty complying with the noise standards applicable to the residential zone.

- **Stormwater and Effluent:**

The development is capable of being connected to the existing reticulation system.

- **Traffic and Access:**

Traffic associated with the extension of the complex can be accommodated within the capacity of the adjoining roadways.

- **Parking and Loading:**

Each unit has covered and stacked parking facilities. Additional off-street parking should be provided to cater for peak car parking requirements. This can be required as a condition, should consent be granted.

## **C: SUBDIVISION OF THE 12 UNITS IN STAGE 7A, TO CREATE UNIT TITLES:**

Rule 1.4.20 “Subdivision of Activities with Resource Consent”, requires that the area and frontage of new lots created must be appropriate to the approved activity.

In the context of this application, it means that the covenant areas reflected on the unit plan must be of appropriate area and frontage to adequately cater for the needs of the proposed retirement units.

It is considered that the zone specific criteria for development in the “Tasman Village Zone” of the Transitional District Plan are the appropriate means for testing whether the proposed unit plan provides for an adequate site lay-out. This evaluation is included in Paragraph 7.2 B, below.

## **7.2 TRANSITIONAL DISTRICT PLAN**

### **A: PROPOSED SUBDIVISION ON LOTS 71/ 72**

Ordinance 02803 of the Transitional Plan provides for subdivision within the “Tasman Village Zone” to create parcels for the staged development of at least 10 units. Both proposed Lots 71 and 72 cater for more than 10 household units and therefore meet this standard.

## **B: LAND USE CONSENT TO ERECT 19 UNITS**

Apartment houses are a predominant use in the Tasman Village Zone, subject to the following controls:

### ▪ **Staged Development:**

*For each stage of development a development plan incorporating landscaping, stormwater, sewerage, roading, accessways, parking, services, and residential units be submitted to Council for approval.*

This can be required as a condition, if consent is granted.

### ▪ **Design and Appearance:**

*All household units are to be designed and constructed so as to provide a harmonious design and architectural theme. A maximum of two household units to be constructed within one building and garages are to be incorporated into the design of the buildings.*

The design follows the same architectural theme, established in the former development stages.

### ▪ **Bulk and Location:**

*No building shall be erected closer than five metres to a public road, or closer than three metres to any other zone boundary.*

The lay-out meets this requirement.

### ▪ **Site Coverage:**

*The maximum permitted site coverage over the whole zone, is 35%.*

The lay-out meets this requirement.

### ▪ **Building Separation:**

*All buildings shall be a minimum of three metres apart and the main glazing of the main living area shall not penetrate directly into the main glazing of another unit, unless separated by a distance of at least 6 metres.*

The lay-out meets this requirement.

### ▪ **Outdoor Living Court:**

*Each household unit shall be provided with an outdoor living court which meets the following requirements:*

*Minimum area- 40 m<sup>2</sup>,*

*Capable of containing a circle of at least 6m,*

*Not oriented south of the unit,*

*Be unobstructed,*

*Abut the main living area,*

*Be screened.*

The lay-out meets these requirements. Screening can be required as a condition, should consent be granted.

### ▪ **Outdoor Service Court:**

*Each unit to be provided with an outdoor service court which meets the following requirements:*

*Minimum area – 20m<sup>2</sup>,*

*Free of obstructions,*

*Screened from public view,*

The lay-out meets these requirements. Screening can be required as a condition, should consent be granted.

▪ **Roading/ Services Standards:**

*All services to comply with NZS 4404:1981*

This can be required as a condition, should consent be granted.

▪ **Parking:**

*One parking space for each household unit.*

The lay-out meets this requirement.

▪ **Landscaping:**

*All parts of the retirement village to be landscaped to a comprehensive overall scheme.*

This can be required as a condition, should consent be granted.

**C: SUBDIVISION OF THE 12 UNITS IN STAGE 7A, TO CREATE UNIT TITLES:**

As described in Paragraph B above, the proposed Unit Title Plan, meets all of the requirements for the development of apartment houses in the “Tasman Village Zone”.

