

**Sanderson Group Limited**

**Tamahere Country Club –  
Southern and Eastern Extensions**

**Application for Resource Consent:  
Assessment of Environmental Effects Report**




August 2023






# Document control

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**Appendix G – Landscape and Visual Assessment Addendum prepared by Boffa Miskell**

**Appendix H – Detailed Site Investigation prepared by HD Geo**

**Appendix I – Preliminary Geotechnical Report prepared by HD Geo**

**Appendix J – Archaeological Assessment by Warren Gumbley Archaeologists**

**Appendix K – NPS-HPL Assessment prepared by AgFirst**

**Appendix L – Waikato District Plan Rule Assessment**

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# 1. Introduction

This report and Assessment of Environmental Effects ('AEE') supports various applications by Sanderson Group Limited ('Sanderson') to Waikato District Council ('WDC') to construct and operate an extension to the Tamahere Country Club ('TCC') retirement village, located in Tamahere.

Those applications relate to 56 and 70 Tamahere Drive to the east and 82 and 92 Tamahere Drive to the south. In this report, these sites are individually referred to as the 'eastern extension' and 'southern extension'<sup>1</sup> while collectively they are referred to as the 'extensions' or 'expansion sites'. The application also relates to one of the existing TCC sites, also referred to as 70 Tamahere Drive<sup>2</sup>.

Sanderson are a provider of retirement villages and are currently constructing the TCC village. The population of the Waikato District is ageing, driving a need to change the living options/requirements provided to that aging population. Sanderson is at the forefront of this change, through their existing retirement villages including their existing offering at Tamahere. The TCC village provides independent living in a rural setting, in the form of villas, with a supporting care facility and high-quality communal amenities. Lifestyle, luxury, architectural design, quality, open space, extensive landscaping and a strong community environment are the key themes and attributes of the TCC village. Sanderson's offering in Tamahere has been in very high demand with most of the consented villas being sold. Due to that demand, Sanderson have or are proposing to negotiate the purchase of the land adjacent to the TCC village to provide for the eastern and southern extensions. The consenting of those properties will provide for the growth of the TCC village to cater for the needs of an aging population on land directly adjacent to the TCC village. It will also enable those future residents to use the existing facilities and be part of the TCC village community.

The TCC village is subject to two existing resource consents from WDC. One for the original development across 650, 618 and 608 Airport Road, 30, 32, 36 and 46 Tamahere Drive<sup>3</sup> and a further consent for an extension of the village southwards across 70 Tamahere Drive<sup>4</sup>. Collectively these consents provide for 202 villas/townhouses, an 80-bed care facility (offering a range of apartment units, care suites and a dementia care unit) and supporting amenity features such as the Club House, Club Rooms, the Lake House, a health spa, tennis court, bowling green, driving range, pétanque court and hobby shed. This consenting history is described in more detail in section 3 of this report.

To provide for the extension of the TCC village, this report covers applications for the following activities:

- Eastern Extension Applications:
  - **Part A:** is a land use consent, under both district plans to extend the retirement village across 56 and 70 Tamahere Drive to the east to provide for a further 25 villas and a small arts and crafts facility.
  - **Part B:** is a s221(3) cancellation of consent notice (B513181.3) registered on the title<sup>5</sup> for 70 Tamahere Drive. This application goes hand in hand with Part A.
- Southern Extension Applications:
  - **Part C:** is a land use consent, under both district plans to extend the retirement village across 82 and 92 Tamahere Drive to the south to provide for a further 42 villas and a new health spa.

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<sup>1</sup> Stage 6 is the southern extension, whereas Stage 7 is the eastern extension.

<sup>2</sup> Being Lot 2 DP 565970 (1011954)

<sup>3</sup> LUC0156/20

<sup>4</sup> LUC0597/21.03.

<sup>5</sup> SA64C/250





- **Part D:** is a s127 application to change the conditions (Condition 1 of LUC0597/21.03) and approved plans of an existing TCC consent for a previous southern extension at 70 Tamahere Drive to provide for two additional villas. These villas are proposed to be located on the existing southern boundary, within the current 25m setback. This application goes hand in hand with Part C.
- **Part E:** is a land use consent, under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NESCS'), for land within 92 Tamahere Drive. This application goes hand in hand with Part C.

This application has been deliberately split, as set out above, so that consents decisions can be individually authorised for the eastern and southern extensions, and where required the supporting authorisations.

The architectural outcomes, three waters provision and transportation arrangements of the extensions have been designed to be a seamless extension of the existing TCC village. This means that there are no wholesale changes to the roading, or three waters networks required to cater for the extensions. The design also provides for an extension of the pedestrian network, large open space areas of planting (some of which is mitigation planting), generous setbacks to the adjoining rural properties and the retention of a protected tree. The architectural design philosophy for the villas also mirrors the existing consents by providing for a variety of villa typologies, ranging in size from 180m<sup>2</sup> to 330m<sup>2</sup> and including either single or double garage options, with purchasers deciding their configuration from those options. Further details of the development outcome is provided in section 5 of this report.

At the time of making this application, the appeals version of the Proposed District Plan ('PDP') has been released. The plan provisions enabled by the PDP have legal effect in accordance with s86B of the RMA. It is also worth noting that the PDP objectives and policies had legal effect upon notification. For these reasons, an assessment is required under both the operative and proposed district plans.

The assessment contained within this report has confirmed that both land use consents are required for the development outcome as a Discretionary Activity under the Operative District Plan ('ODP'). Similarly, land use consents are required as a Non-Complying Activity under the PDP. Section 6.1 and 6.2 of this report provides a detailed summary of the reasons for consent, however, in simple terms the activity status is driven by the type of activity as opposed to fundamental non-compliance with the district plans performance standards for buildings in a rural zone.

Although within a rural setting the consents sought hereon are unique in that they seek to provide for an expansion of the existing TCC village, not the establishment of a bespoke new retirement village in a rural environment.

The issue of weighting to be applied to the district plans is discussed in detail in section 6.5 of this report and concludes that more weighting should be applied to the PDP provisions, regardless of the appeals, and the more onerous activity status.

This report has been prepared in accordance with the requirements of s88, s127 and s221(3) and the Fourth Schedule of the Resource Management Act 1991 (the RMA). It describes the resource consents sought, including the s127 application and s221(3) consent notice cancellation in detail; measures the proposal against the relevant provisions of the higher order documents (National Policy Statements, National Environmental Standards and the Regional Plan) and both district plans; and assessed the actual and potential environmental effects of the proposal.

The report is to be read in conjunction with the attached appendices to support this application. Those appendices include the site plans and various technical reports that support the development outcome. The supporting technical reports cover both extension sites.



## 2. Applicant and Property Details

The completed application form is enclosed in **Appendix A**. The summary details relating to the Applicant and the sites subject to this application are as follows:

Table No. 2.1

Applicant and property details			
<b>To</b>	<b>Council</b>	Waikato District Council	
<b>Applicant</b>	<b>Name</b>	Nathan Sanderson	
	<b>Company</b>	Sanderson Group Limited	
	<b>Address</b>	75 Elizabeth Street, Tauranga	
	<b>Email</b>	<a href="mailto:nathan@sandersongroup.co.nz">nathan@sandersongroup.co.nz</a>	
	<b>Phone</b>	07 925 0988	<b>Mobile</b>
<b>Agent</b>	<b>Name</b>	Kathryn Drew	
	<b>Company</b>	Bloxam Burnett & Olliver	
	<b>Address</b>	PO Box 9041, Waikato Mail Centre, Hamilton 3240	
	<b>Email</b>	<a href="mailto:kdrew@bbo.co.nz">kdrew@bbo.co.nz</a>	
	<b>Mobile</b>	027 251 0009	
	<b>Southern Extension</b>	<b>Eastern Extension</b>	<b>Existing site</b>
<b>Legal Description</b>	Lot 1 DP 565970 (1011953) and Part Lot 11 DP 9747 (SA1443/27)	Lot 1 DPS 59441 (SA51C/860), Lot 1 DPS 80372 (SA64C/250)	Lot 2 DP 565970 (1011954)
<b>Site address</b>	56 and 70 Tamahere Drive, Tamahere	82 and 92 Tamahere Drive, Tamahere	70 Tamahere Drive, Tamahere
<b>Site area</b>	5.2509ha	1.9041ha	12.581ha
<b>Operative District Plan zoning and overlays</b>	Rural Zone Airport Obstacle Limitation Surface Notable tree (99 – horsetail or sheoak) on 92 Tamahere Drive		
<b>Proposed District Plan zoning and overlays</b>	General Rural Zone Hamilton Basin Ecological Management Area		



### 3. Background

Sanderson Group Ltd, was established in 1987 and founded by Fraser Sanderson. Sanderson is a family orientated, leading provider of high-quality retirement villages in New Zealand. They place an emphasis on providing an excellent standard of living for the retired.

The group identified a demand for the type and quality of age care facilities offered by Sanderson in the Tamahere area, and therefore established the TCC village. The success of the TCC village is self-evident, with most of all consented villas almost sold and demand exceeding expectations. The success of the TCC village highlights that there is a market for the quality and style of offering that Sanderson are providing in the Waikato region.

In addition to the TCC village, Sanderson currently own and operate the following retirement villages:

- Omokoroa Country Estate;
- Omokoroa Country Club (yet to be constructed); and
- Matamata Country Club (yet to be constructed).

Sanderson also led the construction and early operation phases of Bethlehem Shores, Bethlehem Country Club, Queenstown Country Club, Cascades Retirement Village (Hamilton), Bayswater (Mount Maunganui), The Avenues and Bethlehem Views in Tauranga. These villages are now operated by either Arvida, or Metlifecare.

The following summary outlines the existing consenting history for the TCC village, being the relevant background to this application.

#### 3.1 Original Land use consent for TCC – LUC0023/19

The original resource consent for the TCC village was granted on 9 November 2018 (Council ref: LUC0023/19). That resource consent approved the establishment of a retirement village on the properties located at 650, 618 and 608 Airport Road and 46 Tamahere Drive and specifically provided for 108 standalone villas and a 61-bed care facility offering a range of apartment units, care suites and a dementia care unit. The consent also provided for the club house facility, a bowling green, two entrances to the site off Tamahere Drive, an internal roading network, three waters infrastructure and various landscaping and amenity features around the site. The approved masterplan for LUC0023/19 is shown in **Figure 1** below.

*Note: This consent was surrendered following the granting of LUC0156/20 described below.*



**Figure 1: TCC Masterplan approved by LUC0023/19**



### 3.2 Replacement consent for TCC – LUC0156/20

After obtaining the above resource consent, Sanderson commenced detailed design of the development, which resulted in design changes which were not approved under the original consent. Further to this Sanderson were also offered the opportunity to purchase three adjoining rural residential properties, being 30, 32 and 36 Tamahere Drive. As a result of this, Sanderson sought a new resource consent, for the whole of the TCC development, including those additional properties, rather than an alteration to the existing consent LUC0023/19. That consent was granted in November 2019.

In summary, the site was then consented for the following development outcomes:

- 124 villas (including 12 townhouses);
- A care facility containing 61 rooms;
- A club house; and
- A health spa.

The consented layout under LUC0156/20 is shown in **Figure 2**.

Since the approval of this resource consent there has been two variations to this consent. Those variations have provided for:

- LUC0156/20.01 – This consent sought changes the care facility layout, elevation and building height. This consent was withdrawn before it was determined.
- LUC0156/20.02 – This consent removed 6 townhouses south of the care facility (total now 118 villas/townhouses) – replacing that area with parking, increased the number of rooms for the care facility from 61 to 80 and changed the design of the built form of the care facility including its siting



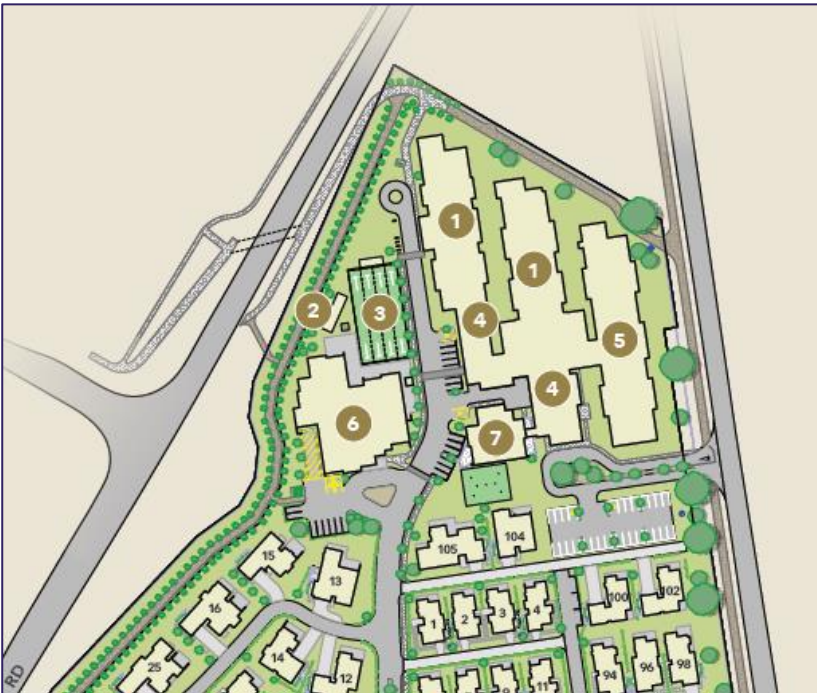


relative to the northern boundary. This variation was approved on the 10 November 2022. See **Figure 3** for the approved layout.

**Figure 2: From the Approved Masterplan for LUC0156/20**



**Figure 3: The approved layout for the Care Facility and adjoining land in LUC0156/20.02**



### 3.3 Southern Extension of TCC – LUC0597/21

In 2021 Sanderson sought a further resource consent to extend the TCC onto a property directly south of their existing village, being 70 Tamahere Drive. The southern extension provided for:

- 81 stand-alone villas;
- A club house and visitor car parking;
- A lake (with a dual purpose of amenity/recreation and stormwater treatment);



- An adjoining lake house and wellness pavilion overlooking the proposed lake and adjacent outdoor seating/garden party area;
- Communal facilities including croquet lawn, putting green, tennis court and men’s shed, gardeners shed, an orchard and a rose garden; and
- Pedestrian paths and an informal walkway throughout the site connecting to the existing TCC development, Tamahere Drive.

**Figure 4** shows the layout of the southern extension relative to the layout consented under LUC0156/20. This resource consent was granted on the 6 October 2021 on a non-notified basis.

**Figure 4: Masterplan for Southern Extension and existing TCC village**





Since the approval of this resource consent there has been three variations to this consent. Those variations have provided for:

- LUC0597/21.01 – This consent provided for the club house to encroach in to the northern boundary setback of 25m by approximately 3.8m.
- LUC0597/21.02 – This consent provided for a further change to the club house size and scale (i.e. consented footprint and height).
- LUC0597/21.03 – This consent provided for three additional villas and an increase in site coverage to 18.5%. This variation was approved on the 26 May 2022. See **Figure 5** for the location of the additional villas.

**Figure 5: Additional Villas for Southern Extension**



### 3.4 Background to Current Consent

The two pockets of land in which the TCC is proposed to be extended, directly adjoin the boundaries of the existing TCC site.

Sanderson have been negotiating with those landholders for an extended period of time to purchase their properties to develop as part of the retirement village. The acquisition of 56 and 70 Tamahere Drive will allow Sanderson's to 'fill the gap' along the Tamahere Drive frontage and create a consistent interface with Tamahere Drive. The extension to the south, onto 82 and 92 Tamahere Drive also enables a southern edge to be established that is linear and in the process use the 82 Tamahere Drive title that Sanderson owns.

At this time, Sanderson does not have sale and purchase agreements for all of the sites, but still seeks to consent the outcome across all sites, so that development can progress, as consented, if purchased. Sanderson does have a sale and purchase agreement for 92 Tamahere Drive which will be exercised in November 2023 and it already owns 82 Tamahere Drive.

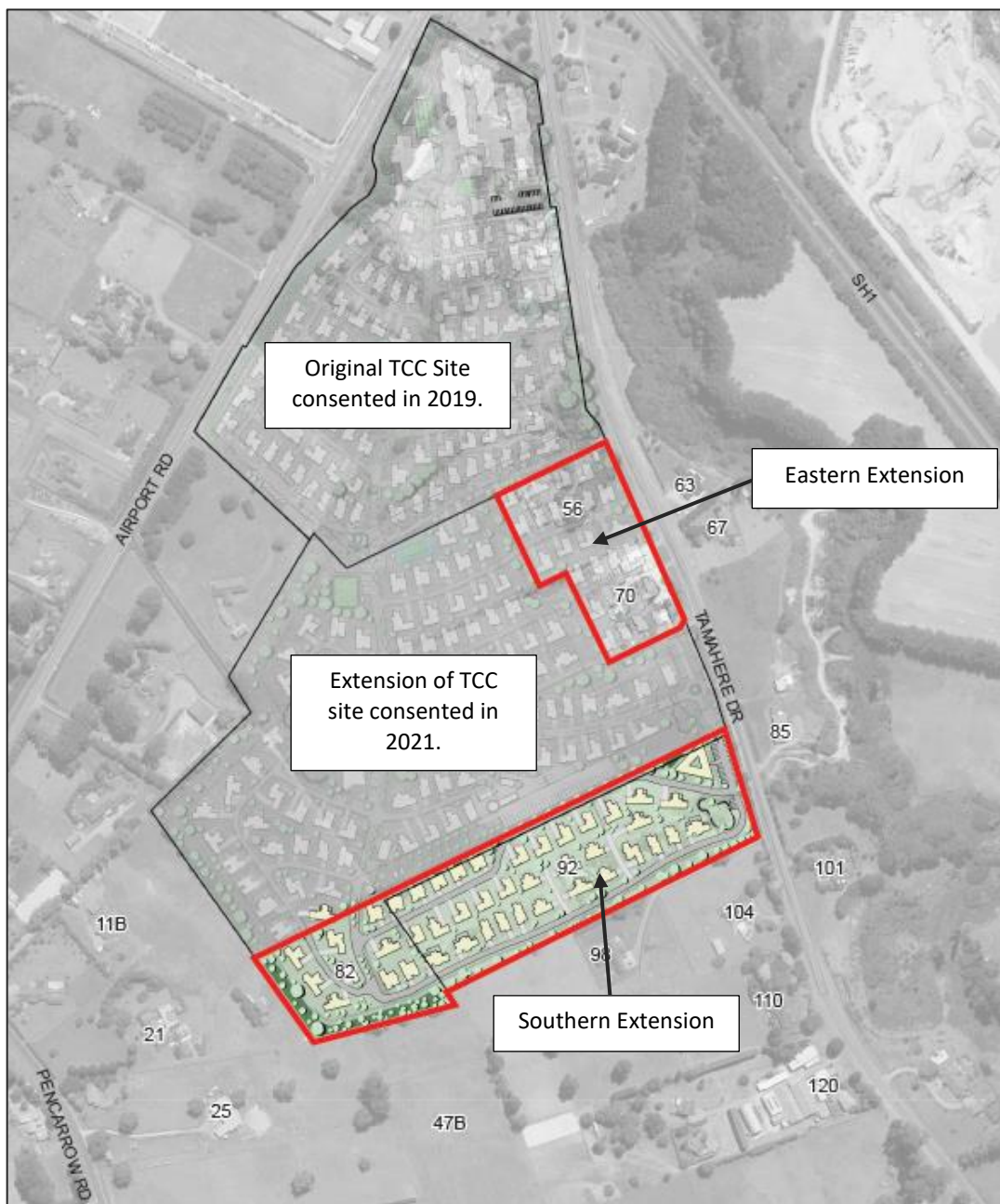


## 4. Site Description

### 4.1 Site and Current Legal Descriptions

The sites subject to this resource consent application are located at 56, 70, 82 and 92 Tamahere Drive. The site comprises five Records of Title, two each for the eastern and southern extension and one for the existing site (that is subject to the s127 application). The location of the southern and eastern extensions relative to the existing TCC site is shown in **Figure 6** below. This shows that the site is physically split into two isolated pockets of land adjacent to the existing TCC village. The current legal descriptions, title details and interests are set out in **Table 4.1**. A copy of the existing Records of Title and described interests are attached within **Appendix B**.

**Figure 6: Location of Southern and Eastern Extensions<sup>6</sup>**



<sup>6</sup> Taken from Boffa Miskell LVAE – Addendum Report, dated 11 August 2023





**Table No. 4.1**

Record of Title Details					
Physical Address	Legal Description	RoT	Size	Owner	Registered Interests
<b>Eastern Extension</b>					
56 Tamahere Drive	Lot 1 DPS 59441	SA51C/860	1.1044ha	John & Robin Clarke	Building Line Restriction (B118947.2)
70 Tamahere Drive	Lot 1 DPS 80372	SA64C/250	8000m <sup>2</sup>	Grant & Stephen Wilson	Building Line Restriction (B118947.2) Consent Notice (B513181.3)
<b>Southern Extension</b>					
70 Tamahere Drive	Lot 2 DP 565970	1011954	12.581ha	Tamahere Country Club Ltd	Building Line Restriction (B118947.2) Notice of registration of TCC as a Retirement Village
82 Tamahere Drive	Lot 1 DP 565970	1011953	1.71ha	Tamahere Country Club Ltd	Easements for water s.77 of Building Act notice Consent notice (12223856.3)
92 Tamahere Drive	Part Lot 11 DP 9747	SA1443/27	3.5409ha	Tina & William Karl	Easements for water

There is a building line restriction ('BLR') (interest number B118947.2) registered on four of the above titles. The BLR relates to a historical building setback from Tamahere Drive when it held the status of State Highway 1. The building setback imposed by the BLR is 5m and was reflective of the District Plan requirements of the time (1991). Tamahere Drive is no longer identified as State Highway 1 and further, there are larger setbacks required under the current district plans (i.e. 12m from Tamahere Drive). As such, the BLR is not relevant to the site. The interest registered on the title does not restrict the proposal from proceeding.

The consent notice on 70 Tamahere Drive (B513181.3) is a building restriction covenant, that was registered on the title in 1998. It states that there shall be no building(s), as defined by the Building Act 1991, erected on the part of the title identified as "A" on DPS 80372. Reviewing the title, Area A relates to the land on the northern end of the lot for a depth of approximately 40m (see **Figure 11**). Within Area A there is already buildings, including the Red Lid Bins compound building. As such, Part C of this application seeks to cancel this consent notice. The retention of this consent notice has the potential to unreasonably frustrate future buildings consent applications for the expansion.

The consent notice on 82 Tamahere Drive (12223856.3) requires foundation design, stormwater and wastewater management to be undertaken in accordance with the restrictions and recommendations of a CMW Geosciences Geotechnical Investigation report, or in accordance with an alternative report. This consent notice does not technically need to be cancelled, nor does it restrict the proposal from proceeding.

