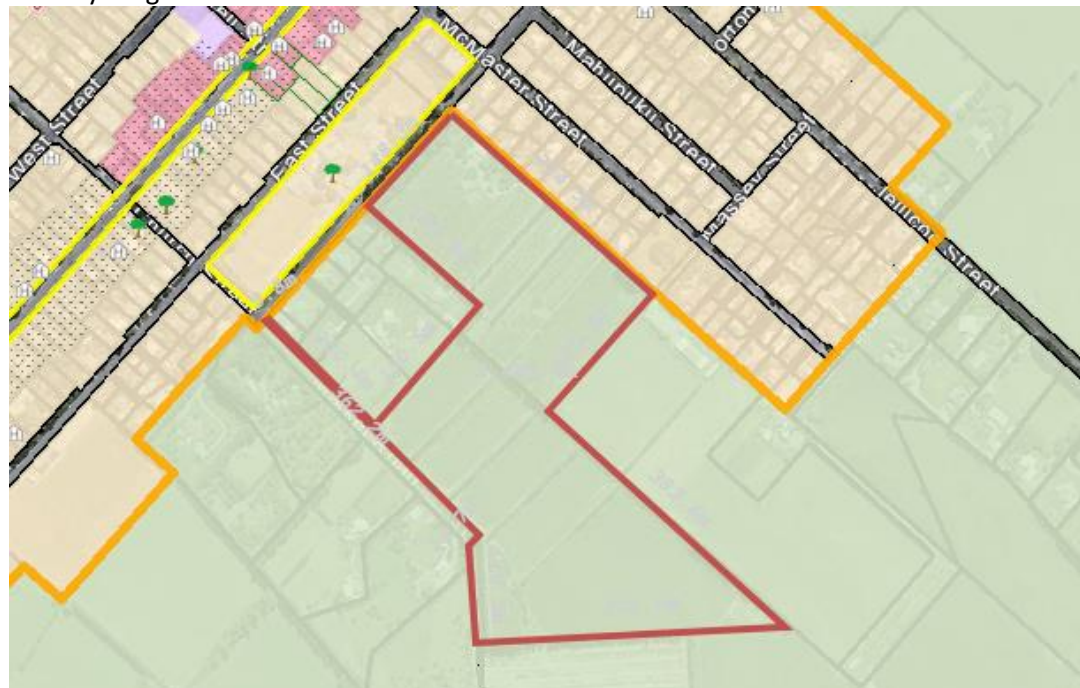


## REPORT TO HEARING COMMISSIONER

<b>SUBJECT:</b>	<b>PRIVATE PLAN CHANGE REQUEST TO THE WAIRARAPA COMBINED DISTRICT PLAN AND RESOURCE CONSENT APPLICATION FOR THE ORCHARDS RETIREMENT VILLAGE</b>
<b>APPLICANT:</b>	The Orchards Limited Partnership c/- Perception Planning Ltd
<b>LOCATION:</b>	67 Reading Street and 31 Market Road, Greytown
<b>LEGAL DESCRIPTION:</b>	Lot 4 DP 410283 and Lot 1 DP 6753 (held in Certificate of Title 437963); and Part Tahorahina Block (Title WN403/156)
<b>REFERENCE NO.:</b>	190034
<b>DATE:</b>	7 August 2019
<b>REPORT PREPARED BY:</b>	Honor Clark, Consultant Planner
<b>REVIEWED AND APPROVED FOR RELEASE BY:</b>	Russell O'Leary, Group Manager Planning and Environment

Locality Diagram:



## **1.0 PURPOSE OF THIS REPORT**

- 1.1 Under section 42A (1AA) of the Resource Management Act 1991 (RMA) a local authority, in this case the South Wairarapa District Council (Council), may commission a consultant to prepare a report before a hearing on any matter described in section 39(1) of the RMA, including a proposed plan change and application for resource consent.
- 1.2 This section 42A RMA report provides a summary of the private plan change request to the Wairarapa Combined District Plan (District Plan) and resource consent application made by the Orchards Limited Partnership; details of the public notification process followed; an assessment of the matters raised, and decisions requested in submissions and further submissions; and recommendations. Appendix 1 of this report provides a summary table of all recommendations on submissions and further submissions.
- 1.3 This report adopts the information provided in the applications and accompanying section 32 RMA analysis, the relevant parts of which will be referred to where appropriate, in accordance with section 42A(1B)(b) of the RMA.

## **2.0 SUMMARY OF THE PRIVATE PLAN CHANGE REQUEST AND RESOURCE CONSENT APPLICATION**

- 2.1 The Orchards Limited Partnership, pursuant to clause 25, Part 2 of the First Schedule of the RMA, lodged a request for a private plan change to the District Plan with Council (the local authority) which includes the following key components:
- to 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 Urban (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.

- 2.2 Submitted concurrently, the Orchards Limited Partnership also applied for land use resource consent, pursuant to section 88 of the RMA, to establish and operate the Orchards Retirement Village on the same site, which includes the following key components:
- up to 180 independent dwelling units consisting of 4 design typologies built in 3 stages (the advanced care facilities (Stage 4) are not part of this resource consent 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 (NESCS);
  - roading network throughout the development; wastewater, potable water, stormwater and disposal infrastructure; and
  - pedestrian paths, community garden spaces, construction of a bowling green and village green, retention of a significant number of orchard trees and comprehensive landscaping throughout the site.
- 2.3 The applications were received by Council on 8 March 2019. A separate report was provided for the private plan change request: Section 32 Evaluation Report and the resource consent application including an assessment of environmental effects (AEE) report both dated 6 March 2019, with a shared set of 34 appendices. Appendix 5 of the application provides a full set of the proposed provisions of the plan change request to the District Plan in a mark-up format, with proposed changes shown red.
- 2.4 It is acknowledged that the applications are comprehensive. This aside, further information on traffic and roading matters, soil disturbance and the Moroa water race was requested under section 92 of the RMA on 28 March 2019. A written response to the further information request was received on 12 April 2019.
- 2.5 Having met the requirements under clause 25 of Part 2 of the First Schedule of the RMA, as assessed in 1.3 page 8 of the Section 32 Evaluation Report, the request for the private plan change was accepted by Council under clause 25(2)(b) of Part 2 of the First Schedule of the RMA. The application for resource consent was also deemed to satisfy the requirements of section 88 of the RMA.

### 3.0 **ACTIVITY STATUS OF RESOURCE CONSENT APPLICATION**

- 3.1 Page 11: Annexure 1 of the Resource Consent Application and AEE provides a summary of resource consents required under the operative District Plan. I concur with this assessment, and that the most stringent activity status is Discretionary. It is noted that the proposed earthworks on the site, particularly in respect of the volume of soil disturbance and the duration of the activity are additional matters not included in the abovementioned summary.

3.2 The applicant, in their section 92 RMA response, requested that this matter be included in the resource consent required. This is deemed a Controlled Activity under the NESCS. It is noted that it is somewhat unusual under RMA process to apply for a private plan change request and resource consent at the same time. A standalone resource consent could have been made under the operative District Plan for the proposal without a plan change request. The applicants however decided to apply for both concurrently with their reasoning summarised in 1.2 page 7 and outlined in 7.1.3 and 7.1.4 of the Section 32 Evaluation Report.

#### 4.0 **NOTIFICATION AND SUBMISSIONS/FURTHER SUBMISSIONS RECEIVED**

4.1 The applicant requested that the proposed plan change request and application for resource consent be publicly notified under section 95A(3)(a) of the RMA. In accordance with clauses 26 and 29 of Part 2 of the First Schedule (referring to clause 5 of Part 1 of First Schedule) and section 95 of the RMA, the private plan change request and application for resource consent were publicly notified together on Wednesday 1 May 2019. Relevant documents were served on all adjoining landowners and interested parties. Public bodies, including all adjoining local authorities, were also served the documents in accordance with the First Schedule of the RMA. The closing date for public submissions was 4.00pm on Wednesday 29 May 2019.

4.2 A total of 20 submissions were received, 2 of those submissions were out of time. Table 1 below provides a brief summary of submissions received in date order.

