

Re: Private Plan Change request to the Wairarapa Combined District Plan and the Resource Consent application to the South Wairarapa District Council by the Orchards Limited Partnership for the Orchards Retirement Village, 67 Reading Street and 31 Market Road, Greytown

Hearing Date: 29 and 30 August 2019

Record of Statement to Hearing from Honor Clark, Consultant Planner on behalf of Council on 30 August 2019

1. Introduction

- 1.1 My name is Honor Brigit Clark (nee Johns for the Commissioners benefit). I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University. I have twenty-two years' experience as a Resource Management Planner, working at the Dunedin and Wellington City Council's, Tonkin and Taylor Environmental Consultancy based in Wellington, and as a Consultant Planner providing a variety of resource management services to local bodies and private clients in the Wairarapa region.
- 1.2 My planning experience includes many aspects of plan preparation and review, lodgement of resource consents on behalf of clients and literally processing 100s of resource consents within local authorities and as a Consultant.
- 1.3 I live locally and have a real interest in the South Wairarapa District.
- 1.4 I have been involved with processing the applications for the private plan change request and resource consent from the Orchards Limited Partnership on behalf of South Wairarapa District Council since they were lodged with the Council in March of this year. I reviewed all the relevant application material, assessed the applications, drafted the s92 RMA request for information, co-ordinated the notification process of the applications and prepared the s42A RMA report, which is to be taken as read.
- 1.5 I commend the applicant and their team for the effort put into the application and the consultation undertaken with the community. I believe the comprehensive nature of the application has meant that the number of submissions received are less than what would normally be expected for a development of this scale, with many submissions in support, and the withdrawal of some submissions as a result of further work by the applicant.

2. Update on Submitters wishing to be heard

- 2.1 Kendyll Harper, SWDC, spoke to Rev. Harry Newtown of St Luke's Church (Submission # 1) yesterday (29 August 2019). He is just out of hospital and won't be attending the hearing, but said he had met the Applicants and their discussions have met his concerns. He is happy that the matters raised in his submission have been adequately addressed.
- 2.2 Submitter Marty Stevens (# 5) rang this morning (30 August 2019). They had a family disaster yesterday so that is why he wasn't able to attend and unfortunately he won't be able to attend the hearing today either. He is fully in support of the proposal.
- 2.3 An email has been received this morning (30 August 2019) from the Chair of Greytown School BoT (submission #13), Jane Cooper stating:

I am the Chair of the Board of Trustees at Greytown School so just wanted to respond regarding the hearing today. Sorry, but neither Patrice (Principal), Matt or I can make it today but just wanted to state that we support the development but also reiterate our initial submission:

- Hopefully the Council can liaise with us on the roading on the Reading Street carriageway, the parking on the school side of the berm and the yellow lines on the Orchards side of the road. Also the location of any crossings.
- Also liaise with us on the issues and confusion around the intersection of Reading and McMaster Street and any changes made there.
- The flooding that occurs with the water race that runs from the school side of the road, under the road and into the Orchards Development - hopefully this pipe will be upgraded to prevent this flooding on the school side.

- 2.4 Submitter Sarah Sowman (#18) notified Council via phone that she does not wish to be heard. Ms Sowman has not purchased the property at 38B McMaster Street, Greytown. She has not withdrawn her submission as she still has an interest in the wider area.

3. Response to the Commissioners earlier questions

- 3.1 I note that some of these questions have already been answered by Phil Percy, Planner on behalf of the Applicant, but I will provide further clarification for the Commissioner on some planning matters where I consider it appropriate.