## 4.2 Zoning and Overlays

The site sits in the Rural Zone of the ODP. The site is also subject to the Waikato River Catchment and Airport Obstacle Limitation Surface policy overlays of the ODP and there is a notable tree (Horsetail or Sheoak) located at the south west corner of the southern extension site. All properties directly adjoining the site are



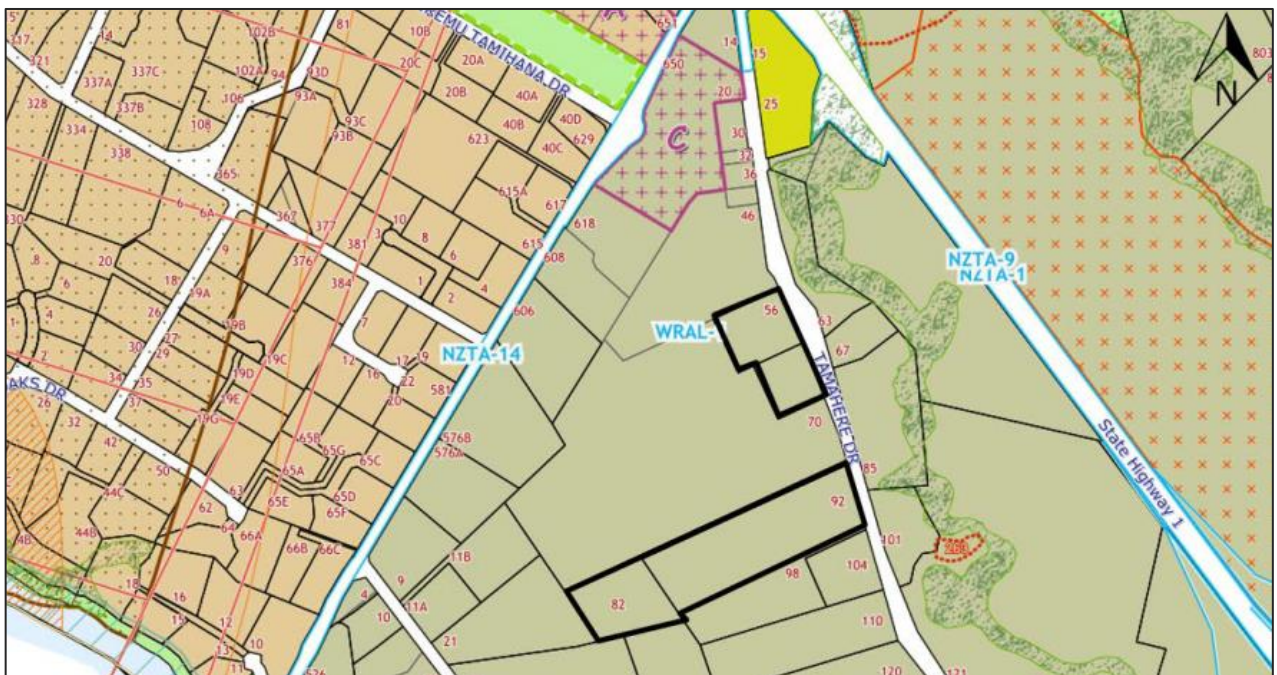
also zoned Rural in the ODP. Generally, further south and east on the opposite side of Tamahere Drive is also zoned Rural and to the west on the opposite side of Airport Road (SH21) is the Tamahere Country Living Zone. All surrounding properties are also subject to the Airport Obstacle Limitation Surface Overlay.

The site sits in the General Rural Zone of the PDP. The only overlay affecting the site is the Hamilton Basin Ecological Management Area. The protected Horsetail or She-oak notable tree identified in the ODP is not protected in the PDP. Similar to the zoning of the ODP, the properties further south and east on the opposite side of Tamahere Drive are also zoned General Rural and to the west on the opposite side of Airport Road (SH21) is the Rural Lifestyle zone.

**Figure 7: Operative District Plan Zoning and Overlays Map**



**Figure 8: Proposed District Plan Zoning and Overlays Map**





## 4.3 Site Characteristics

### 4.3.1 Eastern Extension

The eastern extension is a 1.9ha pocket of land encapsulated by the TCC village on three sides.

56 Tamahere Drive is a 1.1ha title which contains a single dwelling located to the northern edge of the site with a number of established tree species surrounding it. Approximately 60% of the site is lawns and gardens with the balance in paddocks where a small number of Alpacas are currently grazed.

70 Tamahere Drive is an 8000m<sup>2</sup> title. The site is known as 'The Compound' and the northern portion of the site currently operates as the depot (i.e. a building and a gravel parking area) for Red Lid Bins & Bags. The site operates under a resource consent for this activity. The site also features two access points to Tamahere Drive, two single storey residential dwellings to the south and a paddock in the north western corner. There is no primary production currently occurring on this property.

The ground levels for the site grade westwards towards the existing TCC boundary, with a change of level of approximately 1.5m from Tamahere Drive to the western boundary (i.e. from RL49.2 to RPL 47.7).

### 4.3.2 Southern Extension

The southern extension is a 5.25ha pocket of land directly adjacent to the TCC's existing southern boundary comprising 82 and 92 Tamahere Drive.

82 Tamahere Drive is a 1.71ha title that is currently being used as the construction office and site yard for Sanderson's construction activities. The site is highly modified with the majority of it disturbed and either used for relocatable site offices, parking or the storage of equipment for civil infrastructure works. There are no primary production activities on this property.

92 Tamahere Drive is a 3.54ha title that is a former Christmas Tree farm, with a single dwelling and associated sheds centrally located. Approximately 1ha of the site was utilised for the Christmas Tree farm, a further 1.5ha being unimproved non-utilised pasture and the balance (1ha) occupied by the existing dwelling and gardens. There is no evidence of primary production on this property.

The ground levels for the site grade northwards with a 0.6m elevation change (i.e. from RL48.2 to RL47.6). The eastern most boundary of 82 Tamahere Drive contains a drain that flows northwards into the TCC site.

## 4.4 Existing Infrastructure

### 4.4.1 Roding and Access

Both the eastern and southern extension sites have one road frontage, being to Tamahere Drive on their eastern boundary. The district plans identify Tamahere Drive as a local road in the road hierarchy. Tamahere Drive has a posted speed limit of 60km/h and has a primary purpose of property access however also forms a link to Cambridge and the communities of Hautapu and Bruntwood. Tamahere Drive also provides property access for a number of land uses in the locality, including St Stephens Church and the three consented vehicle crossings to the existing TCC development to the north. It is estimated, in the ITA, that traffic volumes are in the order of 1543 vpd with 5% of those being heavy goods vehicles.

Tamahere Drive has a formation including traffic lanes in both direction of 3.5m-3.7m wide and shoulders on either side of 1.3m-2.3m wide. Tamahere Drive also contains the Te Awa cycleway, being a 3m wide shared path, which runs past the site along the TCC village side (western side) of Tamahere Drive.



The TCC village has three existing consented access points to Tamahere Drive, one near the care facility at the northern end of the site, one near the centre of the site which provides the main resident and visitor entry, and another access further south that services the southern extension. The consented volume of vehicle movements through these access points, based on the unit types, is in the order of 717 vpd with 93 of these being peak hour trips.

The eastern extension sites have three existing access points onto Tamahere Drive. The southern extension site has two access points onto Tamahere Drive.

#### 4.4.2 Three Waters

There is no reticulated wastewater or stormwater reticulation in the vicinity of the extension sites, so these are managed on each individual site. There is water reticulation along Tamahere Drive, being a trickle feed line, but it is unclear whether the sites have any existing connections.

The existing TCC village is serviced by an extensive and consented on-site water, wastewater and stormwater network that caters for the needs of the existing village and has residual capacity.

The most relevant consents are those obtained from the Waikato Regional Council ('WRC') in 2022. Those consents provide for the following:

- AUTH143639.02.01 – stormwater diversion and discharge
- AUTH143639.03.01 – groundwater take of 355 cubic metres per day and 63,325 cubic metres annually for potable and irrigation purposes.
- AUTH143639.04.01 – discharge of treated wastewater, being 130 cubic metres per day.

The stormwater consents are valid until 2054 while the groundwater take and wastewater discharge consents are valid until 2044. If required, variations or new consents will be sought from WRC to provide for the servicing of the extension sites from the infrastructure associated with these consents.

The Infrastructure Report (see **Appendix E**) provides information around available capacity within the existing systems and the consented thresholds.

#### 4.4.3 Other Utilities

Telecommunications, electricity and gas utilities are present within the transportation corridors in the vicinity of the site. Extensions of these networks will be required in order to connect the extension site with these services.

### 4.5 Historical Land Use and Contamination

A Detailed Site Investigation ('DSI') has been undertaken for the extension sites by HD Geo Ltd (see **Appendix H**).

The DSI has determined that the extension sites historically contained a mix of orchards and market gardens, both of which are listed on the hazardous activities and industries list ('HAIL'). Following the orchard activities the site has been used for pasture grazing and also contains several buildings that were constructed pre 1970s<sup>7</sup>. The WRC database has also listed three of the four sites as being subject to HAIL activities. For these reasons, site sampling was undertaken. The results of that sampling can be summarised as follows:

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<sup>7</sup> The age of the buildings indicates that lead-based paint and asbestos contaminating material may have impact the soil surrounding the buildings, presenting a risk to human health.



- Arsenic and lead were below the calculated site-specific guideline concentrations;
- Cadmium, chromium, and copper were below the NESCS guidelines for residential land use;
- Nickel and zinc were below the National Environmental Protection Measures guidelines using the residential A scenario;
- All heavy metals except for chromium and nickel were encountered at concentrations above Waikato regional background concentrations;
- Arsenic, lead, and zinc were encountered at concentrations above Waikato cleanfill criteria;
- 4,4'-DDE were detected in 1 of 4 tested samples at concentrations well below NESCS guidelines; and
- No total petroleum hydrocarbons or asbestos were detected in the tested soil.

Based on these results, the HD Geo reporting has confirmed that:

- It is more likely than not that the footprints of the historic orchard/market garden at 92 Tamahere Drive has been subject to the application of persistent pesticides and therefore HAIL category A10 applies to the 'piece of land'; and
- It is unlikely that the remaining 3 properties (56, 70, and 82 Tamahere Drive) have been subject to the application of persistent pesticides and therefore HAIL category A10 does not apply; and
- The analytes targeted to assess HAIL Category I are below their applied human health criteria for the proposed landuse, therefore HAIL category I does not apply to that land.

The extent of the 'piece of land' is identified in Appendix A of the HD Geo report.

Although a 'piece of land' has been identified, HD Geo's reporting has confirmed that it is unlikely that there is a risk to human health associated with developing the site into a retirement village, given that the identified contaminants of potential concern are below the respective human health criteria for the land use. As such, no remediation of the 'piece of land' is required. A land use consent, as a controlled activity under the NESCS, is however required for 92 Tamahere Drive (within the southern extension), as set out section 5.4 of this report.

## 4.6 Geotechnical Ground Conditions

A Preliminary Geotechnical Report ('PGR') has been prepared by HD Geo for the extension sites (**Appendix I**). The PGR sets out the geotechnical investigations carried out<sup>8</sup>, provides a geohazards assessment to assess the risks associated with natural hazards and sets out the specific geotechnical design for the proposed retirement village development.

Based on the investigation findings the site is underlain with sand and silt, with interbedded lenses of clay. Peak shear strength ranges across the site from 134kPA to 209kPA and DCP values ranged between 1 to 12 blows per 100mm showing the material to be very loose to dense. These ground condition do not meet the requirements for 'good ground' in accordance with NZS 3604:2011 due to loose soils. Given the low strength soils, foundations will need to be designed for reduced bearing using shallow extraction and re-compaction of the soils or a stiffened raft foundation designed for low bearing soils. Regardless of those design requirements, the PGR has confirmed that the extension sites are geotechnically suitable for the proposed development.

The qualitative assessment of natural risk hazard for the site has also confirmed that hazard risks are very unlikely to unlikely.

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<sup>8</sup> Being 13 cone penetration tests, 5 hang augers with strength testing and 5 soakage tests



## 4.7 Archaeology

An archaeological assessment has been carried out by Warren Gumbley Archaeologists for the extension sites (**Appendix J**). This report has confirmed that there is an archaeological deposit within the eastern extension (the south—eastern part of 56 Tamahere Drive), being Māori-made soils. It also records that this deposit may extend into 70 Tamahere Drive. This site has been given the archaeological reference of S14/504 and it forms part of the extensive Waikato Horticultural Complex<sup>9</sup>. The archaeological assessment identifies that an archaeological authority from Heritage NZ Pouhere Taonga ('HNZPT') is required as a result of the development impacting this archaeological site. The Archaeological Authority application will be sought prior to any development of 56 and 70 Tamahere Drive.

## 4.8 Cultural Values

Ngāti Hauā is the hapu group with mana whenua over the site. Consultation with mana whenua has been undertaken to ensure that their principles, significant values and issues associated with the extensions are articulated, acknowledged and understood. Their position is articulated in the Cultural Values Assessment ('CVA') contained in **Appendix N**. The key conclusion of the CVA is that the Ngāti Hauā Iwi Trust does not oppose the proposed development, subject to their recommendations.

## 4.9 Land Use and Highly Productive Land Classifications

Under the NZLRI<sup>10</sup> LUC, the soils across the extension sites are classified as LUC 1s1 and LUC 2w7. This classification is presented in Figure 7 of the NPS-HPL Assessment contained in **Appendix K**. Under both the ODP and PDP high class soils are generally defined as soils with LUC of 1-3 (excluding peat soils and class 3e1 and 3e5).

Under the default implementation clause 3.5(7) of the NPS-HPL, and prior to a regional policy statement including maps of highly productive, HPL is defined as being land with a LUC of 1-3, where it is zoned rural and not identified for future urban development. As the WRPS contains no such maps, and sites have LUC classifications of 1 or 2 and are not identified for future development, the NPS-HPL applies to all four sites subject to these applications.

Although the extension sites have a LUC classification that is high class soils, or highly productive land ('HPL') it is not appropriate to consider the whole 7.95ha of the extension sites as HPL. In reality, HPL covers only approximately 3ha<sup>11</sup> of the 7.95ha. The balance is what is known 'modified soils' because land management practices or irreversible changes to the soil (such as general earthworks, buildings, tracks etc) have been undertaken on the land which means it can no longer be considered to be high class soil, or HPL. This distribution is shown in **Figure 9**. This plan is also contained in **Appendix O**.

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<sup>9</sup> The Waikato Horticultural Complex is an inland horticultural system relying on intensive soil adaptation within a swidden process. It results in a topsoil heavily enriched with sand and gravel and consequently thickened.

<sup>10</sup> NZ Land Resource Inventory

<sup>11</sup> The 3ha is made up of 5,000m<sup>2</sup> on 56 Tamahere Drive, and 2.49ha on 92 Tamahere Drive. The other two parcels and existing uses (that were in effect prior to the NPS-HPL), which means the whole of the sites are considered to be modified soils.



**Figure 9: Highly Productive Land Areas Plan**



## 4.10 Surrounding Environment

The site is located to the south of the Tamahere interchange and off-ramp from SH1, generally between SH21 (Airport Road) and Tamahere Drive. Tamahere Drive forms the site’s eastern boundary. Directly adjoining the site are the following landholdings:

- North:
  - Existing TCC village (currently under construction).
- East and on the eastern side of Tamahere Drive:
  - Lifestyle properties at 63, 67, 85 and 101 Tamahere Drive.
- South:
  - The southern boundary of the southern extension adjoins three properties. 25 and 47B Pencarrow Road are both larger lifestyle blocks (being 4.6 – 9.5ha in size) containing dwellings and various other built form. 98 Tamahere Drive is a smaller lifestyle block (being 1.7ha) that contains an existing dwelling.
- West:
  - Three rural residential sized properties of approximately 1.5ha, 2.4ha and 1.9ha in area, all containing existing dwellings and associated residential accessory buildings and all obtaining access directly off SH21/Airport Road.

Since the 1950’s land at Tamahere has been converted from traditional large-scale farms to smaller lifestyle blocks of about 4ha or less as a result of the planning regulations of the time. Tamahere is now mostly characterised by rural lifestyle and large lot residential developments and has a number of facilities and features that make up the unique Tamahere community. As highlighted above, the site is surrounded by a number of different land uses which comprise a mixed-use environment. These land uses range from rural to industrial, residential and commercial/business activities.





Some of the surrounding land uses include:

- Existing consent TCC directly north;
- Regal Haulage to the north west (bulk haulage and logistical solutions business);
- St Stephens Anglican Church to the north of the existing TCC village;
- Tamahere Model Country School, approximately 500m to the north west of the site;
- Tamahere Community Hall located adjacent to Tamahere Country School;
- Tamahere Village Commercial Centre comprising a piazza or village square, commercial buildings to provide for local retail surrounded by the recreational reserve. This is located to the west of the site on the corner of Devine Road and Wiremu Tamihana Road;
- Tamahere Pre-Schools (Pentagon Early Learning Centre to the east of the site at 25 Tamahere Drive and Lil' Pumpkins Early Learning Centre Ltd to the west of Tamahere Country School); and
- Eventide Home and Retirement Village located approximately 1.2km to the north west.

Other features of the locality include the Waikato River which is approximately 1.3km south of the site, a tributary of the Mangaone Gully located to the east of the site and Tamahere Drive that forms part of the rural character of the area. An area zoned Country Living to the west of SH21 is made up of large lots with residential dwellings located on them.

The Hamilton Airport is approximately 4.5km south of the site, Hamilton is approximately 4km in a north west direction from the site and Cambridge is approximately 13km in a south eastern direction from the site.

The above description of the locality of the site confirms that the surrounding area is a mixed-use environment with few true rural activities. Tamahere is a small village that has a unique country living character with some rural elements as well as more urban industrial/commercial and community facilities.





## 5. Description of the Proposal

To provide for the extension of the TCC village, this report is broken up into various applications as follows:

- Eastern Extension Applications:
  - **Part A:** is a land use consent, under both district plans to extend the retirement village across 56 and 70 Tamahere Drive to the east to provide for a further 25 villas and a small arts and crafts facility.
  - **Part B:** is a s221(3) cancellation of consent notice (B513181.3) registered on the title<sup>[1]</sup> for 70 Tamahere Drive. This application goes hand in hand with Part A.
- Southern Extension Applications:
  - **Part C:** is a land use consent, under both district plans to extend the retirement village across 82 and 92 Tamahere Drive to the south to provide for a further 42 villas and a new health spa.
  - **Part D:** is a s127 application to change the conditions (Condition 1 of LUC0597/21.03) and approved plans of an existing TCC consent for a previous southern extension at 70 Tamahere Drive to provide for two additional villas. These villas are proposed to be located on the existing southern boundary, within the current 25m setback. This application goes hand in hand with Part C.
  - **Part E:** is a land use consent, under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NESCS'), for land within 92 Tamahere Drive. This application goes hand in hand with Part C.

The following sections of this report describe each aspect of the proposal.

Collectively, the proposal is considered to be a logical extension of the high demand retirement village development to the north of the site and has been designed to be a seamless extension of the existing development in relation to building design, colours and materials, roading layout and landscaping.

### 5.1 Eastern Extension Applications

#### 5.2 Part A: Land Use Consent

Part A is a land use consent, under both district plans, to establish and operate an extension of the TCC retirement village on the properties located at 56 and 70 Tamahere Drive to the east. The proposed extension is on the land directly adjoining the existing TCC development as shown in **Figure 6** above. The site layout for the extensions is shown in **Figure 10** below.

##### 5.2.1 Eastern Extension Development Outcome

The eastern extension will consist of:

- 25 stand-alone villas;
- An arts and crafts building;
- Pedestrian paths and an informal walkway throughout the site connecting to the existing TCC development, Tamahere Drive; and

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<sup>[1]</sup> SA64C/250



- The site will be fully landscaped including street trees, park like trees or native planting along boundaries, and specific mitigation treatment such as planted bund or fencing where requested by adjacent neighbour(s).

**Appendix C** includes a master plan that displays the proposed layout for the extension site.

From a density perspective the building coverage and site coverage has been calculated to be as follows:

- Total building area, including 25 villas and the arts and crafts building, is 5,575m<sup>2</sup> or 29.2%.
- Impermeable surfaces make up 2,687m<sup>2</sup> or 14.11% of the extension.
- Total coverage (coverage and permeable) is 43% of the site.

The site layout has been specifically designed to comply with the 12m setback from the road boundary.

**Figure 10: Site Layout Plan – Eastern Extension**



### *Site Layout and Dwellings*

The standalone villas will include a mix of sizes and layouts, generally ranging between 180m<sup>2</sup> and 330m<sup>2</sup> in area and includes 10 different typologies, with two and three bedroom options, left and right options, as well as single and double car garage options. The architectural drawings in **Appendix C** of this report include floor plans and elevations of the three types of villas proposed and generally provide for the following:

- Typology A: Three-bedroom single storey villa comprising approximately 254m<sup>2</sup>;
- Typology B: Three-bedroom single storey villa comprising approximately 192m<sup>2</sup>; and
- Typology C: Two-bedroom single storey villa of comprising approximately 212m<sup>2</sup>.

The materials utilised in development of the standalone villas, have been chosen for their aesthetic appeal, longevity and appropriateness for the site's climate and weather conditions. Materials consist of rusticated brick, vertical shiplap timber, half euro tray roofing and accent cladding board and batten or colour steel.



### *The Art and Crafts Building*

A 75m<sup>2</sup> arts and craft building is proposed. The building is to be located in the north-eastern most corner of the eastern extension. This building will be used for arts and crafts and is secondary to the hobby shed that is already provided for on the wider TCC site. Access to this building is via the pedestrian network.

### *General comments regarding built form, materials and colours*

Sanderson Group pride themselves on developing high-quality, attractive retirement villages and have a style which has been reflected across various retirement villages they have developed across New Zealand. The proposed extension set out herein has largely been designed to reflect the style of the existing TCC to the north.

The masterplan for the proposed extension has been designed to have a clear and legible structure with good on-site amenity for older residents, generous tree planting and limited off site presence in the landscape.

Some of the design measures comprise the use of gable forms throughout the village in reference to the traditional barn shape also making them appropriate for the local residential character of the area. The buildings have been thoughtfully placed across the site to create a level of hierarchy, with a higher density at the centre of the site and lower density around the edges next to the other rural and rural residential properties.

Building materials have been selected based on their aesthetic appeal, longevity and appropriateness for the site's climate and weather conditions. This will ensure a high level of amenity is established and upheld throughout the life of the retirement village. Half-wide euro tray roofing is used for its clean lines and to create strong visual breaks in the repeated gables. Rusticated brick and cedar cladding are used for the proposed villas to create a variety of texture and contrast but also to tie the buildings in the village together for an overall cohesive development.

### *Transportation and Three Waters Provisions*

Access to the villas within the eastern extension is via extensions of three existing secondary roads (Nikau Crescent, Titoki Crescent, Matipo Street). These roads connect with the central spine Road (Pohutukawa Boulevard or Kowhai Avenue) and then to Tamahere Drive. Water, wastewater and stormwater reticulation will be extended along the internal roading network to connect with the existing infrastructure with the TCC village. Plans 1011.04.40.SW.401, 1011.04.50.WW.501, 1011.04.60.PW.601 & 1011.04.60.PW.602 within the Infrastructure Report (**Appendix E**) provide the preliminary design for this reticulation.

### *Earthworks*

Earthworks across the eastern extension consist of 3,000m<sup>3</sup> of cut and 10,000m<sup>3</sup> of fill. Depths of this cut and fill and its location is shown on Plan 1011.04.10.EA.111 within the Infrastructure Report (**Appendix E**). As per the engineering plans, some recontouring work is also proposed the existing TCC site to tie the two sites together.