Sub #	Submitter	Matters raised in submission	Decision requested / relief sought: Accept / Reject / Neutral	Wish to be heard (Y/N)
1	Rev. Harry S.L. Newton St Luke's Church, Greytown	<ul style="list-style-type: none"> <li>• Question whether upgrade of Church Street required - concerns regarding pedestrian safety</li> </ul>	Accept plan change with amendments to mitigate potential impact on users of Church Street	Y
2	Graeme & Helen Gray 20 Market Road, Greytown	<ul style="list-style-type: none"> <li>• Support the proposal – need for such a complex in Greytown and South Wairarapa. Close to amenities and Wairarapa Hospital</li> <li>• Support the request to change the zoning from Rural to Residential and south side of Market Road be included</li> </ul>	Accept plan change with amendments: land adjacent on south side of Market Road be included in urban residential area	Y
3	Robyn Dorothy Easter 28A McMaster Street, Greytown	<ul style="list-style-type: none"> <li>• Support retention of trees numbered T1 to T20 in Treecology Report (Appendix 23 &amp; 23A), particularly T19 (Japanese Maple)</li> <li>• Beautiful mature trees and green spaces is what attracts people to town - significant mature trees major asset for the Orchards</li> </ul>	Accept plan change with amendments: significant trees listed in Appendix 23 be protected / monitored during construction	Y
4	Dr Robert Francis Tuckett, Chairman Board of Trustees for Arbor House Rest Home	<ul style="list-style-type: none"> <li>• Strongly support the Retirement Village - concept long needed in South Wairarapa</li> <li>• Complex will fully meet the needs developing in our area</li> <li>• Ideally situated</li> </ul>	Accept plan change	N
5	Marty Stevens & Cathryn Kerr	<ul style="list-style-type: none"> <li>• Support the proposal – need for such a complex in South Wairarapa</li> </ul>	Accept plan change with amendments: land	Y

	26 Market Road, Greytown	<ul style="list-style-type: none"> <li>• Support the request to change the zoning from Rural to Residential and south side of Market Road be included</li> </ul>	adjacent on south side of Market Road be included in urban residential area	
6	Sija Spaak 81A Reading Street, Greytown	<ul style="list-style-type: none"> <li>• Construction noise, dust, length of construction</li> <li>• Increased traffic</li> <li>• Distance of dwellings from our boundary</li> <li>• Planting proposed between property &amp; dwellings</li> <li>• Effect on their yurt accommodation business – attraction for people who come to stay is the “peace and quiet” of the setting</li> </ul>	Not stated	Y
7	New Zealand Transport Agency	<ul style="list-style-type: none"> <li>• State Highway 2 (SH2) through Greytown is identified as Regionally Significant Route</li> <li>• Proposal is likely to be contrary to Objectives and Policies of the District Plan which provide for the resource management of the districts roads</li> <li>• Location of development has the potential to impact on the transport network</li> <li>• Risk of standard residential development, which has a higher vehicle trip generation rate</li> <li>• Information in Section 32 Analysis and assessment of effects do not identify what impact the increased traffic from rezoning could have on the transport network and intersections of local roads with SH2 or pedestrian and cycling infrastructure in the local vicinity</li> </ul>	Further assessment /information to be provided by the applicant of potential traffic impacts at local road intersections with SH2, and of what pedestrian and cycle routes. Any other relief that would address potential effects on the state highway and transport network infrastructure.	Y
8	Leigh Hay, Chair Greytown Community Board	<ul style="list-style-type: none"> <li>• South Wairarapa currently has under provision of retirement housing and aged care services - aging population leaving the area</li> <li>• Impressed by level of consultation by Applicant, thought and care gone into process - feedback to Greytown Community Board extremely positive</li> <li>• Trees and planned gardens, thoughtful and attractive design - add to landscape of Greytown</li> <li>• Economic and community benefits are significant – employment created, positive flow on effects</li> <li>• Greytown Community Board fully support the proposed Orchards Retirement Village</li> </ul>	Accept plan change	N
9	Fire and Emergency New Zealand (FENZ)	<ul style="list-style-type: none"> <li>• Essential that an adequate water supply for firefighting purposes is provided in accordance with the Code of Practice SNZ PAS 4509:2008</li> <li>• The Code of Practice requires minimum roading width of 4m to ensure access for firefighting appliances - proposed width of 3m for secondary roads within development raises concern</li> <li>• FENZ support the proposed water supply solution proposed</li> <li>• Should Council approve the resource consent application, FENZ seeks that a condition be attached to the consent</li> </ul>	Amend plan change: provision of a water supply system is added to the proposed matters over which the Council retains control within new Controlled Activity Rule 5.5.3. Amend road width to 4m to meet Code requirements. Any other relief to address matters raised.	N

10	Terry & Michele Falleni 30 Market Road, Greytown	<ul style="list-style-type: none"> <li>• Support the proposal - need for such a facility in South Wairarapa</li> <li>• Site ideal, very close to town and Medical Centre</li> <li>• Support the request to change the zoning from Rural to Residential and south side of Market Road be included</li> </ul>	Accept plan change with amendments: land adjacent on south side of Market Road be included in urban residential area	N
11	Gordon & Sue Dinnison 73A Reading Street, Greytown	<ul style="list-style-type: none"> <li>• Minimum dwelling setback – oppose proposed setback of 7.5m against Boundary 8 and 9 (their boundary)</li> <li>• Increased planting width will help reduce noise/dust and increase privacy</li> <li>• Stormwater management – question whether soakage will cope with significant rain events</li> </ul>	Accept plan change with amendments: Request 10m setback Request temporary screening along their boundaries for Stage 1 & 2; & early establishment of planting	Y
12	Shaun & Vicky Westhead 103 East Street, Greytown	<ul style="list-style-type: none"> <li>• Increased traffic associated with development &amp; construction traffic</li> <li>• Impact of increased noise from construction traffic and ongoing increased traffic volumes</li> <li>• Traffic pollution and dust</li> <li>• Safety to East Street/Church Street intersection</li> </ul>	Accept plan change with amendments: Request discussion with developer to install double glazing. Request footpath extended/ curbing on Church Street/ East Street corner.	N
13	Greytown School Board of Trustees	<ul style="list-style-type: none"> <li>• Impact of number of vehicle crossings into Orchards site off Reading Street on existing berm side parking for Greytown School</li> <li>• Lack of staff &amp; resident’s visitor car park spaces on Orchards site, concern will use berm side parking required by school</li> <li>• Unclear whether Stage 1 includes internal road to Market Road</li> <li>• Construction timing and traffic needs to consider school term times and peak times during school day – noise during school hours</li> <li>• Water race pipe under Reading Street backs up and overflows onto the school site</li> </ul>	Accept plan change with amendments: Request 1 main entry. Recommend a new pedestrian crossing at the Reading Street / McMaster Street intersection away from School parking. Construction traffic use Market Road entrance. Pipe requires upgrading.	Y
14	Ministry of Education	<ul style="list-style-type: none"> <li>• Potential to generate adverse effects on the safe and efficient functioning of Greytown School - impacts on traffic/ parking, amenity and impacts from construction including noise and dust</li> <li>• Reading Street matters – limit new access points to proposed retirement village, developing dedicated parking adjacent to the playing fields, and potentially reducing speed limits (e.g. 30km)</li> <li>• Capacity/flooding of pipe under Reading Street</li> <li>• Construction Management Plan - coordinate /communicate with the School in developing it</li> </ul>	Neutral Any potential or actual adverse effects on Greytown School are avoided, mitigated or remedied.	N
15	Scott & Elizabeth Norman 81B Reading Street, Greytown	<ul style="list-style-type: none"> <li>• Minimum dwelling setback of 7.5m</li> </ul>	Accept plan change with amendments:	N

		<ul style="list-style-type: none"> <li>Hours for construction, specifically starting at 7.30am on Saturdays - effect this will have on their family life</li> </ul>	Request at least 10m setback, and significant planting/fencing. Restrict start time on Saturday mornings.	
16	Powerco	<ul style="list-style-type: none"> <li>Wants to ensure electricity can be supplied to the site and required upgrading of network can be done in a timely manner</li> </ul>	No relief sought. Neutral to plan change and resource consent	N
17	Schubert Wines Limited 42A McMaster Street, Greytown	<ul style="list-style-type: none"> <li>Loss of primary production land – not sufficiently addressed in s32 assessment or AEE</li> <li>Minimum boundary setbacks on Boundary 3 &amp; 4</li> <li>Building height limit required</li> <li>Potential reverse sensitivity issues in relation to odour, noise and dust</li> <li>Does not support new Standard for Permitted Activities 5.5.2 - concept plan is too vague</li> <li>Concern introduction of Rule 5.5.3 as Controlled Activity with lack of finalisation of design</li> <li>Concern introduction of new subdivision standard 20.1.2(a) to provide future subdivision</li> <li>Concern about introduction of Assessment Criteria at 22.1.1, concept plan too vague</li> <li>Concern introduction of Assessment Criteria at 22.2, particularly 22.2.18(v) and importance to boundary 3</li> <li>Concerns relating to potential stormwater runoff, potential use of water race for stormwater disposal, re-routing of water race which flows through Schubert property &amp; bores.</li> </ul>	Decline plan change and resource consent: Seek boundary setbacks on Boundary 3 & 4 be 25m. Seek maximum building height be 6m. Seek that appropriate acoustic insulation standards be specifically referenced in Permitted Activity Standards for the Character Area. Seek status of activity be Non-Complying. Seek a more comprehensive development plan and location of individual buildings required.	Y
18	Sarah Sowman	<ul style="list-style-type: none"> <li>Minimum boundary setback</li> <li>Retention of trees</li> <li>Significant noise disruption during construction for lengthy time periods</li> </ul>	Request consideration to increase setback to 15m. Request reduction in construction times to no later than 5pm Monday to Friday, no earlier than 9am, and no later than 12pm (if at all) on a Saturday	
19	Sam Wilkie	<ul style="list-style-type: none"> <li>Reading/McMaster Street intersection has poor visibility, safety issues for pedestrians exacerbated by additional traffic</li> <li>McMaster Street footpath narrow, safety risk and likely increase in pedestrian, cycling, mobility scooter traffic</li> <li>No detail given of type of intersections proposed</li> <li>Streets poorly lit</li> <li>Traffic management/operations during construction not identified, will have effects on McMaster Street, Church Street (St Luke's), SH2, and Greytown School development in 2020</li> <li>Support proposal overall</li> </ul>	Intersections require upgrading – narrow approaches, kerb build outs, cycle crossing points and providing kerb and footpath on all approaches. Improve footpaths, widen or new footpaths on northern side of McMaster Street, north side of Market Road. Papawai Road provides safer access for construction traffic	N

