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MATAMATA-PIAKO DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

DEVELOPMENT PLAN - TASMAN VILLAGE SOCIETY INC

1. APPLICATION

Consent for Stage 5 development of the Tasman Village retirement complex.

2. LOCATION AND LEGAL DESCRIPTION

The property is located on the eastern side of Seales Road, Morrinsville, approximately 200 metres from the intersection of Seales Road and State Highway 26 (Thames Street).

The property is held in one certificate of title (CT 56D/500) and is legally described as Lot 1 DPS 75234.

3. PROPOSAL

3.1 Background

In December 1989 Council consented via a planning application under the Town and Country Planning Act for the development of up to a maximum of 80 units for the establishment of a retirement village on the property situated on the corner of Thames Street and Seales Road, Morrinsville. A condition of that consent is *"that a development plan incorporating landscaping, stormwater inclusive of a holding reservoir, sewerage, all roading, accessways, services and the first stage of unit development be submitted to Council for approval, and for each subsequent stage thereafter"*.

An overall development plan consisting of 80 units and a recreation centre was approved under delegated authority in December 1990.

Since the initial development was prepared the first 18 units being Stage 1 have been proceeded with to the point where only units 9 and 13 are yet to have construction commenced. A temporary recreation building has also been erected on site in the location where units 19 and 20 will be constructed.

3.2 Stage 4-1

The original intention was that Stage 2 would continue on beyond the temporary recreation building and would consist of units 21 to 44 or parts thereof.

The applicant experienced resistance to the purchase of sites in that area generally to the north of the present Village and to some extent divorced from it. Accordingly, this led to a reassessment of the overall scheme whereby Stage 4-1 (being the second stage) consisted of 10 units generally in the area where the original care and recreation building had been proposed.

Stage 4-1 consisted of units 79 to 88 (inclusive). The units were of the same basic design as for Stage 1 and are of similar appearance.

To date, three of the Stage 4-1 units have been built. Three other sites have also been sold, of which two units are likely to be constructed this year.

The demand in Stage 4-1 was for the "A" type units being those generally lying north south. There is little demand at present for the "B" type units and consideration is being given to a change in design to make these more attractive.

3.3 Stage 5

Stage 5 is proposed to consist of four units, numbers 63, 64, 77 and 78 as shown on the attached plans (Thomson & Farrer plan references 97/2/5 and 97/2/6 dated January 1997).

Units 63, 64, 77 and 78 are designed in pairs with attached garaging. The units are of the same basic design as for Stages 1 and 4-1 and will be of the same appearance.

Stage 5 will basically be an extension to Stage 4-1, with roading, services, etc being extended through the development.

4. REPORTS OF OTHER DEPARTMENTS

4.1 Area Engineering Officer

Comments:

- That engineering and landscape plan be submitted for approval prior to any work commencing.
- That all works comply with NZS 4404:1981.
- That as built plans be submitted on completion of all works.

4.2 Environmental Health Officer

Comments:

- High ground water/dampness is a problem in this region of Seales Road.

5. STATUTORY REQUIREMENTS

5.1 Resource Management Act 1991

In the transitional period, Section 410 of the Resource Management Act provides for Parts XX and XXI of the Local Government Act 1974 to continue to apply to any development as if the Resource Management Act had not been enacted.

5.2 Local Government Act 1974

Under Section 271A of the Local Government Act 1974 development is defined for residential purposes to include:

"Constructing, erecting, or altering any one or more buildings or other works for the purpose of providing 3 or more new or 2 or more additional household units."

Under Subsection (3) where it is proposed to construct, erect, or other works in stages and the total proposed constitute a development as defined, the total construction, erection, or alteration shall constitute one development for the purposes of this part of the Act:

"Where the owner of any land in the District is required by Section 293 of this Act to notify the Council of a proposed development that is solely or principally for residential purposes:

a. The Council may require him:

- i) To set aside to be vested in the Council as public reserves under the Reserves Act 1977 an area of land within the land shown on the development plan, to the satisfaction of the Council, amounting to not more than 20 square metres for every household unit to be provided in the development after the second new such unit of first additional such unit; or*
- ii) Where the Council is satisfied that it is impracticable or unnecessary to set aside such land, to pay to the Council, within such time as it may specify, an amount of money that would, in the Council's opinion, be sufficient to purchase, at the time of lodgement of the development plan, an area determined by the Council within the land on the plan, not being more than 20 square metres of land for every such household unit after the second new such unit or first additional such unit; or*

b. The Council and the owner may agree that a combination of subparagraphs i) and ii) of paragraph a) of this subsection shall apply."