## 5.3 Part B: Consent Notice Cancellation

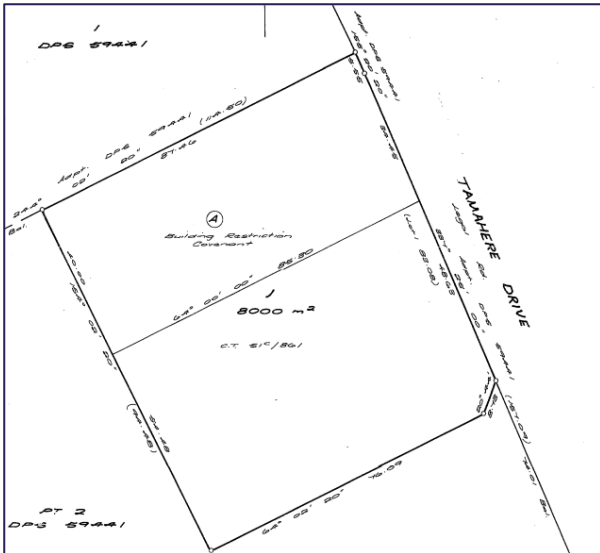
### 5.3.1 Reason for the Cancellation

As set out in section 4.1, the title for 70 Tamahere Drive is subject to a consent notice that is a building restriction covenant. That consent notice (B513181.3) states that there shall be no building(s), as defined by the Building Act 1991, erected on the part of the title identified as "A" on DPS 80372. **Figure 11** shows the extent of Area A relative to the title boundaries, with **Figure 12** showing the relationship of Area A relative to existing built form on the site. **Figure 12** shows that there is already a substantial building within Area A.

The retention of this consent notice has the potential to unreasonably frustrate future buildings consent applications for TCC, as such it is sought that the consent notice is cancelled under s221(3) of the RMA.

Whilst the background to the building restriction consent notice is not known, it is assumed it was imposed when the lot was subdivided to control built form relative to the northern lot (56 Tamahere Drive). The development of both titles for an expansion of the TCC village would diminish the need for the building restriction to be retained.

**Figure 11: Building Restriction Area**



**Figure 12: Existing built form within the Building Restriction Area**





## 5.4 Southern Extensions Applications

### 5.5 Part C: Land Use Consent

Part C is a land use consent, under both district plans, to establish and operate an extension of the TCC retirement village on the properties located at being 82 and 92 Tamahere Drive to the south. The proposed extension is on the land directly adjoining the existing TCC development as shown in **Figure 6** above. The site layout for the extensions is shown in **Figure 13** below.

#### 5.5.1 Southern Extension Development Outcome

The southern extension will consist of:

- 42 stand-alone villas
- A health spa and associated car parking;
- Pedestrian paths and an informal walkway throughout the site connecting to the existing TCC development, Tamahere Drive; and
- The site will be fully landscaped including street trees, park like trees or native planting along boundaries, and specific mitigation treatment such as planted bund or fencing where requested by adjacent neighbour(s).

**Appendix C** includes a master plan that displays the proposed layout for the site.

**Figure 13: Site Layout Plan – Southern Extension**



From a density perspective the building coverage and site coverage has been calculated to be as follows:

- Total building area, including 42 villas and the health spa, is 9,990m<sup>2</sup> or 19%.
- Impermeable surfaces make up 8,730m<sup>2</sup> or 16.6% of the extension.
- Total coverage (coverage and permeable) is 35.6% of the site.

The site layout has been specifically designed to comply with the 25m building setback from external property boundaries (in both district plans) to establish and provide for open space and mitigation planting between



the adjoining rural/rural residential properties and the proposed built form on the site. The setback from the road boundary is also compliant at 12m.

### *Site Layout and Dwellings*

As with the eastern extension the standalone villas will include a mix of sizes and layouts, generally ranging between 180m<sup>2</sup> and 330m<sup>2</sup> in area and includes 10 different typologies, with two and three bedroom options, left and right options, as well as single and double car garage options. See the commentary above for further information.

### *The Health Spa*

A secondary health spa is proposed in the southern extension area. This building is an approximately 750m<sup>2</sup> triangular shaped building, located adjacent to Tamahere Drive. The building is proposed to incorporate an indoor pool, spa, sauna, studio rooms for classes, treatment rooms and changing rooms. Parking adjacent to the health spa is proposed, sitting directly between the building and Tamahere Drive. This parking connects to the internal roading network. Refer to the Architectural Package in **Appendix C** for the design of the health spa.

### *General comments regarding built form, materials and colours*

Refer to section 5.2.1 for information on these matters.

### *Transportation and Three Waters Provisions*

Access to the villas within the southern extension is via an extension of the central spine Road (Pohutukawa Boulevard) and one of the secondary roads (Kauri Lane). Water and wastewater will be extended along the internal roading network to connect with the existing infrastructure with the TCC village. For stormwater a new swale is also proposed along the southern boundary, along with a new stormwater soakage system adjacent to Tamahere Drive. The stormwater from the southern extension will either be directed to this reticulation, or to the existing network. Plans 1011.03.40.SW.401, 1011.03.50.WW.501, 1011.03.60.PW.601 within the Infrastructure Report (**Appendix E**) provide the preliminary design for this reticulation.

### *Earthworks*

Earthworks across the southern extension consist of 600m<sup>3</sup> of cut and 39,900m<sup>3</sup> of fill. Depths of this cut and fill and its location is shown on Plan 1011.03.10.EA.111 within the Infrastructure Report (**Appendix E**). The filling includes the provision for a bund along the western boundary of the site<sup>12</sup>.

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<sup>12</sup> This bund has been already constructed



## 5.6 Part D: Section 127 Application

Two additional villas are proposed in the southern corner of the existing TCC site. The s127 seeks to authorise these new villas.

### 5.6.1 Reasons for the Changes

These villas were not proposed within the plans lodged in the original resource consent application, or subsequent s127 applications, and therefore are not in accordance with Condition 1 of LUC/0597/21.03. This is because both of these villas are located within the 25m setback to the existing southern boundary. Hence, this application seeks to alter Condition 1 of LUC/0597/21.03 to take account of the additional villas and specifically reflect the fact that the 25m setback is no longer required. Table 5.2 below summarises the changes in terms of villa numbers and site coverage.

Table No. 5.2

Development Outcome Summary				
	Consented Tamahere Country Club (Stage 1)	Consented Southern Extension (Stage 2)	Proposed Change sought in this consent	
Site area	11.30 ha	12.59 ha	12.59 ha	
Building Coverage	28%	18.5% <sup>13</sup>	18.5%	
Number of Villas	118 villas and townhouses <sup>14</sup>	84 Villas <sup>15</sup>	86 Villas	

The additional villas proposed can be seen as outlined in **Figure 15** below, and a larger copy in **Appendix C**. **Figure 14** below shows the arrangement of villas consented under LUC/0597/21.02 with regards to the south-western corner of the site.

Figure 14: Approved Plan under LUC0597/21.02



<sup>13</sup> Condition 30 sets overall building coverage to 18.5%

<sup>14</sup> This was previously 124 villas and townhouses, however six townhouses were removed in LUC0156/20.02 to provide for the increased care facility rooms.

<sup>15</sup> This was originally 81, however three villas were added with LUC0597/21.03



Figure 15: Additional Villas



Upon the completion of the additional villas on site the building coverage will inherently increase. The underlying consent (LUC/0597/21.03) enables a maximum building coverage of 18.5% or 23,273m<sup>2</sup>. As some contingency was built into that 18.5%, the two additional villas can be included in the total building area without exceeding the 18.5% threshold. As such, no changes to condition 30 are proposed.

### 5.6.2 Variation to the Consent Conditions

This s127 application requires a change to Condition 1. To give effect to the above, the following changes to the consent conditions are proposed. New wording underlined and old wording ~~strikethrough~~.

1. The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0597/21 and officially received by Council on June 2021 and the further s127 applications officially received by Council on the 31st March 2022, 12<sup>th</sup> September 2022 ~~and the 22<sup>nd</sup> December 2022~~, and the xxx November 2023 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.





## 5.7 Part E: NESCS Land Use Consent

### 5.7.1 Reason for the Consent

The DSI undertaken by HD Geo has confirmed that the majority of 92 Tamahere Drive is a 'piece of land' and the NESCS is applicable for consideration. Where soil disturbance or a land use change is proposed on a piece of land, the regulations of the NESCS apply to the site. The regulations of NESCS provide for soil disturbance as a permitted activity on a piece of land if the volume of the disturbance does not exceed 25m<sup>3</sup> per 500m<sup>2</sup> of site area, pursuant to Regulation 8(3) of the NESCS.

92 Tamahere Drive is a 3.5ha title, and therefore the permitted volume of soil disturbance on this site is 2516m<sup>3</sup>. The actual portion of the site that is a 'piece of land' is less than the 3.5ha size, so technically the volume will be lower. Either way, the proposed earthworks will exceed the permitted volume. The proposal is therefore unable to be undertaken as a permitted activity under the NESCS.

Soil disturbance is a controlled activity on a piece of land if a detailed site investigation (DSI) of the piece of land exists and the DSI states that the soil contamination does not exceed the applicable standard in regulation 7. The HD Geo DSI has confirmed that the contamination is above background but is below human health guidelines. As such, the earthworks on 92 Tamahere Drive require a consent as a controlled activity under the NESCS.

Conditions on this consent are expected to cover the preparation and compliance with a Site Management Plan to ensure the earthworks on the site are safely managed. Furthermore, any material disposed of from the site will need to be able to cater for the material, based on the laboratory results in the DSI.

## 5.8 Common matters for Eastern and Southern Extensions

### 5.8.1 Transportation Provision

An Integrated Transportation Assessment (ITA) has been prepared for the proposed development. Refer to **Appendix F** for the ITA.

As described above, access to the both the eastern and southern extensions will be via an extension of the existing internal road network within the TCC village. No additional vehicle crossing onto Tamahere Drive are proposed. The existing entrances to Tamahere Drive will also be closed removing five conflict points with the Te Awa cycleway.

The trip generation for the combined extensions has been calculated by Stantec as being 179 vpd per day, of which 21 will occur within the peak hour. This translates to 65vpd for the eastern extension, 109vpd for the southern extension and a further 5vpd for the s127 application.

When combined with the existing TCC village movements, the trip generation across the whole TCC village will be in the order of 896 vpd or 114 in the peak hour. The ITA also looks at the distribution of trips from the village extension in relation to the two main access points to Tamahere Drive. That assessment identifies that the main access is expected to accommodate an additional 69 vpd, whereas the southern access will increase by 111 vpd based on its proximity to the extensions. Both of these entrances have already been designed as high-volume driveways, so no additional mitigation is required to facilitate the increased movements.

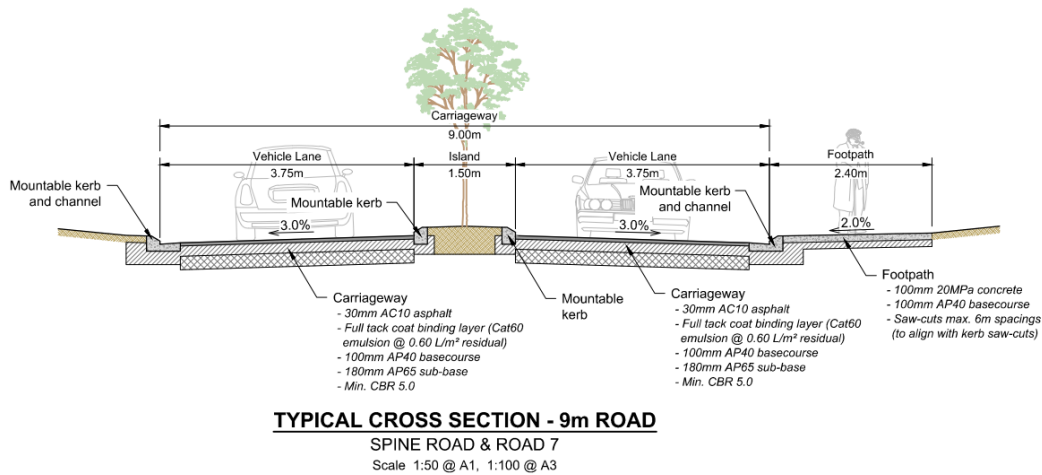
The following sets out the proposed internal transport network, including cycling and pedestrians, to service the development.



## Roading, Pedestrian Paths and Cycleways

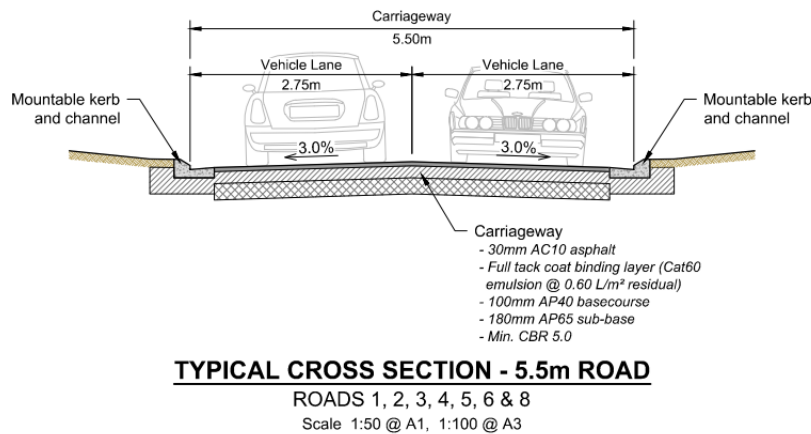
A central boulevard or spine road runs north to south through the middle of the existing site. This road is proposed to be extended south into the southern extension to provide the main road corridor. This road contains two 3m wide lanes, separated by a central planted median. The cross-section for this road is displayed in **Figure 16** below.

**Figure: 16 Spine Road**

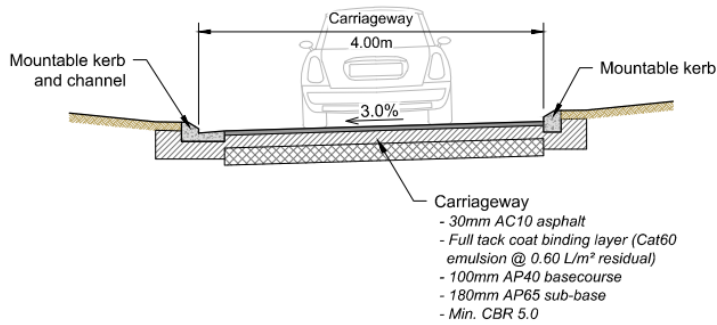


Radiating off the spine road will be lower order roads being a secondary road with a 5.5m to 6m wide carriageway and laneways with a 4m wide carriageway. These roads will provide the main access to the villas, generally running east - west off the central spine road and enable the villas to be orientated north, maximising the solar access for each villa. These villas have also been setback from the internal roads in different distances to enhance the streetscape. The cross-sections for these roads are displayed in **Figures 17** and **18** below.

**Figure: 17 Secondary Road Cross Section 1 (5.5m to 6m wide road)**



**Figure: 18 Laneways (4m wide road)**



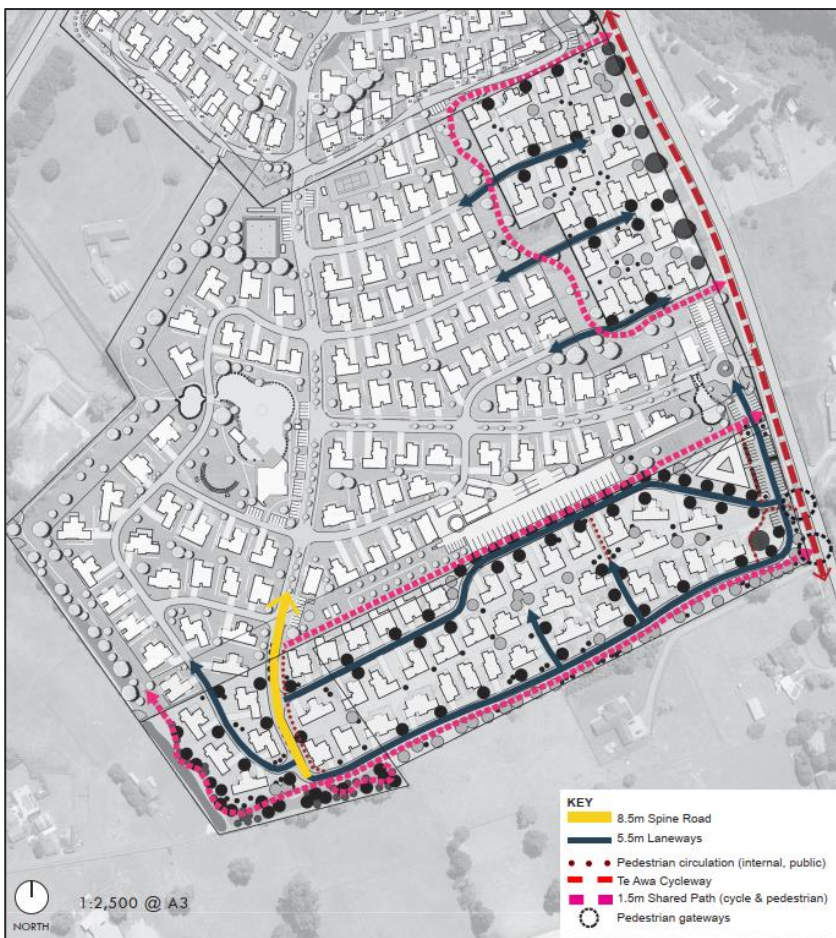
**TYPICAL CROSS SECTION - 4.0m ROAD**

ROADS 9 & 10

Scale 1:50 @ A1, 1:100 @ A3

The site design and layout provides a comprehensive network of internal walking and cycling paths, as an extension of and tying into the existing walking and cycling paths in the TCC land to the north. A series of pedestrian pathways will be provided on site to allow connections between the standalone villas and communal facilities on the site. In summary, pedestrian and cycling access is provided around the perimeter of the site, within the internal road network, on the footpaths and shared paths which provide connections to the communal facilities on the site and along Tamahere Drive (Te Awa cycleway). The following image is extracted from the landscape design package within **Appendix D** and provides an overview of the road hierarchy and pedestrian and cycling movements from the extension sites to the existing TCC development.

**Figure: 19 Road Hierarchy and Pedestrian and Cycling Movement on site**



## *Parking*

Parking is provided across the site adjacent to the proposed communal facilities (i.e. health spa) and within garages or driveway areas for each standalone retirement villa. A total 33 additional parking spaces are provided for in the vicinity of the health spa. Additionally, at least two parking spaces are provided for each villa on the site. A recommendation of the ITA is that a further 7 bicycle parking spaces should be provided across the site.

### **5.8.2 Three Waters Servicing**

Three waters reticulation for the development, including preliminary engineering design plans, is set out in the Infrastructure Report within **Appendix E**, prepared by Kotare Consultants. This report confirms that there is a suitable design solution available to service the extension sites, including adequate contingency. The design approach builds on the three waters approach established for the existing TCC site and relies on on-site extraction, treatment and disposal described below.

#### *Wastewater*

Wastewater will be conveyed within a gravity reticulation network to the existing wastewater pump station, via connections that were future proofed in the previous civil works. The wastewater treatment plant has the capacity and contingency in both the design and WRC consents, for the additional flows generated from the extension sites. However should additional capacity be required the pump station is a modular design and can be upgraded to cater for this additional capacity. Following treatment, the wastewater will be dispersed to the primary wastewater disposal field located in the south-west of the existing TCC site.

#### *Stormwater*

The overall stormwater strategy for the extension sites is for the reticulation network to channel stormwater runoff from the road, access network, buildings and hardstand areas to the existing attenuation systems (lake/swale etc) for treatment and soakage. Roadside swales will also convey secondary overland stormwater flows to the reticulation network.

Localised attenuation and soakage will also be implemented, as required, either for individual units or larger catchments areas inclusive of roading where required to increase stormwater capacity. For example the parking area adjacent to the health spa is proposed to incorporate a soakage system.

#### *Water*

Water supply will be drawn from the seven bores on the wider site. Water will be pumped from the bore(s) to the water treatment plant and fed into a dual reticulation network. There is contingency in the water treatment plant and consented water take volumes to cater for the increased demand arising. The water concept thereafter utilises interconnected networks of water, principal, and rider mains to ensure suitable supply, pressure, and resilience, and valves will be located to ensure convenience of isolation and maintenance.

A separate irrigation and firefighting network will draw water from a lake feature, within the existing TCC site, that captures stormwater and has a backup supply from the bore where required.

#### *Utilities*

Kotare Consultants has also confirmed, in their reporting, that Waipa Networks, Ultrafast Fibre and First Gas reticulation can be extended to service the development.





### 5.8.3 Landscaping Provision

Boffa Miskell have prepared a masterplan and landscape design for the proposed extensions. **Appendix D** contains the Landscape Design Plans and **Appendix G** contains a Landscape and Visual Effects Addendum Assessment which sets out in detail the proposed landscaping treatment for the site.

The landscape design generally includes treatment of the proposed internal road corridors, boundary treatment and treatment of the entry to the site. Additionally, common spaces have been designed at a high level and a street tree and planting strategy has been developed for the site.

In relation to the southern extension, the site layout has been designed to ensure a significant building setback from the existing rural properties to the west and south of the site. In the south-western corner the setback area will be planted with native plants for the purpose of screening the built form. The location of this native screen planting area relative to the site boundaries is demonstrated in **Figure 20**.

**Figure 20: Native Screen Planting and Boundary Setback Planting**



Along the western boundary the landscaping will also include a 3m high earth bund that links with existing bunding already in place along this boundary. Other planting on the site includes tree plantings, street trees and small residential gardens outside each villa. Landscaping across the site has been comprehensively designed to provide an attractive development and a seamless extension of the landscaping design established in the existing TCC site.

In summary, the landscape design includes:

- 1.3m high visually permeable post and rail perimeter fence, stained black, to be located around all of the site boundaries referencing similar rural fencing throughout Tamahere;
- 3m high planted earth bund along the boundaries of the site that adjoin 21 Pencarrow Road, similar to the existing earth bund established in the existing TCC site and adjoining 11B Pencarrow Road;
- Extensive landscape treatment surrounding the external boundaries of the site, with particular emphasis on the southern and western boundaries where a native screen planting area is proposed.
- 1.5m wide shared path along the southern and western perimeters of the site, which ties in with the existing pathways in TCC site, the internal road network proposed on the site, the communal facilities



on the site, Tamahere Drive and the Te Awa cycleway and Airport Road to provide a variety of walking routes for residents;

- Other shared paths within the site that connect the various pockets of the site (as shown in **Figure 19**).
- A planted median containing cherry trees and other groundcover planting along the spine road;
- The retention of the protected tree within 92 Tamahere Drive;
- Screening of the campervan parking from the adjacent villas; and
- Establishment of amenity planting throughout the site, including alongside internal access-ways, outside the villas and surrounding the communal spaces; and

The landscaping design for the site has been designed to incorporate as many rural-type characteristics into the development as possible, to integrate the Tamahere character into the extension and allow it to sit appropriately into the landscape.

#### **5.8.4 Earthworks and General Construction**

Earthworks will be required on both extension sites to reshape the site contour, construct the road network, infrastructure and buildings platforms. Total earthworks volumes for the southern and eastern extensions, as a collective, includes approximately 3,600m<sup>3</sup> of cut and 50,000m<sup>3</sup> of fill. The fill ranges from 0.1m to 1.6m apart from the southern boundary where the filling will provide for the construction of a 3m high bund.

The anticipated earthworks methodology is described as follows:

- Site clearance (fences and any buildings etc);
- Installation of erosion and sediment control measures (perimeter bunding, sediment retention infrastructure, clean and dirty water diversions etc);
- Stripping of topsoil (topsoil will be used for perimeter bunding across the site or otherwise stored onsite in temporary stockpiles);
- Bulk earthmoving with activities being undertaken by a combination of excavators, bulldozers, trucks and compactors;
- Upon achieving desired contours across the site, finished surfaces will either be top soiled and re-grassed, landscaped, building platforms and foundations established, or covered with a layer of aggregate (road surfaces); and
- Service trenching and installations will continue across the site (generally extending along the road alignments shown on the plan) and the site will be stabilised upon completion.