- 3.2 *Show home timing/certainty?* – I agree with Phil Percy’s statement yesterday (29 August 2019) that a dwelling could be built on the site with just a Building Consent, subject to meeting standards such as setbacks, but I do not consider the operation of the building as a show home is a permitted activity under the District Plan in the Rural Zone. Restricted Discretionary Activity Rule 4.5.5(c) applies: “Any activity that is not required for primary production and residential purposes that requires either: (a) the construction or use of a building over 25m² in gross floor area.....”. The Applicant has included in this matter in their application for resource consent (refer to pg. 11 Summary of resource consents required). The dwelling could be built, but could not be operated as a show home until the resource consent has been approved.
- 3.3 *Scope of notification, possible procedural issue that the changes affect the whole District Plan – Significant Resource Management Issues 5.2.4 & 5.2.5 & Definition of Retirement Village?* – Copy of Public Notice tabled (attached). I am happy that the matters included in the public notice cover all those matters proposed to be changed in the District Plan, referred to here, particularly with the inclusion of clause “other consequential amendments to give effects to the purpose and scope of the request”. However, I note that existing retirement villages within the wider Wairarapa area were not individually notified, except for Arbor House due to their close association with the Orchards Development. The application however was publicly notified. No submissions were received on these matters. I spoke to Phil Percy last night (29 August 2019) and we agreed that if these matters were considered to be too broad for the scope of the notification undertaken, they could be removed from the proposed changes to the District Plan with no real effect on the Orchards development.
- 3.4 *Growth studies by SWDC?* – As stated by Phil Percy yesterday (29 August 2019) there are no specific growth studies undertaken by SWDC to rely on. Work on the Future Development Area Structure Plan identified a shortage in residential zoned land available to be developed in Greytown. Plan Change 9 lifted the deferred development status on the land on the west side of town and released that land for residential development. Spatial Plan is in the early stages of development, which is a district wide approach looking at the next 30 years.
- 3.5 *How would Council view the proposal if it was a straight change from Rural to Residential Zone without the retirement village component?* – It would be viewed less favourably. This proposal is a specific type of development catering for a real need. Also due to absence of growth studies to justify the expansion of residential zoned land and the investment by Council in work already undertaken on the west side of Greytown for Plan Change 9, further expansion of the residential area is not

considered necessary at present - that Development Area is yet to be taken up and is the first area provisioning for residential growth in Greytown.

3.6 *Controlled Activity provisions have so many matters of control, wouldn't it be more appropriate as a RDA?* – It would default to Restricted Discretionary Activity if one or more of standards for permitted or controlled activities are not met under existing Rule 5.1.2(a) of the District Plan.

3.7 *Tree roots extending to twice the size of the canopy (statement made by submitter #3 Robbie Easter questioned by the Commissioner):* I have spoken to Ritchie Hill, an Arborist used by Council on other tree matters. He said that there is no real formula, but tree roots twice the size of the canopy would be unusual. It depends greatly on the species, whether there are any restrictions on the roots, soil type and soil depths. The canopy can also be modified. Generally roots extend 2-3m beyond the canopy. Best way to check is to dig a pothole and test if roots are present.

3.8 *What has been applied for in the resource consent application? Can the resource consent decision be issued before the Plan Change?* – The application for resource consent has been made under the current provisions of the District Plan, being the rural zone. This is referred to in the application (Pg 11) and addressed in Section 3 and more specifically in Paragraphs 6.5 – 6.10 of the s42A RMA Report. I believe therefore that resource consent can be granted as applied for without the approval of the Plan Change, consistent with the recommendations made in Paragraphs 9.2 and 9.3 of the s42A RMA Report.

4. Matters in the s42A RMA Report still under contention – Recommendations on the Plan Change

Setbacks

4.1 I suggested an increase to 10m building setbacks on Boundaries 3, 4, 7, 8 and 9 in my s42 Report to address privacy, noise, and reverse sensitivity concerns of submitters. This was essentially to enable more depth for screen planting to minimise these potential adverse effects.

4.2 I note that the Schubert Wines submission has been addressed through specific concessions by the applicant, outlined in Phil Percy's evidence, including an increase to a 7.5m setback on Boundary 3.

4.3 With respect to other submitters, I suggest that if sufficient planting and/or bunding can be provided to mitigate particularly noise and loss of privacy effects, then the

7.5m setbacks on Boundary 8 and 9, as proposed by the applicant, may be appropriate.

- 4.4 The 5m setback on Boundary 7 (frontage against Market Road) is also considered appropriate.

Reverse sensitivity

- 4.5 This matter was only raised in the Schubert Wines submission. Changes to conditions and the District Plan provisions suggested by the applicant, although considered to be a bit clunky, have been agreed to by the applicant and address the submission and reserve sensitivity effects.

- 4.6 The additional permitted activity standard in Rule 5.5.2(m)6) of the Plan Change I suggested, relating to acoustic insulation measures, is no longer considered necessary as it has been adequately addressed by other proposed provisions by the applicant is addressing the Schubert Wines submission.

Building Height

- 4.7 I understood that all buildings on the site were being designed as single story, and this was reflected in my suggestion of a 6m maximum building height standard. It was also suggested to address the concerns of over building height raised in a number of submissions.
- 4.8 The Schubert Wines submission has been addressed through the applicant and a Schubert Wines agreement, restricting buildings to 5m within 25m of Boundary 3.
- 4.9 It is now understood that the future healthcare facility (proposed Stage 4) and the wellbeing centre could be two storey buildings. It is noted that the location of these buildings is well removed from the boundaries of the other submitters concerned about building height and therefore the rationale for an on-going 6m height limit is lessened.
- 4.10 I note that if any of the proposed residential units (180) assessed under this resource consent were not in accordance with the plans included in the resource consent application, which are all shown in the elevations as being single story, the proposal wouldn't be in general accordance with the conditions and a s127 RMA Change of Conditions or new resource consent would be required, with one of matters of control being "design, scale and appearance of buildings". That provides some comfort that the units will be single storey.