20	Greater Wellington Regional Council (GWRC)	<ul style="list-style-type: none"> <li>• Water sensitive urban design (WSUD) to be used on site</li> <li>• Land use and transport integration – location provides good connections with Greytown’s existing infrastructure, facilities and township.</li> <li>• Support matters in control in 5.5.3(c) clause (x) which provides for safe pedestrian and cycle access throughout the site</li> <li>• Development in rural areas - neutral whether proposed change of land is appropriate in this location. Notes non-complying status for residential development not for retirement village purposes, and agrees if land is not used for retirement village purposes other controls may be required</li> <li>• Supports inclusion of urban design principles</li> <li>• Note resource consent may be required from GWRC relating to earthworks, discharges to the water race, contaminated land and discharges</li> </ul>	Accept plan change with amendments: Request 5.5.2(1)(9) specifically refer to WSUD measures (wording suggested) Seek that proposed condition 16 be amended (suggested wording) Seek cycle / pedestrian paths within site be provided in detailed design	Y
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Table 1: Submissions received on Private Plan Change Request and Resource Consent Application

4.3 It is noted that the submissions from Sam Wilkie and GWRC were received out of time, but as the submission from Sam Wilkie was received by Council on 29 May 2019 (via email at 5.58pm), and the submission from GWRC was received on 30 May 2019 (via email at 8.21am), it is recommended that these 2 late submissions be accepted. The reasons being that these submissions were received just outside the closing time for submissions and do not raise any substantive issues beyond matters raised in other submissions or further submissions.

4.4 The summary of submissions on the private plan change request was notified in accordance with the First Schedule Part 1 clause 7 of the RMA on Wednesday 19 June 2019 and further submissions were called for. The closing date for further submissions was 4.00pm on Wednesday 3 July 2019.

4.5 8 further submissions were received. Table 2 below is the summary of the further submissions received in date order.

Further Submissions received				
#	Further Submitter	Submission # that further submission relates to	Support (S) / Oppose (O) original submission Reasons stated	Wish to be heard (Y/N)
F1	Graeme & Helen Gray 20 Market Road, Greytown	5, 10  1, 12	S – Rezoning land on southern side of Market Road  S – Upgrade road and create footpath in Church Street from East Street to Reading Street	Y
F2	Terry & Michelle Falleni 30 Market Road, Greytown	2, 5  1  4	S – Rezoning land on southern side of Market Road  S – Upgrade road and create footpath in Church Street from East Street to Reading Street  S – Need a retirement village, ideally situated	N



		8	S – Need for development	
F3	Sija Spaak & Ashley Lienert 81A Reading Street, Greytown	11, 13	S – Share concerns regarding construction noise, hours, traffic effects	Y
F4	Gordon & Sue Dinnison 73A Reading Street, Greytown	3 4 6 8 13 15 17 19	S – Care should be taken to protect significant trees S – Area needs a modern facility S – Impacts on immediate neighbours S – Single storey structure with maximum height of 6m S – Limiting number of vehicle entrances off Reading Street, construction timing and traffic S – Minimum dwelling setback S – Setback distance, maximum building height, concern over future subdivision, stormwater runoff S – Reading/McMaster Street intersection needs upgrade	Y
F5	Cathryn Kerr & Marty Stevens 36 Market Road, Greytown	2, 10	S – Rezoning land on southern side of Market Road	Y
F6	Schubert Wines Limited 42A McMaster Street, Greytown	2, 5, 10 6 11 15 18 13 14 20	O – Rezoning land on southern side of Market Road is out of scope of the Plan Change Request S – Distance of dwellings from the boundary S – Minimum dwelling setback S – Minimum dwelling setback S – Proposed boundary setback distance S – Water race pipe under Reading St requires upgrading S – Capacity issue of northern creek S – Stormwater management, identification of Policy 59 of the RPS	Y
F7	Scott & Elizabeth Norman 81B Reading Street, Greytown	2, 5, 10 6 11	O – Rezoning land on southern side of Market Road is beyond scope of notified plan change S – Construction noise, dust, noise and vehicle traffic S – Minimum dwelling setback	Y

		13	O in part – Exclusive use of Market Road for construction vehicle traffic	
		17	S in part – More generous building setback, and maximum building height	
F8	Shaun & Ann Stephens 83 Reading Street Greytown	15	S – Effect of construction traffic on Market Lane	N

Table 2: Summary of Further Submissions received on the Private Plan Change Request

## 5.0 **ASSESSMENT OF MATTERS RAISED IN SUBMISSIONS AND FURTHER SUBMISSIONS**

5.1 To assist the hearings process the matters raised in submissions and/or further submissions have been grouped into headings as follows:

- Extent of the Plan Change Area – whether to include the south side of Market Road
- Support for the rezoning – need for such a facility in the South Wairarapa
- Economic and Community effects
- Loss of Productive Land / Soil Quality
- Traffic and Roding Matters – effects of additional traffic on State Highway 2 (SH2), number of accesses off Reading Street, street and intersection upgrades, lack of the provision of on-site carparking, narrow internal road widths, pedestrian and cycle routes, and land use and transport integration
- Effects on Rural Character and Amenity – loss of privacy, increase in noise
- Reverse Sensitivity issues
- Building Setbacks
- Maximum Building Height
- Density
- Urban Design
- Risk of Standard Residential Development
- Retention of Trees
- Construction Effects – Noise, dust, length of construction and hours, and traffic
- Soil Disturbance / Earthworks within Contaminated Land
- Stormwater Management / Hydraulic Neutrality / Effects on Moroa Water Race
- Services Provision
- Controlled Activity Standards
- Subdivision Standards

5.2 The above listed matters have been assessed below. Recommendations on the submissions and further submissions relating to the matters are summarised in the table in Appendix 1 of this report.

### **Extent of the Plan Change Area**

5.3 The submissions by Graeme and Helen Gray (#2), Marty Stevens and Cathryn Kerr (#5), and Terry and Michele Falleni (#10) supported by the three further submissions by the same parties (F1), (F2), and (F5) request that the adjacent land to the Orchards development, on

the south side of Market Road, be included in the area to be rezoned from rural to residential. These parties have also submitted on the same matter to the Annual Plan process. The request is based on the premise that the development of the retirement village with access off Market Road is going to change the character of the area from rural to urban and that it is therefore logical that both sides of Market Road are included in the rezoning. The further submissions by Schubert Wines Limited (F6) and Scott and Elizabeth Norman (F7) oppose the abovementioned submissions on the grounds that rezoning the land on the south side of Market Road from rural to residential is outside the scope of the plan change request.

- 5.4 I concur with the further submissions of Schubert Wines Limited (F6) and Scott and Elizabeth Norman (F7) and agree that including the south side of Market Road in the rezoning to urban residential is beyond the scope of the plan change request made by the applicant. Rezoning the land on the south side of Market Road was not the intention of the applicant as is not included within the site owned by the applicant and has not been addressed in the application or accompanying section 32 RMA analysis or included in the information notified.