It is likely that earthworks and development will occur in the southern extension first (Stage 6), which the eastern extension been the last stage. A full build out of both sites is expected to take 5-7 years to complete.

#### **5.8.5 Ownership Structure**

The TCC village is registered with the Retirement Villages Association of New Zealand. Residents will occupy their villa under an occupation Right Agreement pursuant to the provisions of the Retirement Villages Act 2003. This is a contractual license that does not grant the resident any interest in the land.



## 6. Waikato District Plan

The subject site is located within the territory of the Waikato District Council. There is an operative Waikato District Plan (ODP), and an Appeals version of the proposed Waikato District Plan (PDP) in March 2023.

As decisions on the PDP have been released, the below assessment considers the Part A: Landuse consent application under both operative and proposed district plan in terms of objectives, policies and rules. Where applicable, appeal references are noted in relation to the PDP provisions too.

### 6.1 Operative District Plan Rule Assessment

As set out in the previous consenting for TCC, a retirement village fits within the definition of a ‘residential activity’ outlined in Appendix P (Meaning of Words) of the ODP.

The definition of a residential activity is:

*“Residential Activity*

*Means the use of land and buildings by people for living accommodation in a household unit, where the occupants will generally refer to the site as their home and permanent address. For the purpose of this definition, residential activity (irrespective of the length of stay) includes: accommodation offered to travellers for a daily tariff in association with a permanent resident; or emergency and refuge accommodation; or accommodation for supervision of staff and residents, where residents are subject to care or supervision (e.g. home for people with disabilities, and homes for the elderly.)”*

It is considered that the health spa, the arts and crafts building, and activities associated with those buildings are ancillary and incidental to the main activity on the site, so they are not assessed separately. This approach is consistent with how the club house and other communal facilities have been assessed in the previous TCC consenting.

Residential activities within the rural zone are listed as permitted activities, pursuant to Rule 25.10. As such, the initial activity status of the proposal is permitted. The final activity status and resource consent requirements are determined by non-compliances with the performance standards set out in the ODP. A full and detailed assessment of the proposal against the ODP provisions is provided in **Appendix L**. In summary, the non-compliances and resource consent triggers are listed and described in **Table 6.1**.

**Table No. 6.1**

Operative District Plan Rule Assessment		
Rule Number	Rule Provision	Comments
25.15 Access, vehicle entrance, parking loading and manoeuvring	25.15.1  Any activity is a permitted activity if access, vehicle entrance crossing, parking, loading, queuing, and manoeuvring space is provided in accordance with Appendix A (Traffic).	An assessment of the proposal against the relevant provisions of Appendix A is included in <b>Appendix L</b> .  In summary, the proposal complies with the rules within Appendix A, with the exception of A14.A as a result of additional vehicle movements onto Tamahere Drive. This non-compliance requires resource consent as a restricted discretionary activity under Rule A14.A.
25.16 Vehicle movements	25.16.1  Any activity is a permitted activity if: It does not involve more than 200 vehicle movements per day.	The ITA ( <b>Appendix F</b> ) identifies that the extension sites will collectively result in approximately 179 additional vehicles per day. This is 358 movements per day, and thus exceeds the 200 vehicle movements threshold in the rule.



		This non-compliance requires resource consent as a <b>discretionary</b> activity.
25.25 Earthworks	25.25.1 Any activity is a permitted activity if earthworks comply with clauses (a) to (j).	It is proposed to undertake approximately 3,600m <sup>3</sup> of cut and 50,000m <sup>3</sup> of fill, collectively, over the extension sites.  The proposal does not comply with clause (g) of this rule, which relates to the volume of earthworks (i.e. does not disturb more than 1000m <sup>3</sup> in a calendar year) therefore requires a resource consent as a <b>discretionary activity</b> .
25.30 Contaminated Land – remediation	25.30.1 Any activity is a permitted activity if clauses (a) and (b) are complied with.	The DSI within <b>Appendix H</b> identifies that the site does not meet the permitted activity standard in Regulation 8 of the NESCS, for 92 Tamahere Drive, and requires consent under the NESCS as a controlled activity.  The proposal therefore does not comply with clause (b) of this rule and therefore requires a resource consent as a <b>controlled activity</b> .
25.46 Number of dwellings	24.46.1 Construction of a dwelling, other than a dependent person's dwelling, is a permitted activity if, after completion: (a) there is only one dwelling on the land contained in the certificate of title, or (b) there are 2 dwellings on the land contained in the certificate of title, and the title contains at least 40ha	More than one dwelling/villa is proposed to be constructed on the extension sites, exceeding the permitted activity standard.  The proposal does not comply with this rule therefore requires a resource consent as a <b>discretionary activity</b> .
25.51 Building Coverage	25.51.1 Construction or alteration of a building is a permitted activity if total building coverage does not exceed 2% of the site area, or 500m <sup>2</sup> , whichever is the larger.	Building coverage on the extension sites exceed the 2% site area threshold. For the eastern extension the site coverage is 29.2% and for the southern extension it is 19%.  The proposal does not comply with this rule therefore requires a resource consent as a <b>discretionary activity</b> .
25.52 Non-residential building	25.52.1 Construction or alteration of a non-residential building is a permitted activity if: (a) the gross floor area of each non-residential building does not exceed 500m <sup>2</sup> , and (b) the gross floor area of any non-residential building on a site of less than 2 ha does not exceed 250m <sup>2</sup> .	The floor areas of health spa, being the largest new non-residential buildings on the site, exceeds the permitted standard of 500m <sup>2</sup> .  The proposal does not comply with this rule therefore requires a resource consent as a <b>discretionary activity</b> .

The assessment in the Table 6.1 above and supporting assessment within **Appendix L** has confirmed that the land use consent, for both the eastern and southern extensions, is required as a **discretionary activity** under the ODP, being the most stringent activity status identified in the above table.





## 6.2 Proposed District Plan Rule Assessment

The PDP has included a definition of retirement village. That definition states that a retirement village is:

*“Means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.”*

This definition clearly sets out that supporting non-residential activities form part of the retirement village.

Retirement villages are not listed as a permitted, controlled, discretionary or non-complying activity in the General Rural Zone. As such, they default to being a non-complying activity under Rule GRUZ-R61. This rules states that any activity not specifically listed is a non-complying activity. Thereafter a full and detailed assessment of the proposal against the PDP land use standards is provided in **Appendix L**. In summary, the non-compliances and resource consent triggers are listed and described in **Table 6.2**.

**Table No. 6.2**

Proposed District Plan Rule Assessment		
Rule Number	Rule Provision	Comments
GRUZ-S1 – Number of residential units and seasonal worker accommodation within a lot	Number of residential units and seasonal worker accommodation within a lot (1) Activity Status PER Where: (a) One residential unit within a Record of Title containing an area less than 40ha;	The extension sites will have more than one residential unit on a Record of Title less than 40na. The proposal does not comply with GRUZ-S1(1)(a).  Resource consent is required as a <b>non-complying activity</b> .
GRUZ-S9 – Building Coverage	(1) Activity Status: PER Where: (a) The total building coverage must not exceed: i. (2% of the site area or 500m <sup>2</sup> (whichever is larger) for sites smaller than 10ha; ii. 5,000m <sup>2</sup> for sites larger than 10ha.	Building coverage on the extension sites exceed the 2% site area threshold. For the eastern extension the site coverage is 29.2% and for the southern extension it is 19%.  The proposal does not comply with this rule therefore requires a resource consent as a <b>restricted discretionary activity</b> .
GRUZ-R61	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity: - Non Complying	A retirement village as an activity is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity in the General Rural Zone provisions.  Resource consent is required as a <b>non-complying activity</b> .
TRPT-R4 - Traffic generation	(1) Activity Status: PER Where: (a) Within the GRUZ – General rural zone:	The trip generation for the extension has been calculated by Stantec as being 179 vpd per day, or 358 movements, and thus exceeds the 200 vehicle movements threshold in the rule.



	(2) There is maximum 200 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements...	The proposal does not comply with this rule therefore requires a resource consent as a <b>restricted discretionary activity</b> .
EW-R21 Earthworks general	– (1) Activity Status: PER – Where: (a) With the exception of earthworks for the activities listed in EW-R16 – EW-R20 earthworks within a site must meet all of the following standards...	It is proposed to undertake approximately 3,600m <sup>3</sup> of cut and 50,000m <sup>3</sup> of fill, collectively, over the extension sites. This volume exceeds clause (a)(i). The filling is up to and may be slightly over 3m (particularly for the bund) therefore exceeding clause (a)(ii). The earthworks will also be undertaken up to the property boundary, exceeding clause (a)(iv).  The proposal does not comply with this rule therefore requires a resource consent as a <b>restricted discretionary activity</b> .
EW-R22 Earthworks general	– (1) Activity Status: PER – Where: (a) With the exception of earthworks for the activities listed in EW-R16 – EW-R20 using imported cleanfill material, concrete or brick must meet all of the following standards...	Cleanfill exceeding the 500m <sup>3</sup> threshold is proposed, based on the cut/fill thresholds set out in the EW-R1 assessment. The fill material may be over 1m exceeding clause (a)(ii). The cleanfill placement will also be undertaken up to the property boundary, exceeding clause (a)(iv).  The proposal does not comply with this rule therefore requires a resource consent as a <b>restricted discretionary activity</b> .

The assessment above, and supporting assessment within **Appendix L**, has confirmed that the land use consent is required as a **non-complying activity** under the PDP, for both the southern and eastern extension.

## 6.3 Operative District Plan Objectives and Policies Assessment

The ODP contains several objectives and policies that directly relate to the consent sought. Those objectives and policies are contained in Chapter 1A – Waikato District Growth Strategy; Chapter 3 – Natural features and landscapes; Chapter 6 – Built environment; Chapter 8 – Land Transport Network; Chapter 9 – Contaminated Land; Chapter 11 – Cultural, social and economic wellbeing; and Chapter 13 – Amenity values. Those objectives and policies most relevant to this application and an assessment of the proposals consistency with them is as follows.

### 6.3.1 Chapter 1A – Waikato District Growth Strategy

The objectives and policies of Chapter 1A seek to ensure that sustainable growth of the Waikato District is achieved. In this respect, and at a high level, the objectives and policies seek to ensure residential, commercial and industrial growth occurs in towns and villages and that rural resources are safeguarded for productive rural activities. Objectives and policies also seek efficient provision and use of infrastructure and that development results in high quality urban environments, maintenance of rural character and minimal conflicts between land uses.

The following lists the relevant objectives and policies and provides commentary regarding the proposals consistency with them.

- Objective 1A.2.1
  - Policies 1A.2.2, 1A.2.4, 1A.2.5, 1A.2.6 and 1A.2.6A



- Objective 1A.2.9
  - Policies 1A.2.11, 1A.2.12 and 1A.2.13
- Objective 1A.4.1
  - Policies 1A.4.2, 1A.4.4, 1A4.

These objectives and policies touch on matters such as managing growth pressures by restricting growth to towns and villages, maintaining rural areas for productive rural activities by controlling land uses and limiting reverse sensitivity effects and ensuring that expansion of villages is sympathetic to their existing character and provides a variety of housing types.

The extension sites are located within the rural zone, therefore the expansion constitutes a residential activity outside of the clearly defined boundaries of a town or village and outside of the defined urban areas. While the surrounding area is zoned rural, it is a mixed-use environment and comprises very few true rural activities of any scale. This is particularly the case for the eastern extension which is surrounded by the TCC village. Tamahere is a small village with a unique country living character that has some rural elements along with more lifestyle, commercial and community facilities, reflective of the Tamahere's proximity to Hamilton. As such, this receiving rural environment no longer looks or functions like a standard rural environment. Similarly the sites subject to this application, particularly the eastern extension, do not have the characteristics of a traditional rural area due to their size and current uses. This is exacerbated since the granting of resource consents for the existing TCC development that adjoins the extension sites. It is also considered that the extension sites will not appear to be out of character in its locality, given that the TCC village is a significant feature of the receiving environment. However the site is outside of the extent of the 'urban' area of the village in relation to the ODP context.

The proposed development provides an expansion of an alternative lifestyle choice in the locality, for an aging population. The existing TCC village provides a unique style of living for the elderly due to the scale of facilities and landscaping/open space provision, such that it provides a more comfortable lifestyle for those who have lived in a rural environment for most of their lives. This is a specific design outcome that Sanderson has sought, to be a better fit with the Tamahere Village and its surrounds than that found in more traditional high density retirement villages in urban environments. This is also reflective of the product that Sanderson delivers, in that all of their villages are lower density than other retirement villages (i.e. the Ryman and Summerset examples in urban environments).

The proposal will form a seamless extension to the existing TCC development, particularly the eastern extension, and will add to the established amenity levels of the surrounding environment. The development will be a high-quality, high-end product and will be maintained to ensure a high level of amenity remains.

The expansion is not expected to create any significant risk of reverse sensitivity effects. This is because the surrounding properties are generally smaller rural residential sized properties, that are not utilised for traditional rural purposes and activities. Further, the existing dwellings on each of these properties are setback from the common boundary of the extension sites. In addition to those setbacks, generous building setbacks, extensive open space areas and specific mitigation measures (i.e. native screen planting) are proposed to be implemented around the southern extension site boundaries to provide further mitigation of any potential reverse sensitivity effects. In addition, the majority of adjoining neighbours have provided written approvals so the reverse sensitivity effects on those properties can be set aside.

The sites subject to the extension are or have previously been used for rural lifestyle activities, a commercial business, and a Christmas tree farm, all of which have relatively low productive values relative to the potential productivity of the land. While the development outcome will result in the loss of some productive rural land, Tamahere and particularly the properties in the locality of this site, have experienced incremental change from a rural setting to a more rural residential setting that has very little in the way significant



productive land holdings in the near vicinity of the site<sup>16</sup>. The majority of the adjoining properties are of a size and shape that do not support productive rural activities and are mostly occupied for residential use and small lifestyle activities or hobby farming.

Overall, while the development is considered to be consistent with the majority of the above objectives and policies in the context of the receiving environment, it is acknowledged that the development is located outside of the boundaries of the local Tamahere village, will result in a further loss of rural land and is not directly related to rural activities and therefore is not entirely consistent with the objectives and policies of Chapter 1A.

- Objective 1A.4.5
  - Policies 1A.4.6 and 1A.4.7

These objectives and policies seek to ensure that development patterns support cost effective maintenance and provision of infrastructure and services.

The expansion of the TCC village will not result in uneconomical or inefficient use of Council infrastructure. This is because all water supply, wastewater disposal and stormwater disposal is self-contained on the site and therefore has no impact on Council's infrastructure. With regards to the safety and efficiency of the roading network, the ITA in **Appendix F** confirms that the roading network and existing site access points are capable of servicing the proposed expansion without causing any adverse safety or efficiency effects, nor requiring wholesale mitigation or improvements to the receiving roading environment.

For these reasons, it is considered the proposed development will be consistent with the above objective and policies.

- Objective 1A.6.1
  - Policies 1A.6.2 and 1A.6.3
- Objective 1A.8.1
  - Policies 1A.8.2, 1A.8.3 and 1A.8.5

These objectives and policies focus on the continued viability of the rural resource for productive rural activities and the maintenance of rural character.

The proposed development is an extension of the existing residential activity in the rural zone that is of a higher density and different form to what is generally experienced in a typical rural zone. At present the extensions sites are currently being used for a variety of rural and non-rural land uses including lifestyle activities, a commercial business, and a Christmas tree farm. Technically speaking the change in land use will result in the loss of some productive rural land, particularly from 92 Tamahere Drive. However the value of that productivity has been quantified in the NPS-HPL assessment by AgFirst as being no significant loss, at a district scale, due to the severe limitations and long-terms constraints they identified. Regardless of the scale of loss, a retirement village does not technically have a functional need to locate in a rural area, so to that extent is not consistent with Policy 1A.6.3. The only reason it needs to be located in a rural area is due to its size and scale (i.e. not being able to find similar size residential zoned landholdings) and in this case the fact that it is an extension of an existing retirement village and the existing investment associated with that village.

Overall, the proposal does not achieve consistency with objective 1A.6.1 and its associated policies, however it is considered that policies 1A.8.3 and 1A.8.5 offers an opportunity to expand existing towns and villages

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<sup>16</sup> The largest land holding near the site is 9.45ha, being 47B Pencarrow Road. All other sites sit between 7000m<sup>2</sup> and 4.6ha in size.



where it can be undertaken in a manner that minimises potential for conflicts with the surrounding rural area. It is well established in the above commentary that the development is proposed in a mixed-use environment which generally lacks the traditional rural character that you would expect with rural zoning due to the existing TCC village and its proximity to the Tamahere village. The site has also been specifically designed to respond to the surrounding rural properties to the south and west and is a seamless extension of the character and amenity associated with the existing TCC village adjoining the extension sites. It is considered that conflicts with surrounding land uses are minimal and in many cases the development will contribute to the surrounding business and community facilities in the locality.

It is considered that the development has been designed to fit within the local character and amenity. The LVA Addendum prepared by Boffa Miskell (**Appendix G**) and the assessment of Character and Amenity Effects in Section 7 below further assesses effects on the character and amenity values of the site.

For these reasons, it is considered the development is consistent with Objective 1A.8.1 and its associated policies.

### 6.3.2 Chapter 3 – Natural features and landscapes

The objectives and policies in Chapter 3 largely relate to outstanding landforms, features and landscapes. The extension sites are not identified as an outstanding landform and does not contain outstanding natural features or landscapes. The relevant objective and policies of this chapter are listed below and relate to the maintenance of rural landscapes and amenity values by seeking a predominance of rural land uses, including productive rural activities in the Rural Zone.

- Objective 3.4.1
  - Policies 3.4.2, 3.4.3 and 3.4.4

The extension of the TCC village has been comprehensively designed and masterplanned to ensure it will integrate into the area's mixed use rural context and in a way that will maintain and enhance the character and amenity of the area. In this respect, the following aspects of the design and development contribute to the maintenance and enhancement of rural landscapes and amenity values in the locality, noting that the locality holds a differing amenity value to the typical rural landscape:

- A comprehensive landscape plan has been developed for the extension sites that includes mitigation planting which integrates with the existing TCC planting palette and provides for open space amenity within the site.
- A meandering laneway along the site's external boundaries provides a sympathetic interface with the rural zoned properties adjoining the site.
- All buildings achieving a compliant 25m setback from the southern extension site boundaries.
- The development locates the larger scale, non-residential and communal buildings near the Tamahere Drive frontage and away from the external boundaries.
- Villa design and materials reflects the character of existing built development and residential development in the area. Architectural design has been based around modern country buildings through the use of simple building forms, including gable rooves and traditional barn shapes. Materials and colours have been refined to include rusticated brick, weather board with locally sourced Hinuera stone and cedar used as feature materials to provide local connections.
- The site will be managed as a single entity with a well-managed street frontage along the external interface with Tamahere Drive.
- The eastern extension fills a gap along Tamahere Drive with the TCC village wrapping around that site. Similarly, the southern extension is a seamless integration with the existing TCC village and creates a more linear southern edge.





For these reasons, it is considered that the development is consistent with the above listed objectives and policies relating to landscape character and visual amenity values.

### 6.3.3 Chapter 6 – Built Environment

The objectives and policies in Chapter 6 seek that development occurs around infrastructure and utilities and that where these services are not provided by Council, onsite management of the effects of land use and development is expected.

The relevant objectives and policies are listed and assessed as follows:

- Objective 6.2.1
  - Policies 6.2.2, 6.2.3, 6.2.4A and 6.4.2B
- Objective 6.6.1
  - Policies 6.6.2, 6.6.3 and 6.6.4

The proposed development is considered an efficient use of land, being an extension of an existing high demand retirement village on a site directly adjoining the TCC village. The site is also located close to the main rural residential area of Tamahere and the supporting village.

The above objectives and policies seek that residential development should occur in current towns and villages in preference to isolated rural locations. While the site is not technically part of the Tamahere Village, the site is not an isolated rural location and is considered to form an appropriate part of the Tamahere village for the following reasons:

- it is adjacent to St Stephens Church which is one of the community focal points of Tamahere;
- it is within 500m of the newly developed Tamahere Business Centre, the local primary school and pre-schools, which form the existing community hub, and will be connected to them;
- it is connected to the Tamahere centre by the recently constructed underpass;
- it is an extension of the existing retirement village which has been determined to be appropriate for the locality through the approval of the resource consents for that development;
- the site is adjacent to SH21 and SH1 allowing ease of connection to Hamilton, Cambridge and surrounding facilities and amenities; and
- the site will be provided with further enhanced connections with the Waikato Expressway, the future Southern Links Project and Te Awa cycleway (already in place).

Infrastructure is well-established for the existing TCC site and will be upgraded as required to service the proposed extensions. The Infrastructure Report within **Appendix E** concludes that the development can be appropriately serviced on site through extension and capacity improvements to existing on-site services, where required. Further, connections to telecommunications, electricity and gas networks in the locality can be made. The three waters and transportation network will be constructed in accordance with the engineering recommendations and will not create any adverse effects on amenity, water quality, stormwater runoff, ecological values, health or safety that are unreasonable.

As such, the development is focused around existing infrastructure services and will not have adverse effects on Council's infrastructure in the surrounding locality or the ability for Council to provide infrastructure and services in the surrounding Tamahere village.

For the above reasons, the proposed development is consistent with the above objective and policies.



### 6.3.4 Chapter 8 – Land Transport Network

The objectives and policies of Chapter 8 seek improved land transport, traffic and pedestrian safety and to provide for efficient movement of people and goods. They ensure that conflicts between land use activities and road users are minimised, sufficient parking is provided on site and development occurs to be consistent with the existing road network. The following objective and policies are relevant.

- Objective 8.2.1
  - Policies 8.2.2A, 8.2.2B, 8.2.5, 8.2.5A and 8.2.7

The ITA included as **Appendix F** to this report confirms the development maintains the road network and the site is able to safely and efficiently connect to an existing roading network. The extension sites will be accessed via existing entrances to Tamahere Drive, which is a local road with the primary purpose of property access. Those accesses are designed and constructed to a standard that can cater for the volume of traffic expected.

On site car parking is provided on site to a level that ensures no off-site parking will be required by residents, staff or visitors to the site. Pedestrian connections will be enhanced with the integration of the site with the Te Awa cycleway. The site design also gives special consideration to walkways on the site and connections to the balance of the TCC development.

For these reasons, the proposed development is consistent with the above objective and policies.

### 6.3.5 Chapter 11 – Social cultural and economic wellbeing

The objectives and policies of Chapter 11 require that the edges of towns and villages are defined, and that the bulk, location and density of development within towns and villages is consistent and compatible with the local character. They also seek to increase opportunities for social interaction through the design and layout of the built environment and to protect the social and cultural characteristics of the District.

The following assesses the relevant objectives and policies.

- Objective 11.2.1
  - Policies 11.2.3 and 11.2.6
- Objective 11.2.7
  - Policy 11.2.13
- Objective 11.6.1
  - Policy 11.6.7

Currently Tamahere Village lacks clearly defined boundaries with a mix of land uses in the locality as described in this report. This development will however be consolidated on a site that is adjacent to other non-rural land uses, and particularly the existing TCC which is nearly sold out and in demand. The extension site's sit within a mixed-use environment and do not disrupt any clear boundaries between the urban and rural development.

The existing TCC village is designed to ensure it connects to existing development and activities in the surrounding area and the extension is a seamless addition with strong connections to the existing village. The site is in close proximity to the existing rural residential area and urban land uses and is therefore not isolated from other urban and residential activities. The design is considered to strengthen the neighbourhood coherence and will enhance the social character of Tamahere by increasing the population of older people to complement the existing community structure. The residents of the extension will be able to readily access resources without travelling too far and will provide economic support for local businesses.