5. Changes to the Recommended Resource Consent Conditions as discussed with Phil Percy
- 5.1 *Condition 1a:* Change plan reference number to refer to the plan submitted as part of s92 RMA response “revised drawing 4.5 dated 11 April 2019”. This amended plan shows the only 3m wide secondary through road to have discontinued access so as to not allow through traffic. This amended plan was submitted to address a sub-standard road width for the number of units being accessed off it.
- 5.2 *Condition 10b:* Hours of construction – main issue to submitters was the early morning starts on Saturdays. Proposed change to 8.30 – 12.30 on Saturdays addresses this still.
- 5.3 *Condition 10d:* My original recommendation should have referred to trees T1-T20 not T1-T19. The protection of these identified trees is a reflection of the recommendation of the Treecology Report and memos included in Appendix 23 and 23A of the application and to address the matters raised in Robyn Easter’s submission. This is addressed by additional conditions 11-15.
- 5.4 *Conditions 11-15:* Protection of trees – Consider that the retention of trees is addressed in the amended conditions proposed. Could be some strengthening of conditions to protect trees T19 & T20 in particular.
- 5.5 *Condition 16:* Traffic Management Plan or additional condition - address any effects of construction traffic damaging surface or edges of Market Road. Phil Percy to provide wording.
- 5.6 *Conditions 21 & 26:* reference to 10 WD for certification – 20 WD would be more realistic/fair to Council & applicant.
- 5.7 *Condition 22:* - include reference to “cycle and pedestrian paths” within the condition – I agree with GWRC submission that these matters be included in this condition regarding the detailed design drawings for the upgrades to Reading Street.
- 5.8 *Insert an additional condition after 29:* Schedule 1C for works on public assets: “A certificate (Schedule 1C NZS 4404:2004) shall be completed and be supplied to Council by an independent professional certifying that all works required by Council have been completed in accord with the approved plans.”
- 5.9 *Insert an additional condition after 32:* Firefighting water supply – wording proposed by FENZ in letter dated 20 August 2019:

“All internal roads shall retain a 4m wide by 4m high corridor to maintain access for firefighting appliances at all times. This shall include ‘no stopping’ road markings and signage prohibiting the parking of vehicles. These road markings and signage shall be maintained in perpetuity to the Planning & Environment.”

5.10 *Insert an additional condition after 39: along similar lines planting on other boundaries (6, 7 & 8) to follow stages of the development. Phil Percy to provide wording.*

5.11 Other minor changes to numbering and wording where appropriate.

6. Financial Contributions and Conditions 43-45 relating to these

6.1 An agreement between Council and the applicant as to the level of financial contributions has been reached.

6.2 Russell O’Leary, Group Manager Planning and Environment is going to talk to this. The contributions payable have been worked out as an overall package.

Roading:

6.3 Roading costs will be shared between the Council and the applicant, with essentially the Council paying for works on the school side of Reading Street and around to the Church Street/East Street intersection (recognising the public good component here), and the applicant paying for footpaths and improvements on the development side of Reading Street. The carriageway upgrades of Reading Street will be a 50/50 cost share. Market Road reinstatement and agreed improvements will be paid for by the applicant, and then maintained by the Council. This will require an amendment to Condition 45 to reflect this.

Infrastructure - Sewer:

6.4 The applicant will be charged for the demand that the proposed retirement village units are actually generating. Further workings have been undertaken by Council’s Assets and Operations Manager and require a sewer infrastructure contribution of \$6,649.88 plus GST be paid per unit, recognising the 1.3 Household Unit Equivalent (HUE) of the units. This will require an amendment to Condition 43b.

Water supply:

6.5 The applicant has agreed to the initial condition 43a and the full costs of the water main extension referred to in condition 43c.

- 6.6 *Condition 43d Additional Infrastructure contributions:* I agree the wording of Condition 43d wasn't clear whether the 0.5% for additional infrastructure contribution applied to the residential unit buildings as well as buildings other than the units. It was not the intention of Council to 'double-dip' here. The re-wording of this condition suggested by Phil Percy clarifies this.

Reserves:

- 6.7 Council has confirmed that there will not be a reserve contribution due to the open nature elements within the site, e.g. green space, bowling club, playgrounds, walking tracks that can be used by the public. Condition 44 can be deleted.