#### **Support for the rezoning – need for a retirement village facility in South Wairarapa**

- 5.5 The submissions by Graeme and Helen Gray (#2), Dr Robert Tuckett, Board of Trustees of Arbor House Rest Home, Marty Stevens and Cathryn Kerr (#5), Greytown Community Board (#8), Terry and Michele Falleni (#10), and supported by the further submission by Gordon and Sue Dinnison (F4) are supportive of the proposal on the grounds that such a facility is needed in the South Wairarapa District. The Greytown Community Board (#8) submission states that “.....its ageing population are leaving the area due to the under supply of retirement and care choices”. The AEE in 2.1.2 page 29 provides information on the availability of aged care facilities and independent living units across the Wairarapa region, and states that there is “no retirement village provision in South Wairarapa of any scale and there are no known plans for any of the established operators to setup in the foreseeable future”. Appendix 8 of the application lists the existing aged care providers in the Wairarapa region with an indication of unit vacancies, and shows within the South Wairarapa District, only Arbor House Rest Home in Greytown and Wharekaka Rest Home in Martinborough are operating. Of these two facilities only Wharekaka offer independent units, with 1 unit of their 10 being vacant. A discussion I had last week with Wharekaka Rest Home management staff confirmed that presently all 10 units are full, with a waiting list for 2 further units currently under construction. Their 21 residential care beds (recently increased from 20 by the conversion of an office) are also full.
- 5.6 The AEE at page 29 also provides some statistics on the ageing population of South Wairarapa and Greytown compared to New Zealand generally. The application states “In Greytown, 19% of the population are over 70 years of age, which compares to the national average of just 9.7%”. The .id data found on the SWDC website compares data from the 2006 and 2013 Census. Although this data is somewhat out of date it confirms that the percentage of the South Wairarapa District population of 70 and over is higher than that of New Zealand and the Wellington Region and that this percentage of 70 and over is steadily increasing over time. A link to the information on the website is provided here. <https://profile.idnz.co.nz/south-wairarapa/service-age-groups>

- 5.7 It is therefore acknowledged that there is an under provision of aged care facilities across the South Wairarapa District, a demand for such facilities and an increasingly aging population. However, demand for such a facility, in isolation, is not a matter sufficient enough to justify a proposal under the RMA.

### **Economic and Community Effects**

- 5.8 The Greytown Community Board in their submission (#8) have identified the potential positive economic and community benefits the development will have including employment through the construction phase and long-term employment of approximately 95 full time equivalents (FTE) and positive down-stream effects. The report prepared by Business and Economic Research (BERL) included in Appendix 15 to the application, concludes that the positive economic and social effects of the Orchards development will far outweigh any potential negative effects such as the loss of orcharding land, loss of vegetation and fauna, and construction effects.

### **Loss of Rural Productive Land / Soil Quality**

- 5.9 The submissions by Schubert Wines Limited (#17) to the plan change request and resource consent “considers that the establishment of the retirement village will not enable a more sustainable, efficient and effective use of the land” and that “loss of productive land does not meet the Purpose of the Act as set out in Section 5(2)(a)”. The submissions also identify that the site is located on high quality soil as defined by New Zealand Landcare Research Land Use Capability (LUC) classification stating: “The proposal will result in loss of LUC 1 or 2 soils, of which these elite productive soils are needed for agricultural and horticultural production”. Appendix 4 of the application provides a copy of the LUC map with the site boundary shown superimposed.
- 5.10 Greater Wellington Regional Council (GWRC) in their submission (#20) provide information on the relevant parts of the Regional Policy Statement (RPS), in particular Policy 56 which provides matters to consider when assessing an application for resource consent or change to the District Plan in rural areas, and Policy 59: Retaining highly productive agricultural land. Schubert Wines Limited in their further submission (F6) supports GWRC identification of Policy 59. The GWRC submission states that “the proposal will result in the loss of productive capability of the rural area... and was not provided for in SWDC’s Growth Strategy”. The GWRC submission is neutral in terms of whether the development is appropriate for this location. It also states that as the development is able to connect to existing services, it is consistent with Policy 58.
- 5.11 It is noted that approximately 5 hectares of the site, that portion known as 67 Reading Street (Part Tahorahina Block) has a classification of “Town”, not Class 1 or 2 on the LUC map. The remainder of the site, 31 Market Road, is split approximately in half with LUC 1 and 2 soils, meaning that approximately 4 hectares of the site has a LUC classification of 1, the highest classification possible and recognised as the best soils for a variety of agricultural and horticultural land uses and 4 hectares is Class 2 land, which is good land with some physical limitations. (Source: LUC Survey Handbook, 3<sup>rd</sup> Edition, 2009). 8 hectares constitutes less than 1% of the Class 1 and 2 soils within the South Wairarapa District, therefore the loss of that

land from primary production is not considered to a significant matter to prevent the development from occurring on the site. Furthermore, when viewing the location of the site in its close proximity to the town centre, and that is able to connect into existing services, on balance it is considered that the proposal is not contrary to the Policies of the RPS, including Policy 59.

### **Traffic and Rooding Matters**

- 5.12 A number of submissions have raised traffic and roading matters, particularly regarding the increase of traffic from the proposal and its potential effects on the efficient functioning of streets and intersections in the vicinity of the proposed development. Traffic and roading matters have been spilt in the following topics for assessment.

#### Effect on State Highway 2 (SH2)

- 5.13 The submission by the New Zealand Transport Agency (NZTA) (#7) states that the plan change request and resource consent application have the potential to impact on the transport network, particularly SH2, which is identified as a Regionally Significant Route. The submission considers that the proposal is likely to be contrary to Objective 17.3.1, Policies 17.3.2(c), (d), (e) and (f), Objective 18.3.10 and Policy 18.3.11(c) of the District Plan. The NZTA submission requested that further information be provided to better assess the effects of increased traffic on the transport network.

- 5.14 A total of 6 intersections have access onto SH2 from the south-east (the proposed development side of SH2) within Greytown, namely Hospital Road, Papawai Road, Church Street, McMaster Street, Jellicoe Street and North Street. Accordingly, it is expected that traffic generated from the development will be dispersed across all these intersections. Section 8.6 of the Stantec Transport Report provided in Appendix 22 of the application, concludes that “Due to the network of roads available in the area and operational characteristics of the development, it is anticipated that the additional traffic is not expected to have any notable impact on the current operation of SH2”. It is understood that recent discussions between NZTA and the applicant have gone some way in resolving the NZTA’s concerns. Furthermore, the roading upgrades proposed, including footpath upgrades, help to ensure that the proposal is not contrary to relevant objectives and policies of the District Plan by maintaining the safe and efficient operation of the road network.

#### Number of accesses off Reading Street

- 5.15 The submissions by the Greytown School Board of Trustees (#13) and Ministry of Education (#14) and further submission by Gordon and Sue Dinnison (F4) raise concerns over the number of entranceways proposed off Reading Street and the effect this will have on school parking adjacent to the school along Reading Street. The application proposes 2 main vehicle entries and 4 vehicle accesses or driveways (1 double driveway) to 4 units off Reading Street (see Appendix 19, page 18, Boundary 1: Reading Street frontage: full elevation). The site has approximately 155m of frontage along Reading Street. Council’s Rooding Manager has acknowledged that Reading Street is used by Greytown School parents for dropping off and picking up children and some staff parking, and that this use has noticeably increased since the removal of the large trees along the front of the Orchards site.

- 5.16 It is understood from the applicant that the Orchards retirement development wants to be part of the Greytown community rather than a gated village. Providing some units straight off the street and hedging along the frontage rather than fencing helps achieve community connection. I consider that the interface between the front boundary of the site and the street is important in integrating the development with the existing urban area and the Greytown community. Council's Rooding Manager has confirmed that the entranceways will comply with relevant District Plan standards relating to sightlines. The distance between entranceways would still enable some street parking on the eastern side of Reading Street. More importantly however, the overall upgrade of Reading Street, referred to further below, will enhance the kerbside parking available to the school.

Street and intersection upgrades

- 5.17 A number of submissions have raised that streets and intersections in the immediate area will require upgrades to ensure they function safely. Reading Street, between Church Street and McMaster Street and the intersections at each end of this section of Reading Street is of particular concern to the Greytown School Board of Trustees (#13), Ministry of Education (#14), and Sam Wilkie (#19). The submission from Sarah Sowman (#18) also raises concern over increased traffic through McMaster Street. The applicant and Council agree that upgrading of Reading Street is required. Work has been undertaken by Council's Rooding Manager and the applicant's engineers to assess what these upgrades would look like and the cost of these upgrades to assess Development Contributions for rooding. The planned upgrade of Reading Street includes widening and reconstruction of the carriageway, a 2.5m footpath on the school side of the street, formalising of school parking on the school side of the street (providing approximately 40-50 90° carparks), a raised platform for a drop-off area, a pedestrian crossing, intersection improvements at Reading / McMaster Street and Reading / Church Street / Market Road intersections and installing new stormwater pipes. The applicant's engineer has provided a draft plan of the upgrades. This plan has been developed by Council's Rooding Manager and the engineer. See plan attached as Appendix 3 to this report. This plan is seen as a starting point for discussion. Input from the school as to the details of the location and number of carparks and the best location for the pedestrian crossing is welcomed. The final plan of the street upgrades will be required by Council for approval prior to any construction work commencing and this will be covered by way of condition of consent. Council is also happy to place 'School Zone 40km/hr' traffic calming signs along Reading Street. These measures, I believe, should mitigate the concerns of the school and residents. I consider that the timing of the Reading Street upgrades is important to minimise or mitigate any effect of additional traffic on existing residents and the school, and therefore recommend that the upgrade of Reading Street occur as part of Stage 1 of the development. This would coincide with the construction of the entranceways off Reading Street into the site.
- 5.18 The submission from St Luke's Church (#1) refers to Section 4.1.9.1 – Road Network of the application and the upgrades mentioned, and questions whether an upgrade of Church Street is required when the current width is 6m. Further submissions from Graeme and Helen Gray (F1) and Terry and Michele Falleni (F2) support the upgrade of Church Street. Discussion with Council's Rooding Manager has confirmed that the part of Church Street adjacent to St Luke's Church, the section between SH2 and East Street, will not be upgraded. The main reasons being that there is little or no room to work with and widening this part of the street will

encourage more traffic through it, potentially having a greater effect on the users of the Church property and Hamilton House to the rear. However, the section of Church Street between East Street and Market Road will be upgraded, including widening the carriageway width and the provision of a footpath. As part of the upgrade the East Street / Church Street intersection will also be upgraded, as raised in the submission by Shaun and Vicky Westhead (#12) and further submission from Graeme and Helen Gray (F1).