The extension will also generate additional employment during the construction and operation of the village, thus providing employment and economic opportunity.

Overall, the proposal is considered to be consistent with the above objectives and policies.

### 6.3.6 Chapter 13 – Amenity Values

The objectives and policies of Chapter 13 seek to ensure that adverse effects of land use are minimised by locating activities in appropriate zones and around compatible activities. They seek that new development is consistent with amenity values and expectations in the existing environment while also avoiding adverse cumulative effects on rural character and amenity by avoiding further modification of rural localities which have already been compromised through establishment of non-rural activities.

The following objectives and policies are considered relevant and are assessed below.

- Objective 13.2.6
  - Policies 13.2.7, 13.2.8, 13.2.10
- Objective 13.4.1
  - Policies 13.4.2

The extension sites have been comprehensively designed to be sympathetic to and reflect the natural and physical qualities and characteristics of the area, including the directly adjoining existing TCC, and the wider Tamahere environment.

Buildings have been placed on the site in a hierarchy of low building density nearby external boundaries, with non-residential development occurring towards Tamahere Drive. Buildings are considered to have a bulk and location that is consistent with existing buildings in the neighbourhood and are physically separated from properties to the west and south, for the southern extension, by a 25m setback.

Landscaping will be established on the site in accordance with the landscape design prepared by Boffa Miskell (**Appendix D**) which will allow for further integration with the existing environment, particularly the existing TCC site which has been well-absorbed in the locality.

The site has been designed to ensure vehicle manoeuvring and parking space on site is provided to sufficiently service the development and that vehicle, cycling and pedestrian connections are provided to the surrounding neighbourhood.

The LVA Addendum in **Appendix G** concludes that the development will respond positively to the surrounding environment and contribute to the long-term character and amenity of Tamahere. The LVA further concludes that the development will have a low adverse effect on landscape, character and amenity.

For the above reasons, the proposal is considered to be consistent with the above objectives and policies.

- Objective 13.6.5
  - Policies 13.6.6, 13.6.8 and 13.6.9

Cumulative effects arise when there are multiple ‘additive’ effects of activities over time or where multiple minor effects of an activity result in an overall larger effect. In this instance, the proposal is an addition to a non-rural development which would, on face value, compromise typical rural character. The site and surrounding locality has been well established in the above reporting as not being a typical rural environment and there is evidence of significant compromise which has occurred over a number of years. This



development is an ‘incremental expansion’ of that existing compromise and is therefore not consistent with this objective and these policies.

The development is however a logical extension to an existing, high demand retirement living facility and has been well received by neighbouring properties to the development. It is considered the site is suitable for the proposed development and careful consideration has been given to the comprehensive design of the site to ensure that the local character is reflected in the development and that a high level of amenity results.

Character and amenity effects are further assessed in section 7.3 below, however it is considered that the proposal is not entirely consistent with objective 13.6.5 and its associated policies.

## 6.4 Proposed District Plan Objectives and Policies Assessment

The PDP contains several objectives and policies that directly relate to the consent sought. Those objectives and policies are contained in Part 2 – District Wide Matters such as Strategic directions (SD), All Infrastructure (AINF) and Earthworks (EW) and similarly in Part 3: Area-Specific Matters such as General rural zone (GRZ). Those objectives and policies most relevant to this application and an assessment of the proposals consistency with them is as follows.

### 6.4.1 Part 2 – District Wide Matters

The Strategic Direct chapter of the PDP provides the overarching direct for the PDP and have primacy over other objective and policies in the other chapters of the district plan. The objectives most relevant include:

- SD-O4: Housing variety
- SD-O8: Highly productive soils
- SD-O9: Rural activities
- SD-O10 Reverse sensitivity

The housing variety objective encourages a variety of housing types to meet the community’s housing needs. An extension of the TCC village will provide for an alternative lifestyle choice for an ageing population in a location where that form of landuse has already been established and is thriving. The existing TCC village provides a unique style of living for the elderly due to the scale, design and quality of facilities and landscaping/open space provision, such that it provides a more comfortable style for those who are aging that have lived in a rural environment for most of their lives. This is a specific design outcome that Sanderson has sought, to be a better fit with the Tamahere Village and its surrounds than that found in more traditional high density retirement villages in urban environments.

The highly productive soil objective seeks to ensure that high quality soils are protected from urban development, except in areas identified for future growth. The proposed site has been identified to contain high class soils and is not in a future growth area. The expansion will therefore result in a loss of high class soils (approximately 3ha) which may otherwise be suitable for productive rural activities. As such, the proposal is not consistent with objective SD-O8. That being said, the value of that productivity has been quantified in the NPS-HPL assessment by AgFirst (**Appendix K**) as being a negligible loss, at a district scale, due to the severe limitations and long-terms constraints they identified. This matter is canvassed further in the section 8.1.1 of this report in the NPS-HPL assessment.

The rural activity objective seeks to ensure that the rural environment provides for a range of rural activities, including primary production and food supply. As noted above, the sites subject to the extension are used for rural lifestyle activities, a commercial business, and a Christmas tree farm and are therefore not traditional rural activities. The lot sizes are also relatively small, on a rural scale, so their potential to be used for a range of rural activities, including primary production and food supply is limited. Whilst on face value the proposal is inconsistent with this objective, there are mitigating circumstances as to why the land use



change sought is appropriate. It is important to recognise that the change also supports an existing consented activity so needs to be considered in that context.

The reverse sensitivity objective seeks to ensure that the existing activities are protected from reverse sensitivity effects. In this circumstance this would be ensuring that adjacent rural land-uses, where they occur, can continue to lawfully operate. As noted in relation to the ODP assessment above the expansion does not create any significant risk of reverse sensitivity effects. The surrounding properties are generally smaller rural residential sized properties which are not utilised for rural activities. Further, the dwellings on each of these properties are setback from the common boundary of the extension sites. In addition to those setbacks, generous building setbacks, extensive open space areas and specific mitigation measures are proposed to be implemented around the site's boundaries providing further mitigation of any potential reverse sensitivity effects. In addition, the majority of the adjoining neighbours have provided written approvals so the reverse sensitivity effects on those parties can be set aside.

The relevant infrastructure (AINF) and earthworks (EW) objectives and policies are:

- AINF-O7
  - AINF-P25 - AINF-P28
- AINF-O8
  - AINF-P29 – AINF-P32
- EW-O1
  - EW-P2

These objectives and policies seek to ensure the integration of infrastructure with development, an appropriate land transport network and that earthworks facilitate development.

As noted in the assessment of the ODP objectives and policies above, the expansion of the TCC village will not result in unintegrated infrastructure. This is because all water supply, wastewater disposal and stormwater disposal is self-contained on the wider TCC village site and therefore there is no impact on Council's infrastructure. With regards to the safety and efficiency of the roading network, the ITA in **Appendix F** of this report confirms that the roading network is capable of servicing the proposed expansion without causing any adverse safety or efficiency effects, nor requiring wholesale mitigation or improvements.

In relation to the earthworks, consent conditions can be imposed to manage the matters set out in EW-P2 (i.e. erosion and sediment control and overland flow paths being maintained).

#### 6.4.2 Part 3 – Area-Specific Matters

The General Rural Zone (GRUZ) includes objectives and policies that align with the Strategic Direction discussed above, and with a focus of ensuring that the zone is predominantly used for primary production activities. The objectives and policies most relevant include:

- GRUZ-O1 - GRUZ-O3
  - GRUZ-P1 - GRUZ-P5, GRUZ-P13, GRUZ-P15, GRUZ-P16

Whilst the key objectives of the GRUZ is to enable farming activities, protect high class soil for farming activities, maintain rural character and amenity and limit development to activities that have a functional need to locate in the zone, GRUZ-P15 also provides for *“alterations and additions to retirement villages existing or subject to a resource consent at 17 January 2022.”* This was introduced as a result of submissions from existing retirement village, to recognise existing retirement villages and the associated need for these facilities to adapt and change over time<sup>17</sup>.

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<sup>17</sup> Hearing 18: Rural Zone Section 42A Hearing Report by Jonathan Clease, dated 25<sup>th</sup> August 2020, paragraph 273





This policy clearly recognises that retirement villages exist in a rural environment. The activity is consequently not a unique activity.

There is some debate about whether GRUZ-P15 provides for an expansion as proposed in this application, being that both the terms ‘alteration<sup>18</sup>’ and ‘addition<sup>19</sup>’ are defined in the PDP and generally refer to an extension of an existing structure or building, or the change in the characteristics of a building, as opposed to wholesale expansion of a village. However if one uses the common dictionary definition of addition it is commonly understood to mean the adding of something onto something else. If one adopted the common definition for additions, it is considered that the proposals consistency with the other objectives and policies of the GRUZ can be set aside.

If not, then both extension sites would not be entirely consistent with GRUZ-P1 - GRUZ-P5 (excluding GRUZ-P4) and GRUZ-P16.

## 6.5 Assessment of District Plan Weighting

The issue of weighting is not necessarily a straightforward exercise, and the RMA does not distinguish between the weight to be accorded. Caselaw<sup>20</sup> has however established that each application should be considered individually according to its own circumstances and the relevant factors to consider include:

1. The extent to which the proposed measure has been exposed to independent decision-making.
2. Possible injustice.
3. The extent to which a new measure may implement a coherent pattern of objectives and policies in a plan.

In more recent caselaw<sup>21</sup>, the Environment Court has indicated that it may be appropriate to give more weight where there has been a significant shift in council policy and the new provisions are in accordance with Part 2 of the RMA.

Each of these matters is consider below.

The PDP was heard and decided upon by an Independent Commissioners. The district plan review has therefore been subject to scrutiny by a panel of experienced RMA Commissioners, following consideration of the matters raised by all submitters and directly affected parties. The PDP provisions for the rural zone seek to manage the competing demand for rural land, address fragmentation and manage reverse sensitivity effects. These matters are not new but are in some case strengthened over the ODP framework.

In relation to the extension sites, the district plan is not proposing wholesale changes to the zoning of the land nor has it been requested by submitters or appellants. It is rural zoned in both district plans. The changes proposed by the district plan therefore focus on the activities enabled in the zone and the resulting performance standards (i.e. setbacks, heights etc). It is these matters that are the subject of submissions and appeals. As the zoning is not changing, there is limited risk or injustice to any parties in relation to the

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<sup>18</sup> Alteration is defined in the PDP as being: “Means any change to the fabric of characteristics of a building and includes the removal and replacement of external walls, windows, ceilings, floors or roofs. It does not include maintenance and repair as defined.”

<sup>19</sup> Addition is defined in the PDP as being: “Means an extension to a structure or building which increases its size, height and volume, including the construction of new floors, walls, ceilings and roofs.”

<sup>20</sup> *Hanton v Auckland CC* [1994] NZRMA 289 at page 32, agreeing with the decision in *Lim v Hutt CC* [1994] NZRMA and as later confirmed by the Court of Appeal in *Bayley v Manukau CC* [1999] 1 NZLR 56

<sup>21</sup> *Mapara Valley Preservation Society Inc v Taupo District Council EnvC* (A083/07)



consents sought, particularly as the consents are the type of activity first and foremost and for dispensations from the performance standards as a secondary matter.

The PDP is also amending objectives and policies, as examined in section 6.4 above. The key change, of relevance to this application, is the recognition that extension of existing retirement villages is appropriate in the rural zone (see GRUZ-P15). To ignore this policy shift and continue to give significant weight to the ODP would be inconsistent with the realistic and likely future policy framework that will apply to the extension sites.

Finally, it is also relevant to note PDP gives effect to the highest order planning instruments, in particular:

- The National Policy Statement on Urban Development 2020; and
- The Waikato Regional Policy Statement

Based on this assessment, it is considered that more weight should be applied to the PDP in determining this application, regardless of the more onerous activity status that such attracts.



## 7. Assessment of Environmental Effects

In accordance with s88(2)(b) and the Fourth Schedule of the RMA, this section provides an assessment of the actual and potential effects on the environment associated with the proposed expansion of the TCC village. These effects are assessed below under the relevant sub-headings. This assessment should be read in conjunction with the various plans and specialist assessments contained within the appendices to this report as those reports contain further and more detailed information relative to the effects of the proposal.

### 7.1 Existing Environment

In addressing the environmental effects, it is important to take into account the “existing environment”. The existing environment has been subject to several court cases and case law has confirmed that the “environment” includes the environment as it may be modified by permitted activities and the implementation of resource consents which have been granted and which have or are likely to be implemented. This is a particularly important starting point for the assessment of this application as there are a number of effects already impacting upon the receiving environment as a result of the consented land uses and lot sizes and shapes on the sites subject to these applications. The following aspects of the existing environment are therefore particularly pertinent to these applications:

- The land use at 70 Tamahere Drive includes a commercial operation, subject to its own resource consent. That commercial operation covers approximately one-third of the site, with lifestyle farming occurring across the balance. Traffic movements, noise and large buildings form part of the existing environment for that site.
- Both 56 and 70 Tamahere Drive are bounded by the existing TCC development on all three sides, and collectively total 1.9ha.
- The 92 Tamahere Drive property is used for a commercial activity in the months leading up to Christmas, with various people coming and going to pick and collect Christmas trees.
- 82 Tamahere Drive is being used as the Sanderson site office for their construction activities. Should that land use cease then a dwelling could be built on the site as a permitted activity.
- The surrounding land include the TCC village, rural residential living or lifestyle farming blocks.

### 7.2 Site Suitability

It is considered that the suitability of the site for the subject development is determined by two things, the anticipated or reasonably expected and acceptable use of the land as depicted by the district plan and District Growth Strategy, and the geotechnical framework of the site determined by the Preliminary Geotechnical Report (‘PGR’) by HD Geo (see **Appendix I**).

In relation to the anticipated or reasonably expected use of the site, both district plans indicate that activities typical for a rural environment can be expected on the extension sites (i.e. rural zone) regardless of their current uses and sizes. Anticipated activities within the rural zone comprise traditional farming and horticulture with interspersed with rural lifestyle farming blocks. The policy direction and rules of the rural zone, in both district plans, are largely based around protecting high quality soils, maintaining the rural environment for primary production and food supply, retaining the character and amenity of the rural zone and managing the effects of those activities. Both district plans however identify that it may be appropriate for non-rural activities to locate in the rural zone where they have a functional need. As discussed in section 6.3 and 6.4 above, a retirement village does not technically have a functional need to locate in a rural area. The only reason it needs to be located in a rural area is due to its size and scale.

In this instance, and whilst the extension sites are zoned rural it is considered there are various reasons why the extension sites are suitable for the expansion of the TCC village, including:



- The previous resource consents approving the retirement village development to the north has pre-determined that the general locality is appropriate for retirement village living opportunities (being close to a local commercial centre, local schools and providing a unique style of high-end retirement living in the area, in which is currently lacking).
- The proposal is considered to be a logical extension of the existing village, with the proposal being able to utilise and extend existing infrastructure established in the existing TCC. This approach is supported by PDP policy GRUZ-P15 which provides a policy pathway for the expansion of existing retirement villages in the rural zone reflecting the investment already made and the amenities provided for.
- The eastern extension will fill a gap along the site's frontage to Tamahere Drive. Notably those sites are either small in size or have already been used for commercial activities so their productive potential is limited, and similarly non-farming activities are the predominate landuse.
- The southern extension is similarly across a smaller landholding that is used sporadically for commercial purposes and has limited productive value. The design of the southern extension has also been to purposely be the end of the expansion, by separating the adjacent rural used land by significant planting and/or a swale network.
- Whilst rurally zoned, the site is appropriately located near the Tamahere village, is well connected in terms of proximity to amenities and services and will not be an isolated development. Further, if consented/developed it will be viewed as part of the existing TCC village.
- The extension sites can be serviced by existing on-site three waters reticulation and the proposal places no additional demands on Council's infrastructure.
- The design of the development proposes to internalise adverse effects through maintaining complying setbacks and pro-actively working with adjacent landowners and future residents around managing actual and perceived reverse sensitivity effects. Furthermore, the proposal will not create any other off-site effects (such as odour, noise and dust) which will constrain the use of the adjoining properties.

For these reasons, the extension sites are considered to be a suitable location for an expansion of the TCC village. The existing environment, discussed above, also sets the landholdings apart from other rural landholdings that do not adjoin an existing retirement village or are not used for commercial activities.

Geotechnical investigations have been carried out on the extension sites to determine the suitability of the site to accommodate the proposed development. The geotechnical investigations are set out in more detail in the PGR within **Appendix I**. In summary HD Geo have confirmed that the site is geotechnically suitable for the proposed TCC extension, subject to the recommendations made in their PGR.

From a contamination perspective, the DSI (**Appendix H**) has confirmed that there is no contamination across the site that requires remediation, and further the risk to human health from historical activities is low, subject to implementing a Site Management Plan during earthworks.

Based on the above reasons, site suitability effects are considered to be minor, at most, with those relation to geotechnical suitability and contamination being less than minor.

### 7.3 High Class Soils and Productive Land Effects

In the absence of a site specific land use capability assessment, to more accurately map the high-class soils on the extension site, the NZLIR maps have been used and have confirmed that the LUC 1s and LUC 2w are the predominant land use classifications across the extension sites. Using these land use classifications and having due regard to current land-uses, the NPS-HPL Assessment undertaken by AgFirst (**Appendix K**) has assessed the productive potential of the four parcels of land that make up the extension sites. The key conclusions of that assessment are that:



- 56, 70 and 82 Tamahere Drive are not properties used for land based primary production, nor are they of a scale, due to physical constraints and surrounding fragmentation, that would enable them to be suitable and viable for land based primary production. They are also considered to be rural residential blocks, which are excluded from the definition of primary production in the Regional Policy Statement<sup>22</sup>.
- The 92 Tamahere Drive property is not currently been used for land based primary production, and it is unlikely that it would be economically viable to be used for these purposes for the next 30 years.

It is not disputed that the proposal will result in the loss of high-class soil, however, as established by AgFirst the productive land effects of this high-class soil loss is negligible having due regard to site size, location and adjoining landuses. At a district scale the loss of high-class soils that is not modified represents 3ha (or 0.00196% of the 152,344ha of HPL that has been mapped in the District) which is negligible loss. For these reasons, it is considered that the loss of high-class soils and productive land effects arising from an expansion of the TCC village will be a negligible effect.

## 7.4 Character, Amenity and Visual Effects

Character and amenity values and the resulting visual effects of the built form are an important consideration when consenting a non-rural use in the rural environment. The character and amenity of the surrounding area is determined by the zoning of the site, and the existing land uses and activities in the immediate locality. As established above, the extension sites zoning identifies that those sites are suitable for rural purposes. The character of those sites and the surrounding rural area has however been in a state of change for many years and now presents as a large-scale retirement village, lifestyle farming blocks, smaller rural residential lots and a number of non-rural land uses/commercial uses. That setting forms the baseline against which the character and amenity effects of the extension are to be considered.

When considering the proposal against that existing environment, the development outcome will still result in a noticeable change in the built form and outlook of the extension sites as they transition from a few buildings to fully developed sites. These character, amenity and visual effects on the surrounding area are assessed below with a focus on the change of the sites character from the siting of the built form to how the extensions interface with adjoining properties. To help with that assessment a Landscape and Visual Assessment Addendum has been prepared by Boffa Miskell (**Appendix G**). The key conclusions of their assessment in relation to landscape character are that:

- The site design aims to create a residential look and feel, seamlessly blending with the existing retirement village and maintaining the overall character of the Tamahere area. This is achieved through landscape design and building setbacks.
- The landscape design is an integral part of the proposal and serves both the residents' amenity and the preservation of a rural interface with the surrounding streets and residential neighbours. This planting (see **Appendix D**) includes large grade specimen trees to assist in visually breaking up the building mass and substantial planting at the south-western corner of the southern extension.
- Along the western and southern boundary of the southern extension the 25m building offset, the bund and the substantial planted native screen, to the south and west, will retain the sites character when observed from neighbouring properties and will provide a consistent interface along the western boundary to that already experienced by those adjoining properties.
- The extensions will be well connected to the existing TCC village for vehicular and pedestrian access through the extensions of those networks and will tie into the existing pattern of development in the area.

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<sup>22</sup> The definition of Primary Production in the WRPS means “the commercial production of raw materials and basic foods, and which relied on the productive capacity of soil or water resources of the region. This includes the cultivation of land, animal husbandry/farming, horticulture, aquaculture, fishing, forestry or viticulture. It does not include hobby farms, rural residential blocks, or land uses for mineral extraction.”





- The extensions will alter the function and character of the site, with more intensive housing, however the development responds positively to the surrounding landscape context and the existing TCC village to appear as a natural continuation of the TCC village. The external interface of the extensions will maintain a high degree of amenity and open space character, particularly along rural and road boundaries.

Based on the conclusions of the LVA Addendum and the mitigation measures described above the effects of the proposed extensions on the receiving character are considered to be minor, at most.

In addition to character effects the proposal will give rise to visual effects. Visual effects relate to the degree of change that may occur to public views and amenity as a result of changes to the landscape and landscape character. In this respect, visual effects include the introduction of additional built form in the landscape.

The LVA Addendum assesses the effects on the private viewing audiences<sup>23</sup> in detail and concludes that the visual effects on those properties will give rise to low effects for those properties, reducing to very low with the mitigation. The key reason for this level of effect is because those viewing audiences already experience some type of landscape modification with their existing views of the TCC village and as such the visual change from the extensions will appear as a natural continuation of the TCC village, or in other cases their views are or will be constrained by existing or proposed vegetation and suitable setbacks.

In terms of public viewing audiences<sup>24</sup> the LVA Addendum confirms that their views will be transient, of a short duration and as noted above will read as a natural continuation of the existing TCC village. As such, the visual effect on these users is will also be low. Based on the conclusions of the LVA Addendum, the visual effects of the proposal are considered to be minor, at most.

Another matter to be considered in relation to character, amenity and visual effects is the proposal's consistency with the performance standards of the district plans. In this respect the development has been designed to meet the majority of the performance standards of both district plans in relation to bulk and location effects, however there are some aspects of non-compliance with those performance standards that requires further assessment. These relate to the number of dwellings on the site, the building coverage and the total area of non-residential buildings on the site. These rules are deliberately very restrictive to ensure that a rural character and an open space level of amenity is retained.

The development achieves compliance with the setback rules in relation to all external boundaries of the site, therefore centralising the bulk of the development. The site coverage varies for the eastern and southern extensions, being 29.2% and 19% respectively. These site coverages are generally consistent with the existing TCC village that has 28% under the original consent and 18.5% in the previous extension. The differences between the two areas also reflects the fact that a large tract of land in the southern extension is set aside for planting, being the 25m setback.

Overall the density outcomes are consistent with the existing TCC village and will therefore appear visually consistent. In relation to the total number of non-residential buildings, the southern extension includes one further non-residential building, the health spa, with a footprint of 750m<sup>2</sup>. The size of this building is slightly larger than the 500m<sup>2</sup> threshold in the ODP and when read in the context of the receiving environment will not be out of keeping with the character and amenity that has already been established by the TCC village. Furthermore, the building will also be designed to be consistent with the size, materials, colours and building form (i.e. roof design) of the dwellings on the site and will therefore blend into the residential built form on the site.

<sup>23</sup> Being the adjacent or adjoining properties that have not provided their written approval to the application.

<sup>24</sup> Being views from those travelling along Tamahere Drive or the Te Awa Cycleway.



Based on the above conclusions, the surrounding character, amenity and visual effect of the proposed extensions are considered to be minor, at most, when considering the existing receiving environment.