## **8.0 CONCLUSION**

The proposal is consistent with the zone specific requirements under the Transitional Plan, and meets the criteria for discretionary activities under the Proposed Plan.

## **9.0 RECOMMENDATION**

- A. That pursuant to Section 105 and in consideration of Sections 104, 108 and 220 of the Resource Management Act 1991, the Matamata Piako District Council grants its consent to subdivide the property at Seales Road, Morrinsville, legally described as Lot 1 DPS 88203 into two Lots (“Lots 71 and 72”) to facilitate the development of future stages of the Tasman Village Complex, for the following reason and subject to the conditions below:**

**Reason:**

- (i) The proposed subdivision is in general accordance with the outside boundaries of the next development stage.

**Conditions**

1. That the Land Transfer Plan shall be in general accordance with Thomson & Farrer Surveyors Scheme Plan reference F 4391 02/03/81 and 02/03/82, and all other information submitted with the application (Matamata-Piako District Council reference RCS 1101).

2. That easements in gross in favour of Council with a width as described below be granted and reserved over the existing trunk sanitary sewer on the property:

**Where possible**, the easement width shall be:

- 3m wide- If the pipeline is aerial or less than 1.5m deep.
- 4m wide- If the depth of the pipeline is greater than 1.5m

**Alternatively, where the available width of the easement is restricted by building platforms or existing retaining walls over short distances**, the width of the easement can be reduced to a minimum of 2.5m provided that in such instances engineering certification shall be provided to confirm that no additional weight/load from the building foundations will be placed on the sewer line.

**Advice Note:** *The easements referred to are shown S, U, V, W, X, Y, Z, AA, AB, AG, AK, AC on Plan 02/3/82.*

3. That easements in gross H, I, J, K, L, R, S, U, V, W as indicated on Scheme Plan 02/03/82 be granted and reserved over Lot 71, in favour of United Networks.
4. That Right of Way, Water, Power and Telephone easements A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q, S, T, U, X, AA, AB, AD, AE, AF, AG, AH, AJ, AK, AL, AM, AN, AO, AP as indicated on Plan 02/03/82 be granted and reserved.
5. That the charges set out in accordance with Section 36 of the Resource Management Act 1991, be paid to Council for the carrying out of its functions in relation to the administration of this resource consent.

- B. That pursuant to Section 105 and in consideration of Sections 104 and 108 of the Resource Management Act 1991, the Matamata Piako District Council grants its consent to develop 19 retirement homes known as “Stage 7A” and “Stage 7B” of the Tasman Village Retirement Complex, located at the corner of Seales Road and Thames Street Morrinsville, legally described as Lot 1 DPS 88203, for the following reasons and subject to the conditions below:**

**Reason:**

- (ii) The development is consistent with the zone specific requirements as detailed in the Transitional Plan;
- (iii) The development constitutes a harmonious extension of the existing well established retirement complex.

**Conditions**

1. That the development proceed in general accordance with Thomson and Farrer Lay-Out Plan F4391 99/2/30A, and all other information submitted with the application (Matamata-Piako District Council reference RCD 0671).
2. That a development levy (reserve contribution) of \$150.73 per unit be paid to Council, such amounts to be paid at the time that application is made for building consent for that unit.
3. That any earthfill to be placed within the development shall be undertaken in accordance with NZS 4431 : 1989 – Code of Practice for Earthfill for Residential Development. Specific earthworks drawings shall be produced and submitted to Council to indicate the extent of the fill area. An engineers report complete with compaction results for the fill area shall be submitted to Council.
4. That upon completion of the earthworks a detailed landscape plan be submitted to Council for approval and that the approved plan be put in place and maintained upon construction of the units.
5. That sewage, water supply, stormwater, electricity, and telecommunications connections be provided to Units 55, 56 and 67 to 76 (inclusive) in accordance with NZS 4404 : 1981 – Code of Practice For Urban Land Subdivision.