Compliance with Sections 280, 281, 283, 289, 291, 292 and 302 of the Local Government Act 1974 is also applicable to a development. Of these sections the following are applicable to this development:

Section 281 - Application of Part XXI - Local Government Act which related to roads, private roads or road access.

Section 283 - Public water supply, drainage and electricity reticulation.

Section 292 - Reserves for future services lanes.

5.3 Transitional District Plan

The property is zoned Tasman Retirement Village zone in the Transitional District Plan (Piako County Section).

Dwellinghouses are a predominant use within this zone provided the following development controls are met:

"1. *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.

A maximum of 80 household units will be permitted within this zone.

2. *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 on building and garages are to be incorporated into the design of the buildings.

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

All buildings shall be minimum of three meters 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 six metres.

4. *Outdoor Living Court*

Each household unit shall be provided with an outdoor living court to link the use of the unit to the use of the zone and to provide visual amenity to the zone which meets the following requirements:

- *minimum area = 40m².*

- *capable of containing a circle six metres in diameter.*
- *be oriented east, north or west of the unit.*
- *be for the exclusive use of the unit and free of access to other units, driveways, manoeuvring area, parking and service courts.*
- *each living court shall abut the main living area of the unit and be readily accessible to the unit.*
- *be screened by the developer at the time the units are constructed to a maximum height of 1.5 metres for not less than 50% of its perimeter.*

5. *Outdoor Service Court*

Each household unit shall be provided with an outdoor service court for activities such as clothes drying and the outdoor storage of rubbish which meets the following requirements:

- *minimum area = 20m² with a minimum width of three metres.*
- *be for the exclusive use of the unit and free access to other units, driveways, manoeuvring areas, parking and living courts.*
- *service courts must be screened from view of public places, recreation areas and pedestrian ways.*

6. *Roading Standards etc*

All services, internal roading and accessways for the development of the village shall comply with NZS 4404:1981 or any other standard referred to therein, plus any additional conditions that may be imposed in relation to the development plan.

7. *Parking*

One parking space for each household unit.

8. *Landscaping*

All parts of the retirement village are to be landscaped to a comprehensive overall scheme as detailed on the developed plan approved by Council."

5.4 **Proposed District Plan**

The property is zoned Residential in the Proposed District Plan.

More than two dwellings per urban site is a discretionary activity within this zone provided the following development controls are met:

- **Maximum Height:** 9 metres
- **Height relative to site boundaries**
 - a) No part of any building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply to the apex of the gable ends of a roof, being no more than 1m² in area.
 - b) Where there is more than one household unit on a site, they shall be either:
 - Designed and built as one building; or
 - Built sufficient distance apart that no part of a household 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. For the purpose of the foregoing the height shall be measured from the ground level at the midpoint of this shortest horizontal distance.
- **Yards**

Residential buildings and accessory buildings

Front	5.0m
Side	2.5m
Rear	4.0m
- Household density shall not exceed one dwelling per 500m² of nett site area.
- Total building coverage of the site shall not exceed 30% of the nett site area.
- Every household unit shall have an area of open space which shall:
 - a) Have a minimum area of 80m² and minimum width of 4m;
 - b) Be capable of containing a circle of 6m in diameter and located to the north, east, or west of the unit;
 - c) Be unobstructed by vehicle access, parking and buildings;
 - d) The space may include balconies, decks having a minimum area of 10m², with no dimension less than 1.8m and conservatories.
- Where any storage or service are adjoins or directly faces residentially zoned land, public road, public reserve, or a second or subsequent dwelling on the same site, such an area shall be screened by either:

- i) A solid wall or screen not less than 1.8m in height; or
 - ii) Planting to a minimum height of 1.8m.
- The erection of a second or subsequent dwelling on a site may only proceed upon the issue of resource consent or a compliance certificate requested under Section 139 of the Resource Management Act 1991. An application for such a certificate shall show that all buildings, outdoor space, and the provision of services on the site comply with the provisions of the District Plan as if the site were undergoing a subdivision into freehold title. Any subsequent subdivision shall be in accordance with the certificate of compliance issued.
 - A zero lot boundary is permitted where two household units within one building are separated with the provision of garaging which forms an integral part of the design.
 - Two parking spaces per dwelling shall be provided. One space may be stacked.

6. ASSESSMENT

- 6.1 In *Hanton V Auckland City Council* the Planning Tribunal accepted that once a proposed plan is notified, an application must be considered in terms of that plan as well as the existing plan. The Tribunal found further that the weight to be given to a proposed plan depends upon what stage the relevant provision has reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In this case the proposed plan is at the very beginning of the statutory (notification) process, therefore less weight should be given to the proposed plan where a rule or standards is in conflict.