## 7.5 Transportation Effects

An Integrated Transportation Assessment (ITA) has been prepared by Stantec to assess the effects the expansion on the existing transport network (refer to **Appendix F**). As a generalisation, the ITA for the existing TCC development and previous expansion stated that traffic impacts of retirement villages are very low with traffic movements and peak demands for this form of development generally lying outside of the typical wider network peaks. The same conclusion can be reached for this expansion.

In relation to access, no new access points to Tamahere Drive from the extension sites are proposed. As such, there are no additional connection points to be assessed and further the ITA has confirmed that the form and function of the existing access points are suitable for the volume of traffic proposed and there are suitable measures in place to minimise the potential impact of incidents with users of the Te Awa cycleway. As a positive, the development will also provide for the closure of five existing crossing points to Tamahere Drive, minimising vehicle movement conflicts with the Te Awa cycleway. This is a safety benefit for users of the Te Awa cycleway.

In relation to trip generation and impacts on the surrounding roading network, the ITA identifies that the extension will generate an additional 179 vpd (or 21 vpd in the peak hour). When combined with the existing TCC village movements, the trip generation across the whole TCC village will be in the order of 896 vpd or 114 in the peak hour. The ITA also looks at the distribution of trips from the extension in relation to the two main access points to Tamahere Drive. That assessment identifies that the main access is expected to accommodate an additional 69 vpd, whereas the southern access will increase by 111 vpd based on its proximity to the extensions. The ITA has also confirmed that the two access points are suitably designed for this volume of traffic, being that both are designed/constructed as high-volume entrances. No changes to either access are therefore recommended for safety and efficiency of movements to and from the TCC village or for Tamahere Drive. The ITA also notes that the two existing access points were designed and approved on the basis of an 80km/hr speed environment, which has now been reduced to 60km/hr.

The ITA has also undertaken sensitivity testing of the capacity of the wider network, such as the SH21/Tamahere Drive roundabout and has confirmed that the roundabout has adequate capacity to accommodate existing and proposed demands.

Another transportation effect is that arising from construction activities. Stantec have consequently recommended that construction traffic is managed via a Construction Traffic Management Plan. It is expected that this be included as a condition of consent.

Overall the extension sites can be integrated into the existing TCC village, will be well connected to the existing road network and will not give rise to any additional safety or efficiency effects that would require mitigation. Furthermore, the development extends the on-site pedestrian and cycling network and provide connections to the public cycling network in the vicinity of the site. For these reasons, and subject to the recommendations of the ITA being implemented, it is considered that the adverse transportation effects associated with the resulting vehicle movements are less than minor.

## 7.6 Three Waters Effects

How and where infrastructure occurs is critical to the suitability of a development and the resulting use of the area. Infrastructure and servicing for the development has been assessed and design by Kotare Consultants. An Infrastructure Report is attached within **Appendix E** which outlines, at a high level, the



infrastructure servicing of the site, available capacity in that reticulation network and is supported by a plan set outlining the proposed infrastructure and reticulation.

The Infrastructure Report demonstrates that the existing wastewater infrastructure on the TCC site can be extended and upgraded as required to service the extension and provides capacity check calculations to this effect. The report further confirms that existing water bores on the site will be sufficient to feed into the reticulation for irrigation and firefighting and the reticulation for potable water supply. A series of water mains will be constructed within the internal road network to supply water to each of the buildings. The report also outlines that stormwater can be appropriately treated and disposed of within the boundaries of the site via reticulation, attenuation and soakage. Overall, the reporting confirms that there is an appropriate design solution available for three waters to service the extensions and that there is capacity in the network and the regional council consents.

Subject to detailed design of the above infrastructure, it is considered that suitable and sufficient infrastructure can be put in place to service the extension sites and any infrastructure effects will be less than minor.

## 7.7 Archaeological and Cultural Effects

An archaeological assessment of the subject site has been carried out by Warren Gumbley Archaeologist (see **Appendix J**). As identified in section 4.7, the south—eastern part of 56 Tamahere Drive and potentially 70 Tamahere Drive contains an archaeological feature, being Māori-made soils, that is part of a wider features (S14/504). Being that pre-European Māori horticulture sites are the most recorded site type in the area, and the effects from destroying it can be mitigated by carrying out archaeological investigation under the conditions of an authority obtained from HNZPT, the archaeological effects of its removal are considered to be minor.

Consent conditions are expected that an archaeological authority to be obtained prior to construction starting, along with standard accidental discovery protocols.

As noted above, extensive consultation has been undertaken with Ngāti Hauā to ensure that the principles, significant values and issues are articulated, acknowledged and understood in response to the extension of the TCC village. This engagement builds on the existing relationship the two parties have. The conclusion of the engagement is that Ngāti Hauā have no objections to the proposed development subject to partnership opportunities being maintained. For these reasons, cultural effects are considered to be less than minor.

## 7.8 Earthworks and Construction Effects

There will undoubtedly be some level of adverse effects on the surrounding environment as a result of the proposed earthworks activities on the extension sites and the subsequent building of the new built form. These effects include visual and amenity effects, erosion and sediment runoff, dust effects, noise effects, archaeological effects, contamination effects and construction traffic effects. These effects will be temporary during the construction phase of the development and are able to be managed appropriately through the implementation of a Construction Management Plan ('CMP') and other similar conditions (i.e. noise controls, management of traffic movements, erosion and sediment controls, dust management etc). The potential construction effects are assessed further below.

### 7.8.1 Erosion and Sediment Effects

The proposed earthworks activities will result in the creation of areas of exposed soil and the associated potential for erosion and sediment runoff from these surfaces, particularly during rain events. Sediment mobilised within site runoff then has the potential to enter any downstream natural receiving environment.



Given that the site is generally flat and is located a significant distance from any nearby watercourse, the likelihood of the potential effects occurring is low. However, the methods proposed to manage the potential erosion and sediment effects of the earthwork's activities will be confirmed prior to earthworks via the preparation of an Erosion and Sediment Control Plan ('ESCP'). The ESCP will be developed in accordance with the best practice methods outlined in the Waikato Regional Council's 'Erosion and Sediment Control Guidelines for Soil Disturbing Activities'. Consent conditions to this effect are expected. Once established the erosion and sediment controls will be monitored and maintained effectively throughout earthworks activities to ensure they continue to function at all times.

The bulk of the earthworks will generally be programmed to be undertaken during the summer construction season between October to April, to avoid wetter winter months where saturated site conditions lead to an increase level of runoff and associated erosion and sediment effects.

On completion of the earthworks, surfaces will be stabilised progressively with aggregates being placed across completed road surfaces, building foundations will be established and otherwise top soiling and grassing/landscaping. Progressive stabilisation will ensure that the duration of soil exposure is minimised, and sediment runoff effects are reduced.

Based on the implementation of erosion and sediment control measures, and as a result of the localised nature of the work and flat topography of the subject site, it is considered that erosion occurring on the site is not likely and the volume of sediment discharging from the site during and following any rain event will be minimal. As such, the potential erosion and sediment effects will be less than minor on the receiving environment, including any nearby watercourses. Consent conditions that require an approved ESCP and implementation of that ESCP are expected.

### **7.8.2 Contaminated Land Disturbance Effects**

92 Tamahere Drive has historically been used for HAIL activities, as such, there is the potential for adverse contamination effects to arise from the volume and extent of the bulk earthworks proposed to develop the site for its eventual land use. In relation to works on the site, such works will be undertaken in accordance with best practice standards to ensure that there is no risk to human health from those works. Conditions around the management of the earthworks, in accordance with a Site Management Plan, to ensure such effects can be avoided are expected.

Cleanfill brought to the site for the purposes of providing the required fill material will also be required to meet the cleanfill definition in the Waikato Regional Plan and the standards for future residential land uses in relation to contamination.

On this basis, it is considered that any contaminated land disturbance and disposal effects can be avoided and will be therefore less than minor.

### **7.8.3 Dust Effects**

There is the potential for dust effects to be generated on the surrounding environment as a result of the exposure of large areas of soil. In particular, it is the exposure of soil surfaces and movement of construction machinery across these surfaces which creates the potential for mobilisation of dust particles and subsequent air quality effects, especially during dry and windy conditions. In this instance, the site is located adjacent to some residential dwellings and adjoining roads which have the potential to be affected by dust mobilisation.

Those most likely to be affected, due to prevailing wind conditions, are the two properties adjoining the site to the south and that have frontage to Tamahere Drive, both of which have dwellings within 40m of the





southern boundary of the site. In response to the potential effects on these properties, and all other adjoining properties, best practice dust management will be implemented over the site for the duration of the earthworks. The key dust management measures to be implemented include:

- Monitoring of weather forecasts to ensure that any periods of increased potential for dust mobilisation (dry, windy periods) are anticipated and appropriate controls are implemented.
- Appropriate programming of works (including staging if relevant) in proximity to sensitive receivers to minimise dust effect risks.
- Ongoing monitoring of on-site surfaces throughout the day to ensure that any areas of elevated dust risk are identified, and appropriate control measures are implemented.
- The primary dust control method will be water suppression. Use of water carts across the site to maintain dampened site surfaces.
- Secondary dust control measures will be the use of soil stabilisers such as polymer or hydroseed to provide instant cover of exposed surfaces to immediately prevent dust generation.
- A complaint register and detailed complaints process will be developed to effectively track and respond to complaints, including taking immediate steps to respond to complaints and notifying District and Regional Council of any complaints made.

Overall, based on the site characteristics and implementation of the above dust mitigation measures any potential dust effects can be managed so they are acceptable.

#### 7.8.4 Noise Effects

Noise associated with earthworks and other construction activities is inevitable. Although increased noise during construction will be experienced that noise will be temporary in nature, and the contractors will operate under standard best practice construction methodologies to ensure that unreasonable noise is avoided. This includes compliance with the construction noise requirements as set out in New Zealand Standard 'NZS 6803:1999 Acoustic – Construction Noise.'

Any noisy construction activities will also be generally undertaken within the hours of 7.00am to 6.00pm Monday to Saturday when the higher construction levels are applicable. Given this operational restriction, the construction activities are predicted to comply with the noise levels set out in the New Zealand Standard and any noise effects associated with the temporary earthworks/future building works are anticipated to be consistent with the permitted baseline. A condition of consent requiring compliance with the construction noise standard is expected.

#### 7.8.5 Construction Traffic Effects

Increased traffic movements to the site are expected during the construction phase of the development as a result of workers travelling to and from the site, the receipt of cleanfill required to achieve the finished levels and the delivery of construction machinery to the site. The ITA in **Appendix F** recommends a Construction Traffic Management Plan ('CTMP') be required through a condition on the consent to manage the temporary traffic effects as a result of the construction activities. A condition to this effect is expected. There is sufficient space on the subject site to provide car parking for construction vehicles and workers.

It is considered that traffic and parking effects of the construction period will be temporary and less than minor, subject to a CTMP being prepared and implemented.

#### 7.8.6 Archaeological Effects

In addition to any requirements of the archaeological authority, accidental discovery protocols are expected as a condition of consent and will be implemented in the event of any archaeological discovery. As such, it is



considered that any accidental discovery and associated archaeological effects can be appropriately managed.

### 7.8.7 Conclusion of Earthworks Effects

The earthworks will be undertaken in accordance with best practice construction methodologies and in accordance with a comprehensive CMP (that includes the CTMP). The above assessment of environmental effects concludes that with the imposition of appropriate consent conditions, and implementation of required management plans, any adverse effects of the proposed earthworks can be effectively managed to be less than minor on the receiving environment.

## 7.9 Precedent and Cumulative Effects

Having a concern about the effect of allowing an activity, and the likelihood of the decision relied on for subsequent applications for resource consent for a same or similar activities, and thus the integrity of the planning instrument, is not an effect on the environment. However, the Dye Court of Appeal decision<sup>25</sup> has confirmed that potential precedent effects are able to be considered as a relevant matters under s104(1)(c).

The purpose of the assessment below is consequently to demonstrate the ‘unusual’ or ‘distinguishable’ features that would differentiate these applications from other similar applications. We also note the Environment Court has also cautioned about attributing too much weight to purported precedent effects because every application must be considered on its merits and there is no expectation under the RMA that consent will be granted<sup>26</sup>. The following matters are unusual or distinguishable about these applications:

- The proposal is an expansion of an existing retirement village, not a bespoke new retirement village. Regardless of the extension sites rural zoning, the expansion sites directly adjoin the existing TCC village, and the site is well-located in terms of proximity to the Tamahere village. This means that the expansion is seen in the context of that receiving environment. For the eastern extension this is particularly pertinent as that landholding is surrounded by the TCC village. Furthermore, parts of those titles are already being used for non-rural activities.
- The fact that the TCC village is zoned rural is also unique. In this respect, two retirement villages in the locality<sup>27</sup> have recently been rezoned Rural Lifestyle Zone in the PDP from a historic rural zoning or site scheduling in the ODP. This change is understood to have been, as a result of submissions to the PDP by those parties and to acknowledge those existing activities and the fact that they are not rural activities. Sanderson was not active participants in the PDP process and if they had been they would have requested a similar zoning across their existing village. The TCC village is by default a unique situation.
- The design of the southern extension does not provide opportunities for further expansion of the village to the west or south, through the physical barriers proposed (i.e. bunds, planting and swale).

These matters, and particularly the first point, is the key point of difference from a precedent perspective to give Council confidence that this proposal will not be a catalyst for urban creep or give rise to substantive integrity issues with the PDP framework.

The High Court in *Rodney DC v Gould* (2004) 11 ELRNZ 165; [2006] NZRMA 217(HC), held that it would be inconsistent with the approach of the Court of Appeal in *Dye* (above) to regard evidence on “community expectations” as relevant to precedent or to the integrity of the district plan. A cumulative effect must be one that arises as an effect of the particular application. It is not legitimate to consider, as cumulative effects in relation to a particular application, any effects relating to possible future applications. An effect that may

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<sup>25</sup> *Dye v Auckland RC* [2002] 1 NZLR 337; (2001) 7 ELRNZ 209; [2001] NZRMA 513(CA)

<sup>26</sup> *Berry v Gisborne District Council* [2010] NZEnvC 71

<sup>27</sup> Tamahere Eventide Home at 158 Matangi Road and their site at 61 Bollard Road, Tamahere



never happen, or if it does, arises from a different activity from that for which consent is sought, is not a cumulative effect.

On face value these applications will result in a cumulative effect, being that the consents sought are for an activity that is not anticipated in the receiving environment. Whilst that is the case, the fact that the applications are for an expansion, are directly adjoining the existing TCC village, are near the Tamahere village, will occur across some land that is already used for non-rural purposes or will only result in negligible loss of HPL at a district level means that the overall cumulative effect of the expansions is low.

The loss of HPL is a key determination in relation to cumulative effects too. In terms of HPL in the district, the loss is 0.00196% of the 152,344ha of HPL that has been mapped in the District. This negligible loss will not be cumulatively significant because there are no other retirement villages around Hamilton that are zoned rural, and secondly the pattern of subdivision and land use around Hamilton is generally protected from retirement villages through allotment sizes (i.e. lifestyle blocks) or development is highly constrained by the urban expansion area overlay which limits development opportunities so as not to preclude future residential intensification of this space.

Overall, the above has demonstrated that the cumulative effects are small, and that the proposal is unusual or distinguishable enough to set it apart from other consents, so as to address perceived precedent effects.

## 7.10 Positive Effects

Positive effects are an important consideration in terms of an Assessment of Environmental Effects. Section 104(1)(a) of the RMA requires that the Council must have regard to “any actual and potential effects on the environment of allowing the activity”. “Effect” is defined in section 3 of the Act as including “any positive or adverse effect”. In addition, the consent authority is required to have regard to “any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environments that will or may result from allowing the activity”.

The proposed development will generate a number of positive effects<sup>28</sup>. These include:

- Employment and servicing opportunities during the construction and operation phase of the retirement village. At present, there are over 200 people engaged in construction activities on the site. This will include using Sanderson’s Waikato based construction team, local contractors and suppliers, and future opportunities for local contractors with maintenance and villa refurbishment in the future.
- The transition of elderly from general housing to the TCC village that will open up further housing supply for the balance of the population to help with fulfilling housing supply shortages.
- The expansion of the retirement village will result in a positive social contribution to the Tamahere community that the TCC village has already established. The extension will also tap into the existing amenities that the existing TCC village provides.
- Five conflict points with the Te Awa cycleway will be closed, therefore improving the safety of the users of that infrastructure.
- The proposed planting, particularly the native screen planting, will improve the biodiversity and habitat characteristics of the site through the addition of new planting.
- The extensions will not require connections to Council’s reticulation, being independently serviced and managed, which means there are no additional infrastructure costs to Council.

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<sup>28</sup> See also Table 8.1 in section 8.1.1 of this report for further details on the environmental, social, cultural and economic benefits.



## 7.11 Conclusion of Effects Assessment

Overall, the proposal represents a logical extension of the existing TCC village that adjoins both extension sites. The extension will provide further supply of a high demand retirement village living options in environment that already has such built form and the development will appear as a natural continuation of the TCC village.

The above assessment of potential adverse environmental effects confirms that any effects will be able to be appropriately managed and mitigated to be minor, at worst, with most effects being less than minor. Key to these conclusions is the consideration of the receiving environment, the scale and location of the built form and the extension of and connections to the existing transportation and three waters networks, the extensive landscaping (including mitigation planting) and the fact that the majority of the land is not available for productive land uses as of today. There will be loss of high-class soils, however, in a site and district context this loss is negligible. Consent conditions are expected where appropriate to ensure adverse effects are appropriately avoided or mitigated as outlined in this application.



## 8. Assessment of Other Relevant Provisions

In accordance with s104(1)(b) and s104(1)(c) of the RMA, the following assessment considers the proposal in terms of the relevant National and Regional Policy Statements, National Environmental Standards ('NES') and other statutory and non-statutory matters that the council is required to 'have regard to' in their assessment of the application. The requirement to 'have regard to' means that the decision maker must give those matters genuine attention and thought but the decision maker is not necessarily required to accept them<sup>29</sup>.

### 8.1 National Policy Statements

NPSs prescribe objectives and policies for the protection of matters of national significance that are relevant for achieving the purpose of the RMA. There are six national policy statements that are currently in place covering highly productive land, urban development, freshwater, renewable electricity generation, electricity generation and the coastal environs. All District and Regional Plans are required under the RMA to "give effect to" NPS'.

One of the six NPS' are relevant to the proposed development, being the National Policy Statement Highly Productive Land ('NPS-HPL').

#### 8.1.1 National Policy Statement – Highly Productive Land

The NPS-HPL came into effect on the 17 October 2022. Guidance on the interpretation and implementation of the NPS-HPL was released by the Ministry for the Environment in December 2022 ('MfE Guidance'). The policy direction<sup>22</sup> of the NPS-HPL is to protect highly productive land ('HPL') by prioritising land-based primary production; avoiding subdivision of HPL, protecting HPL from inappropriate use and development and managing reverse sensitivity effects so as not to constrain land-based primary production activities. HPL is defined as being land that has a Land Use Capability ('LUC') class of 1-3.

As outlined in section 4.9 above, the site has a land use capability of class 1 and 2, is zoned rural and is not earmarked for future development. On this basis, the NPS-HPL is a relevant consideration for this application.

Being a land-use consent, policies 1, 2, 4, 6, 8 and 9 of the NPS-HPL are relevant to this application. The key policy is Policy 8, which states:

*Highly productive land is protected from inappropriate use and development.*

Policy 8 is implemented through Clause 3.9. Clause 3.9(1) states:

*Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*

Therefore, the starting point for assessment of these applications (under the NPS-HPL) is that inappropriate use or development of highly productive land that is not land-based primary production is to be avoided (Clause 3.9(1)). Clause 3.9(2) provides a list of essentially deemed appropriate exceptions. The nature of the applications sought herein are not provided for one of those exemptions. The assessment therefore defaults to Clause 3.10.

Clause 3.10 provides a series of specific tests to determine whether there are permanent or long-term constraints on the site that justify the HPL being used for a purpose that is not land-based primary production. The Clause 3.10(1) tests and an assessment of the proposal against them are as follows:

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<sup>29</sup> The requirement to 'have regard to' the matters above means that the decision maker must give those matters genuine attention and thought but the decision maker is not necessarily required to accept them (see *Foodstuffs (South Island) Ltd v Christchurch City Council* [1999] NZRMA 481).





- The first test (Clause 3.10(1)(a)) is that: there are permanent or long-term constraints on the land that mean the use of the HPL is not viable for at least 30 years, and it can be demonstrated that the constraints means that land-based primary production on the site cannot be economically viable for at least 30 years. Clause 3.10(2) sets out the matters to be evaluated including matters such as:
  - Alternative forms of land-based primary production;
  - Improve land-management strategies;
  - Alternative production strategies;
  - Water efficiency or storage methods;
  - Reallocation or transfer of water and nutrient allocations;
  - Boundary adjustments (including amalgamation); and
  - Lease arrangements.
  
- An assessment of the proposal against the first test is provided below and builds on that the NPS-HPL Assessment prepared by AgFirst (see **Appendix K**).
  - ‘Permanent or long-term constraints’ are not defined in the NPS-HPL, however, the MfE Guidance<sup>30</sup> sets out a non-exhaustive list of the types of constraints that are envisaged under the clause, including access to water, contamination, natural hazards or climate change related hazards and non-reversible land fragmentation. The ‘non-reversible fragmentation’ constraint is relevant to the extension sites, being that the options to consolidate the land and return it to a productive use are generally limited because of the location of the HPL (being split into multiple blocks by the existing built form), its characteristics and existing uses and proximity to consented non-rural landuses (potential for reverse sensitivity effects between the existing TCC village and productive land uses).
  - The last point is particularly relevant as whilst the pockets of HPL may be able to be consolidated through lease or boundary relocation arrangements, such consolidation is only technically viable for the southern extension, being that it could be consolidated with the adjacent landowners to the south and/or west. Even then that consolidation is marginal being that those landowners have lifestyle farms or rural-residential sized properties and are also heavily subdivided/fragmented or have low productive values. Furthermore, even if boundary adjustments or lease arrangements were entered into to enable the HPL to be used by the directly adjacent landowners there may need to be buffers from the existing TCC village to ensure that productive land uses do not conflict with the existing TCC village activities, thereby reducing the HPL available even further. Therefore, consolidation opportunities are either not available or significantly constrained.
  - In summary, AgFirst records<sup>31</sup> that:
    - The isolation of the site from any form of commercial land-based primary production also limits the opportunity to create an economic size unit to establish a higher and better use.
    - The residential lifestyle properties are realistically only able to be used for residential purposes. There are productive constraints - these properties simply will not in practical terms ever be used for any rural productive activity. These constraints will never reduce or be eliminated due to size and location.

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<sup>30</sup> Ministry for the Environment National Policy Statement for Highly Productive Land Guide to Implementation (ME 1726, December 2022) (MfE Guidance), pg 33

<sup>31</sup> Table 3 – Tamahere Country Club Assessment Against NPS-HPL by AgFirst.



- The sunk investment makes it extremely unlikely that land-based primary production will ever occur.
  - Due to the small areas available for land-based primary production, the only practical option of primary production is pastoral grazing, in the form of a hobby farm.
  - Consolidation of surrounding blocks would not provide sufficient scale to form a commercial sized farm and is impractical due to the small non-contiguous nature. This also eliminates any horticultural options – the cost of capital infrastructure would not be viable for such small blocks.
  - The fragmentation of surrounding land is irreversible, and the majority of the small surrounding pastoral areas are impracticable to be amalgamated with and sufficient scale cannot be achieved.
- ‘Economically viable’ is also not defined in the NPS-HPL but is noted in the MfE Guidance to generally be understood to mean a situation where the economic benefits of a project exceed the economic costs<sup>32</sup>. As noted in the NPS-HPL assessment, AgFirst has undertaken a detailed financial analysis of the economic viability of the current and optimal land use for these properties. This analysis shows that each of the four properties would operate at a loss, the properties are not of an economic side for commercial primary production and given the site constraints they are not suited to any other practicable options which would be more economically viable. See Table 3 and Appendix B of the AgFirst report in Appendix K for economic analysis that supports these statements and concludes that *“the properties are not economically viable for land-based primary production now or for at least 30 years”*.