#### Lack of on-site carparking

- 5.19 The submission by the Greytown School Board of Trustees (#13) has raised that there is a lack of provision of staff and resident's visitor parking on-site, and that any overflow will compete with berm parking on Reading Street used by the school. It is noted that although the Villa A units do not have dedicated parking spaces for each unit, overall the number of on-site parking spaces provided in the proposal complies with the District Plan standards for the proposed activities, with the parking provided within internal streets and shared areas. This, along with the upgrades in the kerb side parking proposed in front of the school, as referred to above, will, in my opinion, provide sufficient parking for the development and adequately address this concern.

#### Internal road widths

- 5.20 The submission from Fire and Emergency New Zealand (FENZ) (#9) states that "It is essential that an adequate water supply for firefighting purposes is provided in accordance with the Code of Practice SNZ PAS 4509:2008". The Code of Practice requires a minimum roading width of 4m to ensure access for firefighting appliances and with the proposed width of 3m for secondary roads within development, the proposal raises concern to FENZ. It is noted that the internal roads are not intended to be vested as public roads and will be managed internally on an on-going basis by the Orchards, not Council. This makes getting things right at the planning stage even more important. The 3m width of some internal roads was identified by Council's Roading Manager early on in the process and raised in the Council s92 RMA request dated 28 March 2019. This is a matter of non-compliance against the District Plan provisions for which consent is sought. The applicants' response to the s92 request amended one of the 3m wide through roads by cutting it across the middle to only enable access at each end rather than through. This was to ensure the appropriate number of dwellings would be serviced off each section of the narrow road. The amendment did not however increase the width from 3m. Considering the Council's Roading Manager's initial concern over the proposed 3m road widths and now the FENZ submission, it is considered reasonable to ensure all internal roads have a minimum width of 4m. This would require an amendment to proposed permitted activity standard in Rule 5.5.2(l)10)a)ii).

#### Pedestrian and cycle routes

- 5.21 The NZTA submission (#7) and the submissions by Sam Wilkie (#19) and GWRC (#20) raise the importance of considering pedestrian and cycle routes. The proximity of the site to the centre of Greytown and the Medical Centre makes it more likely that residents can access town and services on foot, by bike or mobility scooter. The proposed upgrading of footpaths, particularly along Reading Street and Church Street as a direct result of the proposal will assist in enabling these alternative modes of transport. Providing cycling and pedestrian paths through the site is also a key component of the proposal. GWRC in their submission (#20) support including in the matters of control in 5.5.3(c), clause (x), which provides for safe pedestrian and cycle

access throughout the site. GWRC also requests that if the resource consent is granted, the provision for cycling and pedestrian paths within the site be provided for in detailed design. This is considered appropriate and included as a recommended condition of consent. It is noted that alternative sites considered by the Orchards for the development, particularly the land on the north end of Greytown, would not have provided such a high level of pedestrian and cycle connectivity.

#### Land use and transport integration

- 5.22 The submission by GWRC (#20) refers to Objective 22 and Policies 10, 55, and 57 of the RPS that seek urban development be well connected with the public transport network, to ensure good connectivity. The submission states that “The location of the site provides good connections with Greytown’s existing infrastructure, community facilities and the township itself”. Thus, the development is considered to be consistent with the RPS.

#### **Effects on Rural Character and Amenity**

- 5.23 A number of submissions have raised concerns that the proposal will result in a loss of the rural nature or character of the area and amenity concerns, particularly the loss of privacy, and loss of peace and quiet and increased noise.

#### Loss of rural character

- 5.24 The submissions by Graeme and Helen Gray (#2), Marty Stevens and Cathryn Kerr (#5) and Terry and Michele Falleni (#10) all refer to a loss of the rural nature of the area as a result of the proposal and use this as their justification for requesting to include the south side of Market Road in the re-zoning as urban. The Orchards site is somewhat unique in its location, whereby it is bordered on two sides by existing urban zoning, being Reading Street occupied by the school, and properties fronting McMaster Street backing onto the site. Furthermore, although the properties at 73 to 83 Reading Street have a rural zoning, they are somewhat residential in character, containing dwellings on sites varying in size from approximately 1200m<sup>2</sup> to 7700m<sup>2</sup>. I would consider therefore that the development site is definitely on the fringe of existing urban development. Although it is acknowledged that the development will undoubtedly result in a change on the outlook of neighbouring properties overtime, the existing character of the site and wider area in an overall context is not what I would describe as the typically open rural environment the District Plan seeks to protect.

#### Loss of privacy

- 5.25 The potential loss of privacy was raised in the submissions by Sija Spaak (#6), Gordon and Sue Dinnison (#11), Scott and Elizabeth Norman (#15) and Sarah Sowman (#18). It is the intention of the development to not have any boundary fencing so as to enable an open character and to blend with the area rather than appear as a gated community. To minimise the loss of privacy on neighbours, the provision of multi-layered planting is seen as important. Increased setbacks, as referred to below, will assist with this.

#### Loss of peace and quiet – increased noise

- 5.26 The submissions by Sija Spaak (#6), Gordon and Sue Dinnison (#11), Shaun and Vicky Westhead (#12) and further submission by Gordon and Sue Dinnison (F4) raise that the on-going increased noise levels in the area as a result of the development as a concern. In particular



Sija Spaak's submission raises concern that the development will have on the peace and quiet they enjoy and the effect the loss of it will have on their Yurt accommodation business. The submitters site is large enough to offer a sense of space. The proposed construction and ultimate use of the retirement complex is not considered to generate any more noise than that which can be expected within a rural area, from harvesting, bird scaring devices and so on. The Westhead submission (#12) has requested that the applicant possibly install double glazing in their dwelling to reduce the noise effects on their young family. This is not something Council would look to enforce, as noise generated from the road is not regulated by the District Plan.

### **Reverse Sensitivity**

- 5.27 The submission by Schubert Wines Limited (#17) raises that the development will result in more than minor reverse sensitivity effects of locating a retirement village against a rural production boundary. The submission states that "The residents will be sensitive receivers to all the effects of rural production, such as noise from machinery, bird-scaring devices, smoke, agricultural/horticultural sprays, mowing and mulching debris, animal noise and odour" and "Complaints from the multiple residents in close proximity could make rural productive operations unsustainable in this location". To address potential reverse sensitivity issues in relation to noise the submission requests appropriate acoustic insulation standards be included in the permitted activity standards for the Orchards Retirement Village Character Area. This is considered appropriate, particularly for the residential care / hospital building that will adjoin the Schubert property.
- 5.28 In addition to acoustic insulation and the matters addressed in paragraphs 5.29 – 5.37 below, regarding increasing setbacks against the rural zone sites and restricting building height, it is also considered appropriate for a covenant to be registered on the certificate of title for the development site that identifies the site adjoins a winery operation situated at 42a McMaster Street. Such a covenant should read 'Part Tahorahina Block adjoins a working winery. There are legally established activities associated with the winery or viticulture/agricultural activities, including but not limited to working of machinery, bird-scaring devices, smoke, sprays, mowing and mulching debris, noise and odour that could have effects on the site. The Orchards Retirement Village or their residents should not expect Council to undertake any enforcement or abatement proceeding against winery, viticulture/ agricultural activities within adjacent sites'. This is suggested to be imposed as a condition of resource consent. With these mitigation measures in place, effects from reverse sensitivity issues are considered to be no more than minor.

### **Building Setbacks**

- 5.29 The submissions received from Sija Spaak (#6), Gordon and Sue Dinnison (#11), and Scott and Elizabeth Norman (#15) all want the setbacks of buildings on Boundaries 8 and 9 to be 10m, increased from the 7.5m proposed by the plan change request. This was supported by further submissions by Gordon and Sue Dinnison (F4), Schubert Wines Limited (F6) and Scott and Elizabeth Norman (F7). Sarah Sowman (#18) requests that the building setback on Boundary 2 be increased to 15m from the 5m proposed. Schubert Wines Limited (#17) request a setback of 25m with Boundaries 3 and 4, increased from the 5m and 7.5m proposed on these two

boundaries respectively. The general reasons given for the increasing the setback to 10m is so more screen planting can be provided to help with privacy and other potential adverse effects arising from the development and so that it is consistent with the current District Plan provisions. Schubert Wines Limited cite reverse sensitivity concerns addressed above and that they believe the current building setback requirement in the District Plan is 25m.