A submission to the proposed plan has been lodged against the removal of the "Tasman Village Zone" which exists in the Transitional District Plan. As the rules are therefore in conflict, this proposal is assessed under the Transitional District Plan provisions.

- 6.2 A development plan has been submitted which provides all the necessary information, except for landscaping. Those plans are assessed as follows:

Design and Appearance

The units are of the same basic design as for Stages 1 and 4-1. When constructed they will provide a harmonious design and architectural theme.

All units are designed in pairs with attached garaging.

Bulk and Location

The buildings near Seales Road are five metres from the road boundary. In no area does the main glazing of any unit's living area penetrate directly the main

glazing of another unit's living area except where the living area are more than 6 metres apart.

Outdoor Living Courts

The 1:200 scale plan shows the location of the outdoor living court for each unit and each fits the requirements of 40m² minimum area, 6 metres diameter circle, orientated east, north or west and are for the exclusive use of each unit. Screening of the paved area associated with each court is shown on the plan.

Outdoor Service Court

The same plan shows the outdoor court, dimensions (where appropriate) and the exclusive use of each unit. Screens are also shown on the plan. Each service court fits the requirements of the District Plan.

Roading Standards, etc

Plans of the detailed construction drawings for roading, access, retaining walls, water, stormwater, sanitary sewer reticulation and street lighting need to be submitted to Council for consent prior to construction commencing.

The plans should show the services in relation to the existing as built plans for Stages 1 and 4-1.

A bond has been paid to ensure that kerb and channel will be constructed in Seales Road. This kerb and channel should be constructed at least for the length of the Stage 5 development.

Parking

Each unit has a garage and sufficient driveway in front of each garage to another car to be parked. A four carpark area alongside the access to the units 81 - 86 inclusive was constructed to replace in part the parking shown on the east side of unit 63 in the original proposal.

- 6.3 The applicant has requested that the landscaping plan be prepared after the completion of the earthworks so that the final shape and contour of Stage 5 can be viewed. This is a reasonable request. However it is recommended that no building consents be issued until a landscape plan is submitted and approved.

The Stage 4-1 landscaping proposal has not been fully implemented. A note pointing out this fact should be included in the recommendation.

- 6.4 The original development plan approval required a development levy of \$7,616.00 (plus GST) to paid for the entire 80 unit development.

The resolution did however permit the payment of the levy in stages. Therefore, the 4 units (being Stage 5) commands a development levy of \$380.80 (plus GST) ie. (20m² x 4.76 per m²) x 4 units.

- 6.5 During the approval of the Tasman Village retirement complex (NA 215) it was agreed that the stormwater retention dam was to be constructed as part of Stage 4-1 of the development. The construction of the retention dam has been completed to meet the obligations of the planning consent and to meet the submission of the objectors at the time.

The retention dam was designed by Worley Consultants Limited and approved by Council after amendments were completed. The approved design was then submitted to the Waikato Regional Council, whereby a water right was granted. The dam has been built to its final level, and the stormwater discharges from Stage 5 will end up behind the dam as well as that from Stages 1 and 4-1.

7. **RECOMMENDATION**

That pursuant to Section 294 of the Local Government Act 1974, the Matamata-Piako District Council grants its consent to the Stage 5 development plan for the Tasman Village Society Inc. to continue developing the property described as Lot 1 DPS 75234 as an 80 unit staged retirement village, subject to the conditions listed below:

1. That a development levy (reserve contribution) of \$380.80 (plus GST) be paid to Council.
2. That power, telephone, water, sewerage reticulation and stormwater connections be made to Units 63, 64, 77 and 78 in accordance with "NZS 4404:1981 - Code of Practice for Urban Subdivision" and that plans be submitted to Council for approval prior to being put in place. That as built plans be submitted to Council upon instalment of the said services.

Note: All plans are to incorporate and identify the location of the as built services for Stages 1 and 4-1.

3. That engineering plans in accordance with "NZS 4404:1981 - Code of Practice for Urban Subdivision" showing carriageway width and construction, kerb and channel (inclusive of that for that part of Seales Road contiguous to Stage 5), construction of stormwater, street lighting, vehicle entranceways and footpaths be submitted to Council for approval prior to being put in place. That as built plans be submitted to Council upon completion of all works.
4. That all earthworks conform to subdivisional standard and earthfill to conform with "NZS 4431:1989 - Earthfill to Residential Subdivision".
5. 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.

Note: That Stage 4-1 landscaping proposal has not been fully implemented.

6. That kerb and channel be put in place along Seales Road for at least the frontage of Stage 5.

Approved/~~Declined~~



OPERATIONS AND TECHNICAL
SERVICES MANAGER

17 / 3 / 97

DATE



GENERAL MANAGER/
CORPORATE SERVICES
MANAGER