For the above reasons, this requirement is also satisfied.

- The second test (Clause 3.10(1)(b)) relates to the avoidance of significant losses of productive capacity of HPL; the avoidance of fragmentation of large and geographically cohesive areas of HPL and the avoidance or mitigation of reverse sensitivity effects. An assessment of these matters is as follows:
  - The first limb of this test is to ‘avoid’ significant loss. It is understood that avoid, as established by case law means ‘not allow’. Significant loss is not defined in the NPS-HPL, however, caselaw has determined that significant means ‘sufficiently great or important; to be worthy of attention’. The MfE Guidance notes that whether the loss of HPL is significant is subjective and will need to be considered on a case-by-case basis<sup>33</sup>. In this case, the loss can be quantified to be 3ha of HPL split into two separate areas. Individually, the loss of each area is negligible. Collectively, on a district scale the loss of high-class soil also represents an negligible loss of high-class soil being 0.00196% of the 152,344ha of HPL that has been mapped in the District. Furthermore, the removal of 3ha of land for the development made little difference to the overall productive capacity of the land, since that capacity was already severely constrained at an uneconomic level as recorded in the 3.10(a) assessment above.
  - The second limb of the test requires the avoidance of fragmentation of large geographically cohesive areas of HPL. Considering the size, scale and location of the extension sites, the consented land uses on adjoining land and the adjoining title arrangements, the extension sites are not considered to be part of a geographically large and cohesive area of HPL. Furthermore, the loss of HPL is only 3ha which is split into two non-congruous areas. It is therefore already fragmented by non-productive/modified areas and will thus not give rise to any additional fragmentation. This conclusion is supported by AgFirst who note that the

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<sup>32</sup> MfE Guidance, pg 33

<sup>33</sup> MfE Guidance, pg 34



development of 56, 70 and 82 Tamahere Drive will not create any further fragmentation and for 92 Tamahere Drive as the properties in the vicinity are so heavily subdivided or fragmented that the change in land use would not create any further fragmentation and does not disrupt any large and geographically cohesive areas of HPL.

- The third limb of this test requires the avoidance or mitigation of reverse sensitivity effects. As set out above, the design of the extension sites proposes to internalise adverse effects through maintaining complying setbacks with external boundaries and planting within these setbacks to ensure that any reverse sensitivity effects are avoided. Sanderson are also proactively working with adjacent landowners and will also work with future residents to ensure that actual and perceived reverse sensitivity effects are managed. Though this engagement, Sanderson has secured a number of written approvals in support of the consent. See section 10.2 for further details around those approvals. Lastly, none of the adjoining properties are used for primary production other than small scale hobby farms with livestock. Therefore those uses will not have an impact on the proposed change of landuse.
- To conclude, the above and supporting AgFirst report has confirmed that this requirement is satisfied for both the eastern and southern extension.
- The third test (Clause 3.10(1)(c)) requires an assessment of whether the environmental, social, cultural and economic benefits of the development outweigh the environmental, social, cultural and economic costs associated with the loss of the HPL, taking into account both tangible and intangible values. That assessment is provided in **Table 8.1** below (and in Section 5.3 of the AgFirst report), which demonstrates that the benefits of the proposed development outweigh the costs associated with the loss of HPL when considered over the long term. On this basis, this requirement is also satisfied.
- Clause 3.10(2) requires the Applicant to demonstrate that permanent or long-term constraints on economic viability cannot be addressed through any reasonable practicable options that would retain the productive capacity of the land. The supporting AgFirst report and specifically their detailed economic analysis and alternative assessment<sup>34</sup> has confirmed that none of the seven indicative options provided for under Clause 3.10(2) would address the economic viability constraint either in the short term or the long (30 year) term for the following reasons:
  - Insufficient scale for alternative land-based primary production (dairy farm, dairy support farm, arable or cropping or horticulture), no adjoining land to increase scale, would require significant capital outlay, may cause off-site nuisance effects (cropping noise and dust) and not economically viable.
  - The constraints of irreversible land fragmentation and small scale cannot be overcome by land management strategies.
  - The size does not apply for alternative land based primary production or diversification.
  - Irrigation would require substantial investment and would not be economic.
  - No additional surrounding rural land for expansion, amalgamation of lease due to small non-contiguous nature of adjoining properties.
- Clause 3.10(3) requires the evaluation under subclause (2) to not take into account economic benefits, must consider the impact that the loss of HPL would have on the landholding which the HPL occurs and must consider the future productive potential of land-based primary production on HPL – not limited by its past or present uses. Table 7 of the AgFirst provides this assessment and notes that:

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<sup>34</sup> Table 6 - Tamahere Country Club Assessment Against NPS-HPL by AgFirst



- The assessments of reasonable practicable options have been made independent of any potential economic benefit.
- The impact of the proposed land use change will have on the remaining HPL is negligible, it is already at a small and insufficient scale to be economic, as indicated by the gross margin analysis.
- The highest and best land-based primary productive use for the site, both now and future, is pastoral grazing at a sustainable stocking rate. There are no additional reasonable and practicable land management strategies for improving the productive capacity of the site.

On this basis, this requirement is also satisfied.

To conclude, there is no question that the objective of the NPS-HPL is to protect highly productive land for land-based primary produce, and this policy was brought about because of a widespread concern about the loss of an need to safeguard those life-supporting soils. However, the NPS-HPL does not require an absolute avoidance of alternative land uses. Clause 3.10 provides guidance on exceptions/exemptions to the avoidance imperative in a series of satisfaction tests. Being a satisfaction test entails a judgement. It is neither a bright line test nor a burden of proof test of the “beyond reasonable doubt” kind. It is more akin to the “balance of probability” test that has come to be accepted under the RMA.

Using this test and for the reasons set out above and in the supporting AgFirst reporting, it is considered that the satisfaction tests of Clause 3.10 of the NPS-HPL can be satisfied, the loss of HPL is negligible and that the proposal is therefore not inconsistent with the NPS-HPL.



**Table 8.1**

Cost and Benefit Assessment		
	Cost	Benefit
Environmental	<ul style="list-style-type: none"> <li>• A loss of 3.8ha of highly productive land. The consequential loss of the ability for that land to be used for productive land uses including primary production.</li> <li>• The removal of existing established vegetation/trees.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed design utilises three waters reticulation and connections to Tamahere Drive thereby minimising additional environmental effects from establishing or requiring new infrastructure to service the extension.</li> <li>• The development outcome will provide additional planting. Environmentally, the planting will improve the biodiversity and habitat characteristics of the site through a greater diversity of species. Tree species have also been selected for their wider properties (i.e. feeding, cleaning properties), not just aesthetics. The native screen planting will increase habitat value and overall, the planting will provide a better-quality habitat than currently exists.</li> <li>• The design will also retain the protected tree.</li> </ul>
Social	<ul style="list-style-type: none"> <li>• There is an opportunity cost that different rural activities (including those yet to be invented) will not be able to be established on the site in the future.</li> <li>• The expansion of further non-rural landuses has the potential to result in reverse sensitivity effects derived from locating a residential type activity next to adjacent rural landowners.</li> </ul>	<ul style="list-style-type: none"> <li>• The expansion will further help fill a void in the housing market for high-quality retirement living, catering for the needs of an ageing population.</li> <li>• The relocation of elderly to retirement village accommodation will free up existing residential housing capacity in the Waikato Region.</li> <li>• Employment opportunities through the construction period of 5-7 years. The proposed development will also enable Sanderson’s Waikato based construction team to retain employment within the Waikato region and for their current employer to provide certainty of employment.</li> <li>• Transportation connections via those already enabled to Tamahere Drive will result in the closure of five access points to Tamahere Drive, removing those conflict points with Te Awa cycleway and Tamahere Drive.</li> <li>• The development will build on, strengthen and support the village and amenities already established through the existing TCC village.</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>• The proposed development will destroy an existing archaeological site that is part of the Waikato Horticultural Complex.</li> </ul>	<ul style="list-style-type: none"> <li>• A partnership approach Ngāti Hauā will be fostered as set out in the CVA and built on through active engagement between the parties.</li> <li>• Any impacts on archaeological sites will be counterbalanced by archaeological investigation that may provide more understanding of the wider Waikato Horticultural Complex.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• Loss of highly productive land on the site will result in minimal opportunity cost, since the</li> </ul>	<ul style="list-style-type: none"> <li>• The HPL is not contiguous, is not currently used for productive purposes, has limited productive value and has a low level of return. The extension of the TCC</li> </ul>





	<p>current use of the HPL is hobby farming or small scale farming/Christmas trees.</p> <ul style="list-style-type: none"> <li>• Lost opportunity that different rural activities (including those yet to be invented) will be prevented from being established on the site in the future.</li> </ul>	<p>village will result in a more effective use the land, and consequently will result in a far superior economic benefit (across the whole site).</p> <ul style="list-style-type: none"> <li>• The construction of the development will result in a significant economic value to the region. In addition, the construction will enable Sanderson’s Waikato based construction team to retain employment within the Waikato region and with their current employer and spend their wages in the Waikato region.</li> <li>• There are no infrastructure loading costs for Council with all infrastructure being managed on-site.</li> </ul>
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## 8.2 National Environmental Standards

National Environmental Standards (NESs) are technical standards, methods or requirements that apply nationally and may specify how identifies activities must be treated. In some causes the NESs may include regulations that will ‘override’ the rules in regional or district plans, if those rules are inconsistent with or contract to the standards. There are nine NESs that are currently in place covering matters such as contamination, air quality, electricity transmission, freshwater, human drinking water, storage of tyres and telecommunication facilities.

Only one of these NESs are relevant to the consenting being sought being the NES for Assessing and Managing Contamination in Soil to Protect Human Health (‘NESCS’). This NES is assessed below.

### 8.2.1 National Environmental Standard – Assessing and Managing Contamination in Soil to Protect Human Health (NESCS)

NESCS commenced on the 1 January 2012. The NESCS was established to ensure land affected by contaminated soil is appropriately identified and assessed when soil disturbance, soil sampling, subdivision or land use change activities take place. The NESCS applies to any piece of land on which an activity or industry described in the current edition of the HAIL is being undertaken, has been undertaken or is more likely than not to have been undertaken. The NESCS is administered by district and city councils.

For the purposes of establishing whether a HAIL activity has been undertaken on the extension sites a DSI was prepared by HD Geo for the site (see **Appendix H**). The DSI is discussed in detail in section 4.5. In summary, that reporting confirms that the land at 92 Tamahere Drive is a ‘piece of land’ due to historical activities associated with orchard/market gardens and the application of persistent pesticides.

As set out in section 5.7 above, where soil disturbance or a land use change is proposed on a piece of land, the regulations of the NESCS apply to the site. The regulations of NESCS provide for soil disturbance is a permitted activity on a piece of land if the volume of the disturbance does not exceed 25m<sup>3</sup> per 500m<sup>2</sup> of site area, pursuant to Regulation 8(3) of the NESCS. The proposed earthworks are likely to exceed the permitted activity standard.

Soil disturbance is a controlled activity on a piece of land if a DSI of the piece of land exists and the DSI states that the soil contamination does not exceed the applicable standard in regulation 7. The HD Geo DSI has confirmed that the contamination is above background but is below human health guidelines. As such, the earthworks on 92 Tamahere Drive require a consent as a controlled activity under Clause 9 of the NESCS. Based on the matters of control set out in Clause 9, that consent is likely to include consent conditions relating to earthworks and more specifically the preparation of a Site Management Plan to manage health risks associated with the earthworks on 92 Tamahere Drive. Further assessment of the potential effects of contamination on the environment and to human health are set out in section 7.8.2 above.

## 8.3 Regional Policy Statement

The Waikato Regional Policy Statement (‘RPS’) is a high-level broad-based document containing objectives and policies the purpose of which is to provide an overview of the resource management issues of the regional and to achieve integrated management of the natural and physical resources of the Region.

The RPS outlines a number of objectives that are relevant to the proposal and the achievement of the objectives is via the policies. The relevant objectives and policies are set out as follows:

- Objective IM-O1 – Integrated management
  - Policy IM-P1 – Integrated approach
- Policy IM-P2 – Collaborative approach



- UFD-P1 – Planning and co-ordinated subdivision, use and development
- UFD-P2 – Co-ordinating growth and infrastructure
- Objective IM-O2 – Resource use and development
  - LF-P8 – Maintain or enhance the life supporting capacity of the soil resource
- Objective IM-O4 – Health and wellbeing of the Waikato River
  - Policy IM-P5 - Maintain and enhance areas of amenity value
  - Policy LF-P5 – Waikato River catchment
- Objective IM-07 – Relationships of tāngata whenua with the environment
  - Policy IM-P3 – Tāngata whenua
  - Policy HCV-P1 – Managing historic and cultural heritage
  - Policy HCV – P2 – Relationship of Māori and taonga
  - Policy HCV-P3 – Effects of development on historic and cultural heritage
- Objective IM-O8 – Sustainable and efficient use of resources
- Objective - LF-O5 – High class soils
  - Policy LF-P8 – Maintain or enhance the life supporting capacity of the soil resource
  - Policy LF-P11 – High class soils
- Objective IM-O9 – Amenity
  - Policy – IM-P5 – Maintain and enhance areas of amenity value
  - Policy AIR-P2 – Manage discharges to air
  - Policy AIR-P3 – Manage adverse effects on amenity

In summary, for the various reasons outlined below, the extension of the TCC village is generally consistent with the objectives and policies of the RPS:

- The extensions have been designed in a comprehensive manner, taking into account the recommendations of various experts to ensure a well-planned and integrated development that seamlessly integrates with the existing TCC village and adjacent land uses and provides further housing supply for an aging population.
- The application herein addresses infrastructure provision and transport effects and takes into account potential effects on various aspects of the existing environment. Further, runoff during construction and permanent stormwater runoff will be treated and disposed of to ensure effects on the downstream receiving environment are avoided or otherwise minimised to the best extent practicable.
- The integrated approach taken to the design of the development is considered to have achieved the best possible outcomes, a high level of amenity and an efficient built development, that responds to the receiving environment.
- The proposal is consistent with the Vision and Strategy as the proposed erosion and sediment control, stormwater and wastewater management measures will ensure that contaminant discharges are avoided off site and minimised on site and will not affect the downstream environment and the health and wellbeing of the Waikato River. The development outcome also provides for native planting which have environmental and biodiversity benefits.
- Earthworks can and will be managed to avoid adverse effects on the receiving environment.
- Partnership with Ngāti Hauā, has been expressed via the engagement undertaken and as confirmed in the CVA.
- Although the site is not zoned for urban development, the loss of highly productive land is considered to be negligible when considering its scale, the existing built form, the productive potential of the land and the fact that the highly productive land is split into two non-congruous areas of the site, limiting its productive potential.



### 8.3.1 Waikato Regional Policy Statement Proposed Change 1

In addition to the above, the RPS has recently been updated to incorporate the requirements of the NPS-UD and to reflect the updated Future Proof Strategy (Proposed Change 1). The Proposed Change 1 includes:

- A revised urban form and development chapter, to ensure that the RPS is giving effect to the NPS-UD.
- Deleting the specific provisions relating to growth strategies prepared by territorial authorities outside of the Future Proof subregion. These have been replaced with generic provisions to guide preparation of, and give weight to, growth strategies.
- Updating the provisions that relate to the Future Proof subregion to reflect the updated Future Proof Strategy.

Decisions on Proposed Change 1 were released on the 26 October 2023.

#### *Changes to 'SRMR – Significant Resource Management Issues'*

The changes proposed to SRMR seek to address the effects of climate change by supporting a reduction in greenhouse gas emissions (see SRMR-I2 and SRMR-PR2) and managing growth of the built environment so as to meet the requirements of the NPS-UD around a well-functioning urban environment and sufficient development capacity (see SRMR-I4 and SRMR-PR4). These issues, in the context of the consents sought, are addressed in the specific objective and policy changes examined below.

#### *Changes to 'IM-Integrated Management'*

##### IM-O5 Climate Change

This objective has been amended to include the following additional new clause:

2. *support reductions in greenhouse gas emissions within urban environments and ensure urban environments are resilient to the current and future effects of climate change.*

The applications will support reductions in greenhouse gas emissions by:

- Connecting the proposed development outcomes with the existing TCC village footprint and linking with the community facilities already provided for which enables residents to cater for their day to day recreational needs.
- Locating the development near major transportation routes (SH1 and SH21) and the Te Awa Cycleway.
- Promoting active modes of transport within the TCC village by providing for walking and cycling opportunities within the development and that connect to the Te Awa Cycleway.
- Being resilient to the current and future effects of climate change by implementing stormwater management measures into the development of the extensions. The design has been modelled to account for temperature increases due to climate change.

#### *Changes to 'UFD – Urban Form and Development'*

The most significant changes to the RPS that have a bearing on the consents sought are those contained in UFD – Urban Form and Development section.

##### UFD-O1 – Built Environment

The key objective under UFD section is UFD-O1 – Built Environment. This objective seeks to ensure that development of the built environment and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes. To achieve this one of the key drivers is to strategically plan for growth and development to create responsive and well-



functioning urban environments. Proposed Change 1 amended this objective to include the following new clause:

*Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable, planned manner which enables positive, environmental, social, cultural and economic outcomes, including by:*

12. *strategically planning for growth and development to create responsive and well-functioning urban environments, that:*
  - a. *support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change;*
  - b. *improve housing choice, quality and affordability;*
  - c. *enable a variety of homes that enable Māori to express their cultural traditions and norms;*
  - d. *ensure sufficient development capacity, supported by integrated infrastructure provision, including additional infrastructure, for community, and identified housing and business needs in the short, medium and long term;*
  - e. *improves connectivity within urban areas, particularly by active transport and public transport;*
  - f. *take into account the values and aspirations of hapu and iwi for urban development.*

As noted above supports reductions in greenhouse gas emissions and will be resilient to the current and future effects of climate change. The consent sought will provide an alternative housing choice, for an aging population, in a location where such form of living is already been provided and supported. The design of the development outcome ensures that the extensions are well connected externally and internally to the TCC village. Consultation has been undertaken with Ngāti Hauā to ensure that the principles, significant values and issues this hapu have are articulated, acknowledged and understood in response to expansion. Their values are articulated in the CVA.

The relevant supporting policies are:

- UFD-P1 – Planned and co-ordinated subdivision, use and development;
- UFD-P2 – Co-ordinating growth and infrastructure;
- UFD-P11 – Adopting Future Proof land use pattern; and
- UFD-P14 – Rural-residential development in Future Proof area.

The consents sought herein are not entirely consistent with the above policies, particularly those relating to the adopting the future proof land use pattern and constraining new urban development to Urban and Village Enablement Areas. This is because all Tamahere, including the existing Large Lot residential zone and the TCC village, sits outside of both the urban and village enablement areas. Urbanisation of this land, to the form experienced within the centres such as Hamilton and Cambridge is therefore not anticipated. Based on the effects assessment in section 7 of this application, it is considered that the applications are appropriate and will in their own manner enable expansion of existing facility, can be undertaken in a manner that recognises and addresses potentially cumulative effects, has regard to receiving environment by being directly adjoining an existing retirement village, does not place unreasonable burdens on Council funded or provided infrastructure and results in a negligible loss of highly productive land.

There are also changes to 5.1 Appendices section that are relevant, including APP11.

APP11 includes a set of principles to guide future development of the built environment within the Waikato Region. The RPS acknowledges that these principles are not absolutes, and it is recognised that some developments will be able to support certain principles more than others. An assessment against APP11 is provided in **Table 8.2** for the purpose of demonstrating how the development addresses those relevant principles.





**Table 8.2**

<b>APP11 – General development principles</b>	
<b>Relevant Sections</b>	<b>Assessment</b>
Support existing urban areas in preference to creating new ones.	The extensions support and are supported by the existing TCC village, which distinguishes the development outcome sought from a new retirement village in a rural environment.
Occur in a manner that provides clear delineation between urban areas and rural areas.	The site layout, particularly for the southern extension has been deliberately designed so that it does not provide opportunities for further expansion of the village to the west or south, through the physical barriers proposed (i.e. bunds, planting and swale). This design outcome will create a clearer delineation between the TCC village and the rural land adjoining in a manner that is stronger than which exists today.
Make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas.	The extensions are for a defined development outcome, retirement living, and are not standalone as they are relying on the infrastructure and amenities of the existing TCC village. This is what makes these consents sought unique.
Not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated.	The Infrastructure Report and Integrated Transportation Assessments (Appendix E and F respectively) have confirmed how the extension sites can be serviced by existing infrastructure and has specifically outlined that there is sufficient capacity within the exiting water and wastewater reticulation and consenting thresholds for this outcome. Furthermore, no wholesale upgrades are required.
Connect well with existing and planned development and infrastructure.	
Identify water requirements necessary to support development and ensure the availability of the volumes required.	
Be planned and designed to achieve the efficient use of water.	
Be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils.	The extension sites are not near any identified areas, other than high class soils. The assessment in relation to high class soils has confirmed that the loss will be negligible.
Promote compact urban form, design and location to: <ul style="list-style-type: none"> <li>i. minimise energy and carbon use;</li> <li>ii. minimise the need for private motor vehicle use;</li> <li>iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;</li> </ul>	The development plan has provided for active modes of transport, while including a road network and connections to the local roading network that is tailored towards the future landuse. The site’s proximity to the existing TCC village, the Tamahere centre and the Te Awa Cycleway means that it is well located to encourage walking, cycling and multi-modal transport connections.



<p>iv. encourage walking, cycling and multi-modal transport connections; and</p> <p>v. maximise opportunities for people to live, work and play within their local area.</p>	
Maintain or enhance landscape values and provide for the protection of historic and cultural heritage.	A specific landscape masterplan has been designed to provide an appropriate interface with the surrounding landuses, maintain the character of the site and provide for cultural heritage.
Promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged.	The use of native vegetation planting within the landscape masterplan will give rise to positive indigenous biodiversity outcomes.
Maintain and enhance public access to and along the coastal marine area, lakes, and rivers.	The extension sites do not directly connect to the stream, so no public access is provided for.
Avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD).	Future development of the extension sites will include stormwater management devices to appropriately manage stormwater on-site (and not exacerbate flooding or stormwater quality effects in the catchment).
Adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate.	Some of these outcomes i.e. energy efficient and rainwater harvesting and design outcomes for the TCC village.
Not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure.	Landscaping and setbacks particularly along the interface between the southern and western boundaries and the adjacent rural land are proposed to reduce reverse sensitivity effects between the extension sites and rural activities.
Be appropriate with respect to current and projected future effects of climate change and be designed to allow adaptation to these changes and to support reductions in greenhouse gas emissions within urban environments.	The applications supports reductions in greenhouse gas emissions and will be resilient, in terms of stormwater design, to the likely current and future effects of climate change.
Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered.	Relationships with tangata whenua are provided for in the applications as recorded in section 9 of this application.
Support the Vision and Strategy for the Waikato River in the Waikato River catchment.	The proposal is consistent with the Vision and Strategy as the proposed erosion and sediment control, stormwater and wastewater management measures will ensure that contaminant discharges are avoided off site and minimised on site and will not affect the downstream environment and the health and



	wellbeing of the Waikato River. The development outcome also provides for native planting which have environmental and biodiversity benefits.
Encourage waste minimisation and efficient use of resources (such as through resource efficient design and construction methods).	Waste minimising and efficient use of resources (such as through resource-efficient design and construction methods) can be adopted into future development of the extension sites.
Recognise and maintain or enhance ecosystem services.	Not applicable.