- 5.30 For clarification, the current District Plan setback standard relevant to the site for dwellings is 10m because the certificate of title for Part Tahorahina Block (WN403/156) was issued before 29 March 2008 and the certificate of title for Lot 4 DP 410283 (437963) was created by a resource consent granted before 29 March 2008. The subdivision resource consent, Ref 3369, was granted on 27 February 2008, which was for a boundary adjustment including road to vest now known as Market Road. Thus, the overall site can rely on the exception in Rule 4.5.2 (d)(iii), allowing 10m setbacks for dwellings not 25m. Other buildings (not dwellings) in the rural zone require a 5m setback from side and rear boundaries.
- 5.31 The plan change proposes three different setbacks for buildings off different boundaries under the proposed set of Permitted Activity standards, as follows: Boundaries 1, 2, 3, and 7 – 5m; Boundaries 4, 8, and 9 – 7.5m; and Boundaries 5 and 6 – 10m. This is depicted visually in plan 3.2, Site Planning Controls in Appendix 18 of the application. The application notes that the proposed setbacks work in combination with the detailed landscape concepts to mitigate the visual effects. It also notes that they are responsive to the existing amenity and character of adjacent residential development (Section 32 Elevation Report, pages 47 and 48). Section 6.1 of the Landscape and Visual Assessment in Appendix 20 states “Greater setbacks adjacent rural zoning of up to 10m provide an appropriate response to the more open space character of the zone”.
- 5.32 It is considered reasonable to require 10m setbacks for buildings along the interface with rural type activities, namely Boundaries 3, 4, 5, and 6. This would require an increase on Boundary 3 from the 5m proposed, and Boundary 4 from the 7.5m proposed. Boundary 5 and 6 already propose a 10m setback. A 10m setback would assist in enabling additional planting to minimise visual effects, and also go some way to addressing potential reverse sensitivity effects such as odour, noise and dust resulting from permitted rural land uses on adjoining sites. The 25m setback requested by Schubert Wines Limited is greater than that for residential buildings standards under the operative District Plan standards and is therefore considered too onerous, given the additional landscaping and reverse sensitivity covenant proposed.
- 5.33 The 7.5m setbacks proposed off Boundaries 8 and 9 should also be increased to 10m to be consistent with the other boundaries facing the rural zone, as should Boundary 7, which is effectively a front yard onto Market Road. It is calculated that the developable area lost by increasing the setback along Boundary 7 from 5m proposed to 10m is approximately 900m<sup>2</sup> and increasing setbacks on Boundaries 8 and 9 from 7.5m proposed to 10m is less than 1000m<sup>2</sup>. This amount of area is considered minimal when the overall site is 13.8 hectares in area. Requiring all boundaries fronting the rural zone to have a 10m setback would make it a lot easier to implement the plan change on an on-going basis and is consistent with the permitted baseline for setbacks under the current District Plan, thereby providing continuity and certainty to those landowners within the rural zone. This would also satisfy the request

made by submitters Sija Spaak (#6), Gordon and Sue Dinnison (#11), and Scott and Elizabeth Norman (#15).

- 5.34 The changes recommended above would require an amendment to proposed permitted activity standards for setbacks in Rule 5.5.2(l)3a) and b).
- 5.35 The 5m setback proposed by the plan change on Boundary 2 is considered appropriate as this is effectively the yard against the existing residential area which fronts McMaster Street. The same applies to Boundary 1, which fronts Reading Street. The increase to 15m along Boundary 2, as requested by the Sarah Sowman submission (#18), is considered too onerous based on existing land use patterns and the expected effects to be generated by the development as being not dissimilar to those expected in a residential area.

### **Maximum Building Height**

- 5.36 The submission by Schubert Wines Limited (#17) raises that no maximum building height provision is included in the permitted activity standards proposed by the plan change, and that the existing provisions of the district plan would apply, being 10m for dwellings and 15m for other buildings. The submission requests that a maximum building height of 6m should be included. The Greytown Community Board submission (#8) states “..we understand the whole village has now been reduced to single story which fits more appropriately into Greytown”. Both submissions are supported by the further submissions by Gordon and Sue Dinnison (F7). The concept plans of the residential buildings included for resource consent (shown in Appendix 18) are all single-story structures with a maximum height of 4.8m, easily complying with 6m, if this was to be imposed as a building height limit. The imposition of a height limit as a permitted activity standard would also however limit the height of buildings to be built within Stage 4, which includes the rest home, hospital, dementia care building with up to 120 beds. Bearing in mind that Stage 4 will be enabled by the plan change as a Controlled Activity, any application for resource consent need not be notified or need not to be served on affected persons. Therefore, to provide submitters with certainty over what the maximum height of that building could be, the inclusion of a 6m maximum height provision is considered reasonable. This would ensure single storey buildings within Stage 4 also. This matter may be able to be addressed further by the applicant at the hearing.
- 5.37 The change recommended above to include a 6m maximum building height would require an additional permitted activity standard in Rule 5.5.2(l).

### **Density**

- 5.38 The submission by Schubert Wines Limited (#17) raises that “the proposed development is of a scale and intensity that is largely inconsistent with the residential character of the surrounding area and the wider rural area”. This is exacerbated by not knowing the height or final design of the buildings in Stage 4, particularly along Boundary 3. It is noted that the application provides an overall site coverage requirement within the proposed permitted standards of 26%. This is one measure of controlling density, and is something that is not imposed on other new residential housing developments within the District Plan for the South Wairarapa District. The only relevant site coverage requirement relates to infill subdivision

development. The site coverage requirement as proposed, and the addition of a maximum height provision as referred to above, gives more certainty here.

### **Urban Design**

- 5.39 The submission by the GWRC (#20) states that “Policy 54 of the RPS seeks that the urban design principles are based on seven design qualities described in the New Zealand Urban Design Protocol” and supports the inclusion of the intent of these design principles as part of the plan change.

### **Risk of Standard Residential Development**

- 5.40 The NZTA submission (#7) raises concerns that if the retirement village concurrently sought resource consent was either not granted, or if granted, not given effect to, a ‘standard residential development’ could occur on the site which has the potential to generate greater adverse effects than anticipated, particularly a higher vehicle trip generation rate than a retirement village. The GWRC submission (#20), in reference to policies of the RPS, also notes if the land is not to be used for retirement village purposes, other controls may be required, or the land is used for primary production purposes. A similar issue has arisen on the other side of Greytown off West Street, an area now known as Orchard Road. Plan Change 10 to the superseded South Wairarapa District Plan changed an area of rural land to residential with a specific retirement type development proposed at the time of the plan change. That area is now a ‘standard residential development’. The Orchards retirement village plan change proposes a new Non-Complying Activity rule for any residential development within the Orchards Retirement Village Character Area that doesn’t not meet the new specific Controlled Activity rule for the development. I agree that any residential development within the site should have a non-complying activity status. This aligns with the current structure of the District Plan and gives some certainty that the plan change is intended will be completed as envisaged. A considerable investment has already gone into developing the proposed plan change by the applicant for a retirement village.

### **Retention of Trees**

- 5.41 The submission by Robyn Easter (#3), supported by the further submission from Gordon and Sue Dinnison (F4) supports the retention of trees numbered T1 to T20 in the Treecology Report (Appendix 23 & 23A), particularly T19 (a mature Japanese Maple). The submissions recognise that beautiful mature trees and green spaces is what attracts people to Greytown and that significant mature trees are a major asset for the Orchards development. The submissions by the Greytown Community Board (#8) and Sarah Sowman (#18) also refer to the retention of trees. I concur that trees are a significant component of the area and an integral part of the development concept. It is noted that Treecology Report recommends these abovementioned trees are protected but then it is unclear from the landscaping plans if they will all be retained. Therefore, to ensure that the trees numbered T1 to T20 are protected and monitored during construction, it is considered appropriate that conditions of consent are imposed as part of the CMP.

## Construction Effects

- 5.42 Due to the scale of the proposed development, it is understandable that a number of submissions have raised potential adverse effects arising from the construction of the development, including noise, dust, the length of time of construction and hours of construction and effects from construction traffic. Each of these matters will be addressed below.

### Construction noise

- 5.43 The submission by Sija Spaak (#6) supported by further submissions from Gordon and Sue Dinnison (F4) and Scott and Elizabeth Norman (F7), and submissions by Gordon and Sue Dinnison (#11), Greytown School Board of Trustees (#13), and Ministry of Education (#14) supported by further submissions from Sija Spaak and Ashley Lienert (F3), and finally the submission from Sarah Sowman (#18) all raise concerns over construction noise. The Sija Spaak and Ashley Lienert further submission (F3) requests that the Construction Noise Management Plan include mitigating features specific to their boundary (Boundary 8) including erecting an acoustic fence, limiting construction traffic to 50m from the boundary, construction noise that is no greater than night time noise (L95 35 dBA) before 9.30am and that hours of construction be restricted. Obviously ambient noise levels will increase as a result of construction, and the management of construction noise can depend greatly on the conduct of contractors. The applicants have taken every step possible so far to consult with neighbours regarding the proposed development, and the Construction Management Plan (CMP) required by conditions will include a Construction Noise Management Plan with appropriate measures to manage construction noise in accordance with the appropriate New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise. The matters requested by F3 may be considered as too onerous to include in the Construction Noise Management Plan.