7. Questions addressed by Tim Langley, Council Roading Manager

- 7.1 *Upgrade of Market Road? Would Council require a footpath?* - During the construction phase widening of the shoulder of Market Road will remain unsealed. The applicant has agreed to re-seal Market Road after the construction is completed and extend the width of the road by 1m. A soft lime footpath will also be provided on the development side of Market Road. This footpath surface will be hard enough to accommodate mobility scooters, no loose chip would be added.

- 7.2 *Do the proposed upgrades of Reading Street effect the existing power poles?* – The power poles will not need to be relocated. The parking proposed in front of the school can be broken up by islands to accommodate the power poles.

8. Comments by Lawrence Stephenson, Council Assets and Operations Manager

- 8.1 Discussions are required on the sizes of pipes to reach capacity. 250mm pipe would reach capacity quickly, but the next size pipe would have additional capacity. More calculations are required.

Honor B. Clark
Consultant Planner

30 August 2019



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

Public Notice of Private Plan Change Request under Clause 26, First Schedule, Resource Management Act 1991 (the Act) and Resource Consent application under section 95A(3)(a) of the Act

South Wairarapa District Council has accepted a request for a Private Plan Change to the Wairarapa Combined District Plan (the Plan); and an application for Land Use Resource Consent from the Orchards Limited Partnership for the following:

The Private Plan Change request includes the following components:

- re-zone the land at 67 Reading Street and 31 Market Road, Greytown, commonly known as Murphy's Orchard, from Rural (Primary Production) Zone to Residential Zone with a character area overlay specifically for the Orchards Retirement Village to enable the development and operation of a continuing care retirement village (up to 180 independent dwelling units), rest home, hospital, dementia care (up to 120 beds) and ancillary activities;
- introduce a new policy in the Residential Zone to provide for the retirement village development within the Orchards Retirement Village Character Area;
- introduce a new Controlled Activity Rule at 5.5.3 of the Plan to provide for the above development with proposed matters over which Council will retain control;
- introduce a new Non-Complying Activity Rule at 5.5.6 of the Plan to address non-retirement village residential development within the Orchards Retirement Village Character Area;
- introduce new subdivision standards at 20.1.2(a) of the Plan to provide for future subdivision within the Orchards Retirement Village Character Area as a Controlled Activity and associated assessment criteria;
- introduce a new definition of Retirement Village;
- introduce a new Appendix to the Plan to include the Orchards Retirement Village concept plan; and
- other consequential amendments to give effect to the purpose and scope of the request.

The resource consent application is to establish and operate the Orchards Retirement Village at the above site, with the key components:

- up to 180 independent dwelling units consisting of 4 typologies built in 3 stages (the advanced care facilities are not part of this application);
- provision and use of 1 independent dwelling unit to operate as a show home;
- earthworks – soil disturbance under the National Environmental Standard for Assessing and Managing Contaminants in Soil;
- roading network throughout the development; wastewater, potable water, stormwater and disposal infrastructure; and
- pedestrian paths, community garden spaces, retention of significant number of orchard trees and comprehensive landscaping throughout the site.

Details of the Private Plan Change request and associated section 32 report; and resource consent application may be viewed at:

- South Wairarapa District Council offices, 19 Kitchener Street, Martinborough
- Greytown Public Library
- www.swdc.govt.nz

If you have any questions about the Private Plan Change request or resource consent application, please phone the Planning Department at South Wairarapa District Council on 06 306 9611.

Any person may make a submission on the Private Plan Change request/resource consent application by sending a written or electronic submission to South Wairarapa District Council at PO Box 6, Martinborough or planning@swdc.govt.nz no later than 4pm on **Wednesday 29 May 2019**. The submission must be on Form 5 of the Resource Management (Forms, Fees and Procedure) Regulations 2003 and must state whether or not you wish to be heard on your submission.

Copies of this submission form are available on the Council website and from Council offices.

In summary, the process for public participation in the consideration of the proposal under the Act is as follows:

- after the closing date of submissions, Council must prepare a summary of submissions and this summary must be publicly notified; and
- there will be an opportunity to make a further submission in support of, or in opposition to, the submissions already made; if a person making a submission asks to be heard in support of his/her submission, a hearing must be held (the hearing will hear the private plan change request and resource consent application together); and
- Council will give its decision on the plan change request (including its reasons for accepting or rejecting submissions) and resource consent application; and
- any person who made a submission has the right to appeal the decision to the Environment Court.

The date of this publication is Wednesday 1 May 2019.

Jennie Mitchell

ACTING CHIEF EXECUTIVE

For and on behalf of the

SOUTH WAIRARAPA DISTRICT COUNCIL