Although not technically a pure rural-residential development, the assessment in **Table 8.3** also assesses the extensions against the principles specific to rural-residential development.

**Table 8.3**

<b>APP11 – Development principles specific to rural-residential development</b>	
<b>Relevant Sections</b>	<b>Assessment</b>
Be more strongly controlled where demand is high.	The PDP provisions control the land use outcome.
Not conflict with foreseeable long-term needs for expansion of existing urban centres.	The extension land has not been earmarked for long-term needs for future expansion of Hamilton.
Avoid open landscapes largely free of urban and rural-residential development.	As set out in section 4.10 the receiving environment is not free of urban and rural-residential development.
Avoid ribbon development, and where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes.	The extension outcomes, particularly the eastern extension will read as part of the existing TCC village and will therefore not appear as ribbon development. The design outcomes for the extensions also relies on existing access connections to Tamahere Drive.
Recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes.	The existing TCC village provides a large proportion of the recreational amenities it residents require. The site is also well connected to the local walking and cycling network and the Devine bus stop that is serviced by the Cambridge service.
Minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping.	The Landscape and Visual Assessment has confirmed that visual effects and effects on rural character will be appropriate. Furthermore, a comprehensive landscape masterplan has been prepared in support of the consent outcomes.
Be capable of being serviced by onsite water and wastewater services unless services are to be reticulated.	The Infrastructure Report (Appendix E) has how the extension sites can be serviced by existing infrastructure and has specifically outlined that there is sufficient capacity within the exiting water and wastewater reticulation and consenting thresholds for this outcome.
Be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.	There are no sensitive areas that require protection within the extension sites.



## 8.4 Tangata Whenua Legislative Context

### 8.4.1 Waikato-Tainui (Raupatu Claims) Settlement Act 2010

The Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted in May 2010 with the purpose of implementing co-management of the Waikato River between Waikato Tainui and the Crown for the purpose of restoring and protecting the health and well-being of the Waikato River for future generations. Through this piece of legislation, it is intended to implement the 'Vision and Strategy' for the River.

The Vision and Strategy forms part of both district plans and the RPS (as assessed above) and is given effect through the plans (district and regional) administered by regional and territorial authorities along the river. The settlement also provides for joint management agreements between Waikato-Tainui and the local authorities; participation in river-related resource consent decision-making; recognition of a Waikato-Tainui Environmental Plan provision for regulations relating to fisheries and other matters managed under conservation legislation and an integrated river management plan.

The TCC village and extension sites are located within the Waikato River catchment and ultimately discharges from the sites will find their way to the Waikato River. In consideration of that setting, the earthworks required to facilitate the extension will be undertaken subject to the installation of specific erosion and sediment controls to ensure that any downstream water quality effects are avoided. For this reason, the earthworks are considered to present a minimal to no potential for adverse effects on the Waikato River.

Stormwater will also be managed on-site via attenuation and treatment. With this management, stormwater is not expected to give rise to inappropriate downstream effects. Wastewater is also treated on site using a secondary treatment system, it is then disposed of on site and is subject to an existing consent. There is also sufficient separation from groundwater and water supply bores. Overall, these systems are designed to ensure adverse effects on the environment, including any downstream waterbody or ecosystem is appropriately avoided or mitigated.

Having given regard to the Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010, it is considered that there are no aspects of the proposal which are inconsistent with the objectives of the Vision and Strategy document.

### 8.4.2 Ngāti Hauā Claims Settlement Act 2014

The Ngāti Hauā Claims Settlement Act 2014 was enacted December 2014 with the purpose of addressing the breaches of the Treaty of Waitangi and implementing an agreement and understanding moving forward. The settlement legislation includes an apology from the Crown, an agreed historical account, cultural redress as well as financial redress.

The intent of the settlement legislation is to foster a respectful and meaningful relationship between Ngāti Hauā and the Crown and to ensure Ngāti Hauā are involved in a constructive manner in regard to decision making and the development on land within their rohe moving forward.

The entirety of the wider Tamahere area and part of the wider Waipa area, including the Waikato River and tributaries are identified as being within the Ngāti Hauā Area of Interest as defined through the settlement legislation. Ngāti Hauā have developed an Environmental Management Plan ('EMP') which articulates the values, frustrations and aspirations of the iwi and addresses, the health and wellbeing of land and waterbodies within the rohe. This EMP is assessed in more detail in section 8.5.1 below.



The values of Ngāti Hauā have been addressed through the engagement to date and documented in the CVA. The CVA records that Ngāti Hauā wish to have an active input in the decision making of issues involved with the project and facilitates an ongoing partnership as the development progresses. This is considered to provide opportunities for Ngāti Hauā to give effect to this Settlement Act.

## **8.5 Non-Statutory Matters**

### **8.5.1 Waikato Tainui Environmental Plan**

Waikato-Tainui Te Kauhanganui Incorporated is the iwi authority for Waikato-Tainui and the author of Ta Tumu, Tai Pari, Tai Ao (the Waikato-Tainui Environmental Management Plan – WTEP). The WTEP contains the aspirations of iwi and was developed from Whakatapuranga 2050, a long-term development approach to building the capacity of Waikato-Tainui Marae, hapu and iwi. The WTEP sets out regional issues, objectives, policies and methods; designed to enhance Waikato-Tainui participation in environmental management. The WTEP is a relevant other matter to be considered under s104(1)(c).

The WTEP provides a background to, and identifies key resource based issues for Waikato-Tainui. The plan sets out Waikato-Tainui’s vision statement for environmental and heritage issues and key strategic objectives such as tribal identity and integrity, including “to grow our tribal estate and manage our natural resources”. The plan is designed to enhance Waikato-Tainui participation in resource and environmental management. The WTEP has been considered and assessed in light of the proposal.

The archaeological assessment identifies that there is an archaeological site within part of the site and assesses the potential effects of the destruction of that site as part of the development outcome. Effects were concluded to be minimal, due to the prevalence of Māori soils in the wider environment. Furthermore, there has been no specific request for the protection of that site from Ngāti Hauā.

The extension of the TCC village will not impact on the ability of Waikato-Tainui to use the Waikato River as it does not directly adjoin it. The Vision and Strategy provisions are also included within the RPS and those provisions have been assessed above (section 8.3). The proposed methods of best practice stormwater and wastewater treatment will prevent the degradation of water quality within the receiving environment and the social, cultural and aquatic values of those water bodies (downstream receiving environment being the Waikato River). To that effect, the development will actively seek to uphold the preservation of water quality.

On the basis of the above assessment, it is concluded that the proposed development will be consistent with the objectives and policies of the WTEP and will give effect to the purpose of the WTEP within Section C of that document.

### **8.5.2 Ngāti Hauā Environmental Management Plan**

‘The Ngāti Hauā Environmental Management Plan has been developed by Ngāti Hauā Iwi Trust in partnership with Ngāti Hauā marae. The Plan expresses Ngāti Hauā values in relation to the health and wellbeing of their lands, air, waters, wetland and fisheries, urban development within the rohe, cultural heritage and customary activities, and the use and development of Māori land including marae, urupa and papakainga.

The plan outlines ways to support and enhance Ngāti Hauā as tangata whenua and enhance their role as kaitiaki. The plan further specifies priority projects and expectations of consultation undertaken by others with Ngāti Hauā.

The Plan is split into various parts, with Part 3 outlining the policies of the Plan and Part 4 outlining the implementation of the Plan. The applicant recognises the importance of the Ngāti Hauā Environmental Management Plan, particularly in relation to implementing it in developments undertaken within the rohe.





Part 4 outlines that engagement with Ngāti Hauā, and implementation of accidental discovery protocols are key to implementing the Plan and are two implementation methods the applicant is able to undertake.

Early engagement with Ngāti Hauā has been undertaken regarding this project. That engagement has been recorded in the CVA, whereby they have confirmed their support for the development.

For the above reasons, it is concluded that the consents sought herein have given consideration to the Ngāti Hauā EMP and is consistent with the implementation of that Plan.

Overall, this proposal is consistent with the Ngāti Hauā EMP.



## 9. Engagement

### 9.1 Neighbouring Landowners

Sanderson have engaged with the neighbouring landowners identified in **Figure 21** below, on the basis that they adjoin the site, or have properties in proximity to the site. The purpose of the engagement has been to advise them of Sanderson's intentions with the expansion sites and thereafter to identify and potentially address any concerns they specifically had with the development outcome. Written approvals have been obtained from 8 adjacent landowners, as summarised in Table 9.3, on the following page. The location of these properties relative to the extensions is demonstrated in **Figure 21**, with copies of the written approvals provided in **Appendix M**.

**Figure 21: Neighbouring Landowners**



**Table No. 9.3**

<b>Written Approvals received</b>			
<b>Map ref</b>	<b>Owner</b>	<b>Address</b>	<b>Legal Description</b>
1	Karin and Lyndon McFetridge	63 Tamahere Drive	Lot 1 DP 390217
2	Katherine Jones & Bryce Kendrick	67 Tamahere Drive	Lot 2 DP 390217
3	Peter Stockley & Stephen Williams	85 Tamahere Drive	Lot 3 DP 390217
4	Liu Wenjing	101 Tamahere Drive	Lot 1 DPS 88069
5	Brendon & Helen Russo	104 Tamahere Drive	Lot 2 DP 407103
6	Simon Henshaw	98 Tamahere Drive	Lot 1 DP 407103
7	Pacific Tiger Ltd	47B Pencarrow Road	Lot 2 DP 347835
9	Paul and Donna White	21 Pencarrow Road	Lot 3 DP 330380

## 9.2 Iwi Engagement

Consultation has been undertaken with Ngāti Hauā to ensure that the principles, significant values and issues this hapu have are articulated, acknowledged and understood in response to expansion. Their values are articulated in the CVA.



## 10. Notification

Sections 95A to 95E of the RMA provide the assessment for notification, both public and limited, of consent applications.

Section 95A relates to public notification, with clause (1) setting out that the consent authority must follow a number of steps, to determine whether to publicly notify an application for a resource consent. The first step under clause (3)(a) is has the Applicant requested that the application be publicly notified.

Sanderson, request that the applications for both the eastern and southern extensions are publicly notified.

With this request, public notification is expected.



## 11. Statutory Framework – Resource Management Act 1991

### 11.1 Section 104

Section 104(1) sets out the matters the consent authority must have regard to. They are subject to the overriding provisions of Part 2. The relevant matters in s104(1) can be summarised as:

- The actual and potential effects on the environment of allowing the activity.
- Any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
- Any relevant provisions of a National Environmental Standard.
- Any relevant provisions of a plan or proposed plan.
- Any provisions of a Regional Policy Statement or proposed Regional Policy Statement and Regional Plan.
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The proposal has been assessed against all identified provisions where relevant in this report. It is determined there are no other matters of relevance to an assessment of the applications sought.

### 11.2 Section 104B and 104D

Section 104D of the RMA establishes a 'gateway test' that acts as an additional test for non-complying activities to satisfy. In order to pass the gateway test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor (s104D(1) (a)) or the activity will not be contrary to the objectives and policies of the District Plan (s104D(1)(b)).

Section 7 of this report assesses the environmental effects of the proposal. It concludes that there will be no adverse effects on the environment that are more than minor. Section 6 of this report assesses the activity against the relevant objectives and policies of both district plans, whereby the conclusion is that the proposal is not considered to be contrary with the objectives and policies of either district plan as a whole even though there are inconsistencies with some objectives and policies. Furthermore, the PDP has a policy framework that supports additions to existing retirement villages.

Based on those conclusions, it can be concluded that the land use consent sought for the expansion of the TCC village has passed based both limbs of the gateway test required by s104D of the RMA. Even if Council considered that the proposal was contrary to the objectives and policies of either district plan, the assessment has demonstrated that one limb of the s104D test is met. Having passed at least one limb, a substantive decision can be made having regard to s104 and s104B.

### 11.3 Section 104A

In relation to the NESCS consent sought, the assessment is limited to s104A. Section 104A, requires the consent authority to grant the consent for a controlled activity, and in doing so they may impose conditions. Those conditions however can only be in relation to the matters control is reserved over. In this situation those conditions are only allowed to cover the matters set out in Clause 9(2) of the NESCS, being matters such as the adequacy of the DSI, how the activity is to be managed, monitoring and reported, transportation of materials, review conditions and duration of the resource consent.





## 11.4 Section 127

Section 127 of the RMA prescribes the requirements and provisions for applications seeking to change, vary or cancel the conditions of resource consents. The relevant provisions of s127 are assessed below:

- 1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
  - a) *The holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan; and*
  - b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of a consent;*
- 2) *[Repealed]*
- 3) *Sections 88 to 121 apply, with all necessary modifications, as if:*
  - a) *The application was an application for a resource consent for a discretionary activity; and*
  - b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively;*
- 4) *For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who:*
  - a) *Made a submission on the original application; and*
  - b) *May be affected by the change or cancellation.*

Section 127(1) sets out that a holder of a resource consent may apply for a change of a condition of the consent. This application is being made by the consent holder (Sanderson Group).

Section 127(3)(a) of the RMA states that all applications for a change or cancellation of conditions of a resource consent shall be considered as a discretionary activity. Furthermore, section 127(3)(b) states that in assessing an application for a change or cancellation of conditions the effects of the change or cancellation only need be considered.

Accordingly, the assessment that follows in the s127 application portions of this report are limited to the effects of the change only. The changes being the additional dwellings, and the inherent increase in building coverage.

Section 127(4) states that in determining adversely affected persons, the criteria in clause (a) and (b) must be considered. These matters are given due regard in this report.

## 11.5 Section 221

Section 221(3) specifies that at any time after the deposit of a survey plan, an owner may apply to the territorial authority to vary or cancel a condition specified in a consent notice. Part C of this application has accordingly sought that the consent notice (B513181.3) registered on 70 Tamahere Drive is cancelled, as it is no longer relevant.

## 11.6 Part 2

Part 2 of the RMA is its purpose and principles. The overall purpose of the RMA is to promote the sustainable management of natural and physical resources. "Sustainable management" is defined to mean managing the use, development and protection of such resources in a way that enables people and communities to provide for their social, economic and cultural well-being and health and safety. Concurrently, they must:



- Sustain the potential of resources to meet the reasonable, foreseeable needs of the future generations.
- Safeguard the life-supporting capacity of air, water, soil and ecosystems.
- Avoid, remedy or mitigate adverse effects on the environment of the activity.

Part 2 matters must be given effect-to in policy, plan, and rulemaking, and when making decisions on resource consents. The District Plan details the objectives, policies and rules that the community and Council considers will promote sustainable management within the Waikato District.

The development is consistent with Section 5 of the RMA. The extension of an existing retirement village will provide for the residential housing needs of an aging population in a location where retirement village living has already been determined as being appropriate. Furthermore, the above reporting has established that the scale and density proposed is appropriate for the receiving environment. The extensions have been comprehensively designed and include mitigation measures, where appropriate, in order to ensure that effects on the environment, including reverse sensitivity, are appropriately avoided, remedied and mitigated.

Furthermore, the proposal will not compromise the life supporting capacity of air, water, and ecosystems. The loss of high-class soils is negligible when considering it in the wider context, having regard to the existing uses on the extension sites and considering its actual productive value. While the development is not entirely consistent with the objectives and policies of the district plans relating to non-rural land uses in the rural zone and will result in a loss of high-class soils, it is well established throughout this report that the site is appropriate for the proposed development. It is a seamless extension of a high demand facility in the locality. Furthermore, the development has also been demonstrated in section 7 to not give rise to adverse effects on the surrounding environment that are more than minor. The applications therefore represents sustainable management of an available land resource and is overall consistent with the sustainable management aims of the RMA.

Section 6 of the RMA contains ‘matters of national importance’ that must be recognised and provided for. It is considered that no matters of national importance are considered to be relevant to this application.

Section 7 of the RMA lists the matters that the consent authority is required to have particular regard to in achieving the purpose of the RMA. Those which are considered relevant are (b) the efficient use and development of natural and physical resources; (c) the maintenance and enhancement of amenity values; and (f) maintenance and enhancement of the quality of the environment. As a comprehensively designed development, the design approach has enabled consideration of how the amenity of the area can be best integrated and enhanced for both future residents of the village, and neighbours of the site. Amenity has been considered extensively throughout the above reporting. It is in the best interests of the retirement village to ensure that a high level of amenity and a high quality environment is achieved for future residents. The development is consistent with the design outcomes, building forms, and landscape treatment of the existing TCC site and is therefore a continuation of the well accepted high amenity development delivered by the Sanderson Group in the surrounding locality. For all of the above reasons, the proposal will contribute significantly to an enhancement of amenity values and the quality of the environment within the locality. Overall, the proposal will be consistent with the relevant provisions in Section 7.

Section 8 concerns the principles of the Treaty of Waitangi. Direct consultation has been undertaken with local iwi Ngāti Hauā Iwi Trust. Ngāti Hauā has verbally confirmed they have no objections to the proposed development subject to partnership opportunities been maintained. This has been confirmed in the CVA. On this basis the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) have been taken into account through the engagement undertaken with Ngāti Hauā.

For the reasons outlined above, the proposal is considered to achieve the purpose and principles within Part 2 of the RMA.



## 12. Conclusion

This report supports an application by Sanderson Group Limited for new resource consents for the Tamahere Country Club (retirement village) for the eastern and southern extensions under both Waikato district plans. The extensions are proposed on the properties located at 56, 70, 82 and 92 Tamahere Drive.

The land use consent has been split for both extension sites, however, collectively they provide for the establishment of 67 standalone villas and two new communal buildings (health spa and arts and crafts building) across the four sites. This application also seeks to establish two additional villas within the existing consented footprint, via s127 of the RMA; seeks to remove a redundant consent notice on 70 Tamahere Drive and seeks to authorise earthworks on 92 Tamahere Drive under the NESCS.

The architectural outcomes, three waters provision and transportation arrangements of the proposed extension have been designed to be a seamless extension of the existing TCC village. This means that there are no wholesale changes to the roading, or three waters networks required to cater for the expansion. The design also provides for an extension of the pedestrian network, large open space areas of planting (some of which is mitigation planting), generous setbacks to the adjoining rural properties and the retention of a protected tree.

The key conclusions of this report and supporting technical reporting can be summarised as follows:

- With an increasing population and aging demographics in the Waikato region, there is a need and demand to provide for a variety of living options for this ageing population. Approving this extension will help cater for this demand and likewise will free up other accommodation for others.
- A retirement village in the rural zoned sites adjacent to the extension has already been authorised through the previous consents granted to Sanderson for the TCC village. The consents sought herein are an extension of that village and will present as a seamless continuation of the TCC village. Furthermore, regardless of the sites zoning, the sites have historically been used for non-rural or commercial activities, are highly fragmented, have zero to limited productive value and in the case of the eastern extension are bounded on three sides by the existing TCC village. These characteristics mean that the extension sites and receiving environment do not exhibit typical rural character expected in a rural zone and present more like a mixed-use environment.
- The extensions will be a high-quality, high-end product and will be maintained to ensure a high level of amenity remains. Materials have been selected based on their aesthetic appeal and longevity and appropriateness for the site's climate and weather conditions. This will ensure a high level of amenity is established and upheld throughout the life of the retirement village.
- The site layout has been designed to ensure a significant building setback from the existing rural properties to the west and south of the site. The setbacks will be planted with large trees, native screen plants and other vegetation which will help to screen and/or soften the built form as viewed from adjacent properties. Furthermore, the design includes a comprehensive network of internal walking and cycling paths, as an extension of and tying into the existing walking and cycling paths in the TCC village to the north.
- The density, whilst higher than standard rural zoning, is a lower density than other forms of retirement living in a residential environment and is consistent with the density already established by the adjoining TCC village.
- Infrastructure is well-established for the existing TCC site and used to service the proposed extension. The Infrastructure Report within **Appendix E** concludes that the development can be appropriately serviced and there is capacity in the existing reticulation networks. These services will be constructed in accordance with the engineering recommendations, as required, and will not create any adverse effects on amenity, water quality, stormwater runoff, ecological values, health or safety.
- The development will not affect the safety or efficiency of the land transport network that surrounds the site as confirmed by the Stantec ITA prepared in support of the application (**Appendix F**). More specifically, no new access points to Tamahere Drive are proposed, five conflict points with Te Awa



cycleway will be removed, and the design of the existing entrances is appropriate for the level of traffic likely to use those entrances.

- The proposed development does not create any significant risk of reverse sensitivity effects. The surrounding properties are smaller rural residential sized properties which are not utilised for rural purposes and activities. Further, the dwellings on each of these properties are setback from the common boundary of the subject site. In addition to those setbacks, generous building setbacks, extensive open space areas and specific mitigation measures proposed to be implemented around the site's boundaries providing further mitigation of any potential reverse sensitivity effects.
- The proposal will result in the loss of high-class soils, however, as established by AgFirst in their NPS-HPL assessment (**Appendix K**) the productive land effects of this high-class soil are negligible having due regard to site size, location and adjoining landuses. At a district scale the loss of high-class soils represents 3ha (or 0.00196% of the 152,344ha of HPL that has been mapped in the District) which is a negligible loss.
- The assessment in terms of the NPS-HPL has demonstrated that the satisfaction tests of Clause 3.10 can be met to give Council confidence to approve the use of 3ha of HPL for the proposed development outcome.
- The contamination risks that arise from historic land uses are not anticipated to give rise to ongoing health effects subject to earthworks on the 92 Tamahere Drive property been undertaken in accordance with a Site Management Plan.
- The non-compliances with the performance standards of either district plan (i.e. number of dwellings on a site, site coverage and size of non-residential landuses) have been assessed and have been found not to give rise to any unreasonable adverse effects for the wider locality and/or adjacent properties.
- The assessment has also demonstrated that the proposal will give rise to significant positive effects in relation to social, environmental, cultural and economic matters.
- The assessment has demonstrated that the proposal is generally consistent with the objectives and policies of either district plan excluding those relating to maintaining high quality soils for productive land uses. Of direct importance in that assessment is that the PDP includes a specific policy (GRUZ-P15) that supports alterations and additions to retirement villages in the rural zone, which clearly recognises that regardless of the potential effects on productive land the expansion of an existing retirement village is an appropriate activity in the rural zone.
- The assessment also demonstrates that the proposal does not conflict with other key legislation including the Regional Policy Statement, the Vision and Strategy for the Waikato River and Te Tiririri o Waitangi.
- In terms of the weighting to be applied to the district plans, more weighting should be applied to the PDP provisions, regardless of the appeals and the more onerous activity status.
- The assessment of potential adverse environmental effects also confirms that any effects will be able to be appropriately managed and mitigated to be minor, at worst, with most effects being less than minor. Key to these conclusions is the consideration of the existing and receiving environment, the scale and location of the built form and the extensions connections to the existing transportation and three waters networks, the extensive landscaping (including mitigation planting) and the fact that the majority of the land is not available for productive land uses as of today. There will be loss of high-class soils, however, in a site and district context this loss is considered to be negligible.
- The proposal is supported by a number of written approvals which is reflective of a general acceptance to this activity within the receiving environment.

Overall the proposal will make a significant contribution to Tamahere and the Waikato District in that it will enable the expansion of a high-quality retirement village on a site directly adjoining the existing TCC village, and therefore supporting/providing a housing choice to cater for an aging population. Weighing up all the relevant considerations, the purpose of the RMA would be achieved by granting the consents that enables the expansion of the TCC village, as set out in this application.