### Dust

- 5.44 The submission by Sija Spaak (#6) supported by further submissions from Gordon and Sue Dinnison (F4) and Scott and Elizabeth Norman (F7) are concerned about dust from construction. This is dealt further below in the section on soil disturbance within contaminated land and earthworks and will be managed through the Construction Environment Management Plan (CEMP).

### Hours and length of time of construction

- 5.45 The submissions by Sija Spaak (#6), Gordon and Sue Dinnison (#11) supported by the further submissions from Sija Spaak and Ashley Lienert (F3) and submission by Scott and Elizabeth Norman (#15) supported by further submission by Shaun and Ann Stephens (F8), and the submission from Sarah Sowman (#18) all recognise that the hours of construction can affect the level of enjoyment within their properties adjoining the site. It is acknowledged that the scale of the development will generate on-going construction effects for a number of years, with the completion of the 4 stages of development programmed for around 2030.
- 5.46 The application sets out that the hours of construction as follows: no construction is to occur outside the hours of 7.30am-6pm Monday to Friday and 7.30am-1pm Saturdays, with no construction work on Sundays and Public Holidays. The submission by Sarah Sowman (#18) suggests “a reduction in these times, to no later than 5.00pm Monday to Friday, and from no

earlier than 9.00am to no later than 12.00pm (if at all) on a Saturday". The further submission by Sija Spaak and Ashley Lienert (F3) requests that "Construction hours are 7.30am to 5pm week days, and no construction on Saturdays, Sundays and Public Holidays. In the alternative, if construction on Saturdays is approved, we proposed that the construction hours be restricted to 9am to 1pm." The submission by Scott and Elizabeth Norman wants to restrict the start time on Saturday mornings and the further submission from Shaun and Ann Stephens (F8) requests "construction works carried out during business hours only and these hours are significantly reduced on a Saturday". Obviously the more restrictions placed on the development to limit the hours of construction, the longer the construction period will be. It is acknowledged that the proposed times of construction have been offered by the applicant to minimise construction effects on directly adjoining neighbours, and listening to and understanding the neighbours' concerns relating to hours of construction to further alleviate their concerns is important. It is therefore considered reasonable to restrict construction times particularly within the weekends. A 9.00am start and 12.00pm finish on Saturdays is considered reasonable alongside the existing suggestion of no work on Sundays and Public Holidays. This reduces impacts on neighbours when they are most likely to be at home and expect a greater level of peace and quiet. This will effectively reduce the construction time from that proposed by 2.5 hours per week. However, in comparison, reducing the Monday to Friday work day to finish at 5.00pm will have little positive impact on immediate neighbours but reduce the working week by 5 hours. A 6.00pm finish on weekdays is considered appropriate.

#### Construction traffic

- 5.47 The Greytown School Board of Trustees submission (#13) supported by the further submission from Sija Spaak and Ashley Lienert (F3) requests that construction traffic uses the Market Road entrance to the site to reduce effects on the school and their property, particularly traffic noise. The school also notes that construction traffic needs to consider school term times and peak pick up and drop off times during the school day. It is unclear from the applicant whether the access through to Market Road will be completed as part of Stage 1 of the project. Gordon and Sue Dinnison (F4) and Scott and Elizabeth Norman (F7) state that it is unfair for all construction traffic to use Market Road. Discussions with Council's Roading Manager have confirmed that it is better to disperse construction traffic than just use one entrance. The management of construction traffic, including the route to be used, timing etc will be controlled through a Traffic Management Plan developed as part of the Construction Management Plan. This will be completed in consultation with the school and approved by Council's Roading Manager prior to construction commencing. This is covered by way of recommended condition of consent.
- 5.48 The submission from Sam Wilkie (#19) also raises construction traffic management as a concern. The submission by Shaun and Vicky Westhead (#12) requests that the developer considers installing double glazing in their dwelling to address increase traffic noise, pollution and dust. This is not a matter Council would consider enforcing.

#### **Soil Disturbance / Earthworks within Contaminated land**

- 5.49 Due to the previous use of the site as an orchard and market garden, uses on the Ministry's for the Environment Hazardous Activity and Industries List (HAIL), a detailed site investigation

was undertaken (EQOnz Report in Appendix 25 of the application). All but two areas of the site were determined to be below the residential guidelines for arsenic and lead, with these areas around two spray storage sheds where equipment and gear had been washed down over a long period of time. Resource consent was granted on 4 March 2019, ref # 180203, to change the use of the land from rural to residential and for soil disturbance associated with the remediation of the two areas under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). In addition to the above consent, it has been determined that as the proposal will fail to meet the permitted activity standards under s8(3) of the NESCS: “(c) the volume of disturbance of the soil of the piece of land must be no more than 25m<sup>3</sup> per 500m<sup>2</sup>” and “(f) the duration of the activity must be no longer than 2 months” further consent is required as a Controlled Activity under the NESCS. Earthworks will be managed by the CEMP. This will be addressed further in the s104 RMA assessment.

- 5.50 The submission by GWRC (#20) states that in addition to the consents under the NESCS to change the use of the land from rural to residential and for soil disturbance associated with the remediation, the relevant rules under the Proposed Natural Resources Plan (PNRP) for contaminated site investigation or discharges from the site may require consent from GWRC under Rule R56. It is considered appropriate to include a note on the consent to this end.
- 5.51 The submission by GWRC (#20) also notes that the “application states that resource consent will be sought from GWRC under the PNRP for earthworks.... and that this consent application will be made once detailed design for the project has been completed. In addition, resource consent for earthworks is also likely to be required under Rule 5 of the operative Regional Freshwater Plan (RFP)”. It is also considered appropriate to include a note on the consent to this end.

#### **Stormwater Management / Hydraulic Neutrality / Effects on the Moroa Water Race**

- 5.52 Stormwater Management has been raised in a number of submissions, including the submissions by Gordon and Sue Dinnison (#11), Schubert Wines Ltd (#17) and GWRC (#20), and supported by further submissions (F4) and (F6). Stormwater runoff management is particularly important on the site due to the location of two branches of the Moroa Water Race that flow through the site and into neighbouring properties, including the property owned by Schubert Wines Ltd. The GWRC submission states that:

“GWRC strongly supports the proposed inclusion of water sensitive urban design (WSUD) measures including vegetated berm swales and on-site raingardens to manage stormwater from the site. As well as achieving hydraulic neutrality, the use of vegetated berm swales and on-site raingardens will assist with maintaining the water quality in the water race following development.”

- 5.53 Although the plan change request proposes a Permitted Activity standard in 5.5.2(1)(9) whereby stormwater from buildings are hard surfaces be disposed of in accordance with NZS4404:2010 Land Development and Infrastructure, the GWRC submission requests that WSUD measures are included to this provision and have suggested wording for the amended

provision. The change requested by the submission by GWRC is considered appropriate and consistent with the RPS, particularly Policy 42.

- 5.54 The GWRC also submitted (#20) that any discharges to the water race as a result of earthworks and on-going stormwater discharges from the site may not meet the relevant permitted activity rules of the PNRP, particularly Rules R42 (miscellaneous discharges), R48 (stormwater discharges) and R99 (earthworks), and therefore regional consents may be required. It is also considered appropriate to include a note on the consent to this end.
- 5.55 Any changes to the water race are managed through the Moroa Water Race Bylaw 2007, included in Appendix 27 of the application. It is understood that it is not the intention to relocate the water race.

### **Services Provision**

- 5.56 The submission by Fire and Emergency New Zealand (FENZ) (#9) supports the proposed water supply system. It is proposed to connect the site to the Council's reticulated system, but provide water storage on-site. The submission requests that the provision of a water supply system is added to the proposed matters over which Council retains control within the new Controlled Activity Rule 5.5.3, which is considered appropriate. They also request a condition be added to the resource consent which is also considered appropriate.
- 5.57 It is noted that the neutral submission by Powerco (#16) wants to ensure electricity can be supplied to the site and required upgrading of the network can be done in a timely manner. The submission refers to the NPS on Urban Development Capacity .