**Advice Notes:**

- a) *Each unit shall be supplied with an independent water supply connection, no joint service lines shall be permitted. No ring main shall be less than 50mm in diameter.*
- b) *All sewer lines shall be 150mm diameter. All units shall have a separate 100mm diameter connection to a trunk line.*
- c) *All units shall be within a 135 metre radius of a fire hydrant that has a residual pressure of 100kPa and a minimum flow rate of 28 litres per second.*

6. That with respect to the internal roading formation, kerb and channel basecourse and asphaltic surface, stormwater capture and disposal, street lighting, footpaths, vehicle crossings, etc shall be formed and constructed in accordance with the engineering design submitted to Council and in accordance with NZS 4404 : 1981 – Code of Practice For Urban Land Subdivision.
7. That the kerb and channel, roading and stormwater drainage for that part of Seales Road contiguous to the Stage 7 development be constructed in accordance with NZS 4404 : 1981 – Code of Practice For Urban Land Subdivision.  
***Advice Note:** A bond is held by Council to ensure that the Seales Road kerb and channel is put in place. Upon fulfilment of the bond conditions, the bond can be released at the Applicant's cost.*
8. That visitor parking areas be constructed to accommodate a total of at least four (4) vehicles.
9. That supervision and certification of all engineering works shall be undertaken by the consent holders appointed representative and evidence shall be submitted to Council that all works have been carried out in accordance with the requirements of consent, using proper and sound engineering practices.
10. That 'As Built' plans of all urban services, which clearly indicate the location of manholes, valves, service connections, etc including co-ordinates of those structures, fittings and connections, reduce levels on manhole lids, depths to pipe inverts, pipe diameters, pipe materials type and other relevant engineering details, shall be supplied to Council.
11. That all outdoor living courts be screened at the time the units are constructed, to a maximum height of 1.5m for not less than 50% of its perimeter.
12. That all outdoor service courts be screened from view of public places, recreation areas and pedestrian ways, at the time that the units are constructed.
13. That the Consent Holder appoint a representative experienced in development/construction work with whom Council will undertake all correspondence relating to subdivision, engineering and construction matters.
14. That the charges set out in accordance with Section 36 of the Resource Management Act 1991, be paid to Council for the carrying out of its functions in relation to the administration of this resource consent.

- C. That pursuant to Section 105 and in consideration of Sections 104, 108 and 220 of the Resource Management Act 1991, the Matamata Piako District Council grants its consent for the staged Unit Title division of the 12 units known as "Stage 7A" of the Tasman Village Retirement Complex located at the corner of Seales Road and Thames Street Morrinsville, on Lot 71 (still to be subdivided), a portion of Lot 1 DPS 88203, for the following reasons and subject to the conditions below:

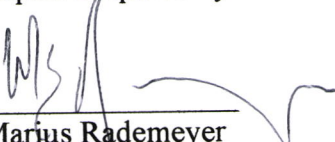
**Reasons:**

- i. The development is consistent with the zone specific requirements as detailed in the Transitional Plan;
- ii. The development constitutes a harmonious extension of the existing well established retirement complex.

**Conditions**

1. That the Proposed Unit Development Plan shall be in general accordance with Thomson and Farrer Surveyors Scheme Plan reference F 4391 00/3/48, and all other information submitted with the application (Matamata-Piako District Council reference RCS 1101).
2. That the charges set out in accordance with Section 36 of the Resource Management Act 1991, be paid to Council for the carrying out of its functions in relation to the administration of this resource consent.

Report Prepared by:

  
 Marius Rademeyer  
 Senior Planner

This consent has been granted under delegation from the Matamata Piako District Council, pursuant to section 34(4) of the Resource Management Act 1991 by the following;

  
 Chief Executive Officer

17/04/03  
 Date

  
 Manager: Environment  
 and Property Services