### **Controlled Activity Standards**

- 5.58 The submission from Schubert Wines Ltd (#17) raises concern about the introduction of Rule 5.3.3 which provides for the development of a retirement village within the Orchards Retirement Village Character Area as a Controlled Activity particularly without finalisation of the design of the rest home/hospital building (Stage 4). The submission requests that any of these activities be non-complying. It is noted that the application for resource consent currently applied for has a most stringent activity status of Discretionary under the rural zone provisions of the operative District Plan. The plan change with a non-complying activity status for Stage 4 could therefore make the consenting pathway for the development more difficult than it is currently. The Council would like to see the completion of the project as intended with the continuing care component an important aspect of the development, which sets it aside from standard residential development. The requirement for any additional resource consent to be assessed as a non-complying activity after the comprehensive process this application is going through would be too onerous. I understand the submitters concerns, particularly with regard to potential reverse sensitivity effects, but consider that the recommendations included in this report to provide more certainty in terms of provisions relating to building height and setbacks go some way to alleviate these concerns.



## **Subdivision Controlled Activity Standards**

- 5.59 The submission from Schubert Wines Ltd (#17) also raises concern about the introduction of new Rule 20.1.2(a) which provides for future subdivision of Orchards Retirement Village Character Area as a Controlled Activity and reference to the Indicative Concept Plan in Assessment Criteria at 21.1.1 which is considered too vague. The submission seeks a more comprehensive development plan showing the location of individual buildings, particularly those buildings in Stage 4 given the close proximity of these buildings to Boundary 3. The application states that the 180 dwelling units will be owned under a licence to occupy. With its proposed model of occupancy, it is questionable why subdivision provisions have been proposed for the Character Area. It is my understanding however, that any subdivision likely to occur is that of the rest home, hospital type buildings if they were to be operated by an independent health provider in the future.

## **6.0 SECTION 104 RMA ASSESSMENT**

- 6.1 The application for resource consent requires to be assessed under s 104 of the RMA 1991. The relevant statutory provisions that are to be considered include the RMA itself, the National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), the Wellington Regional Policy Statement (RPS) and the Wairarapa Combined District Plan (District Plan).

### National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- 6.2 In addition to the consent already granted by Council under the NESCS, ref # 180203, to change the use of the land from rural to residential and for soil disturbance associated with the remediation of two areas on the site, a further consent is required as a Controlled Activity under the NESCS as the proposal fails to meet the following permitted activity standards under s8(3) of the NESCS for soil disturbance: “(c) the volume of disturbance of the soil of the piece of land must be no more than 25m<sup>3</sup> per 500m<sup>2</sup>” and “(f) the duration of the activity must be no longer than 2 months”. As a Controlled Activity under s9(2) of the NESCS, the matters over which Council has control over for soil disturbance include:

- (a) the adequacy of the detailed site investigation, including—
  - (i) site sampling:
  - (ii) laboratory analysis:
  - (iii) risk assessment:
- (b) how the activity must be—
  - (i) managed, which may include the requirement of a site management plan:
  - (ii) monitored:
  - (iii) reported on:
- (c) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:
- (d) the timing and nature of the review of the conditions in the resource consent:
- (e) the duration of the resource consent.

6.3 With respect to the above matters it is considered that: the detailed site investigation included in Appendix 24 of the application is adequate; the site will be appropriately managed by the Construction Environment Management Plan (CEMP) which is to be provided as part of the proposed conditions of consent including transport and disposal of the soil removed, and a review clause has also been suggested by the conditions of consent. An unlimited duration of consent is sought for this consent under the NESCS. Due to the scale of the project, a standard 5 year consent timeframe is not considered to be long enough, but a 10 year duration is considered to be reasonable with the overall completion of construction expected around 2030.

#### Wellington Regional Policy Statement (RPS)

6.4 Numerous relevant policies of the RPS have been referred to in submissions and assessed where appropriate in the previous section of this report. Appendix 33 to the application provides a further assessment of the relevant issues, objectives and policies of the RPS. I concur with the assessment made in Appendix 33 of the application, and conclude that on balance, the proposal is consistent with the RPS.

#### District Plan Assessment

6.5 Section 86B of the RMA states that a provision in a District Plan, in this case a plan change, only has legal effect once a decision on submissions is made and publicly notified. Therefore, the plan change proposed is not legal at this stage, and weight must still be given to assessing the resource consent application against the existing provisions of the operative District Plan.

6.6 The Wairarapa Combined District Plan (District Plan) became operative on 25 May 2011. Where a proposal does not meet the permitted standards of the District Plan, assessment of the proposal is concerned with avoiding, remedying or mitigating any effects that would derive from not complying with the relevant permitted standards.

6.7 Appendix 30 of the application provides a detailed assessment of the proposal against the provisions of the operative District Plan. Furthermore, Annexure 1, page 11 of the application provides a summary of the resource consents required under the District Plan. I concur with this summary, and deem that overall the application for resource consent is a Discretionary Activity, as the most stringent category of consent, under District Wide Rule 21.6(a): "Any activity that does not comply with the standards for permitted activities or is not otherwise specified as a controlled or restricted discretionary activity." This is effectively a catch-all rule that the proposal defaults to due to non-compliance with the permitted activity standards for temporary activities in Rule 21.1.6 relating to the construction programme exceeding 12 months. The proposal also requires consent for transportation matters under the District Wide Rules 21.4.14 including road widths, and parking, and under the Rural Zone Discretionary Activity Rule 4.5.5(e) for the number of dwellings per certificate of title, dwelling setbacks, and the number of signs, and Restricted Discretionary Rule 4.5.5(c) for non-residential activities in buildings greater than 25m<sup>2</sup> GFA.

6.8 It is noted that an assessment of most of the above listed matters, including the construction timeframe, road widths and parking matters, the proposed 180 residential dwelling units and

dwelling setbacks have all been adequately addressed in the assessment of submissions and further submissions in Section 5 of this report.

- 6.9 The matters of non-compliance not already assessed include non-residential buildings greater than 25m<sup>2</sup> GFA, and signs. These matters are assessed here. Section 22 of the District Plan provides relevant Assessment Criteria relating to development (Section 22.2.1) and signs (Section 22.2.10) and although not limited to them, matters of discretion under Restricted Discretionary Activity Rule 4.5.5(c) for non-residential buildings greater than 25m<sup>2</sup> GFA. The buildings included in this assessment would refer to a dwelling building being used as a show home and any communal type buildings associated with the bowling green or resident's facilities. These buildings are internal to the site, with the on-going management controlled by the Orchards Retirement Village. Under the matters listed, the siting of buildings has been addressed through the assessment of setback provisions and reverse sensitivity issues. The design and location of access has also been addressed. The main signs that will be visible are those at the entrances to the site along Reading Street (2 signs at the main entrance and 1 at the secondary entrance) and Market Road (2 signs at the main entrance and 1 at the secondary entrance), however the design of the signs will not be visibly obtrusive and will not have adverse effects on the streetscape's openness or attractiveness. Any signage will not affect the amenity of adjoining allotments, including any effects expected to be generated from artificial light and glare. Additional signs, such as direction signs, will be required internally and are considered necessary to direct people to the activity. The proposed signs will not affect the safe and efficient operation of the road, and are considered to be of an appropriate scale, nature and proximity to other signage in the area. Amenity, visual effects, landscaping and screening, noise, and traffic have all been addressed in Section 5 of this report. The proposal is not considered to have an adverse effect on the viability or vitality of the existing Greytown town centre, and will according to the BERL report in Appendix 18 of the application, add that this. The requirements for infrastructure and servicing are addressed further below.
- 6.10 Appendix 31 of the application provides a detailed assessment of the proposal against the objectives and policies of the District Plan. I concur with the assessment, and consider that on balance, the proposal is would maintain the integrity of the objectives and policies of the District Plan for the reasons given above.

#### Part II of the RMA 1991

- 6.11 Section 5 of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.
- 6.12 It is considered that the proposal is consistent the with sustainable resource management, would not adversely affect any matters of national importance, and would not affect Council's obligations under Treaty of Waitangi. Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. It is considered appropriate to consider the private plan

change request concurrently lodged with the resource consent application for the proposed Orchards Retirement Village Character Area as a relevant “other matter” to give particular regard to. The substantial amount of work in formulating the plan change request and the notification process followed thus far have enabled the in-depth assessment of the overall proposal. The resource consent proposal to develop the 180 independent dwelling, a show home, and associated servicing and roading network, pedestrian paths, community garden spaces, village green and landscaping among other things is considered to be consistent with the provisions of the proposed plan change request, and thus would be appropriate within the Orchards Retirement Village Character Area and would not adversely affect the amenity or character of the area.

## **7.0 INFRASTRUCTURE / SERVICING PROVISION**

7.1 The provision of services and any upgrades required to Council infrastructure networks is a matter able to be considered under the Discretionary Activity resource consent application assessment for the 180 independent dwelling units and the entire proposed development as part of the plan change request for the Orchards Retirement Village Character Area. This also flows onto what contributions are payable where an activity necessitates upgrading of public services. Section 18 of the District Plan: Subdivision, Land Development and Urban Growth provides a number of relevant objectives and policies that are relevant here, particularly Objective 18.3.4 and corresponding Policies 18.3.5(a) and (b), Objective 18.3.8 and Policies 18.3.8(a) and (b) and Objective 18.3.10 and Policy 18.3.11(c). These objectives and policies and an assessment of them is provided in Appendix 31 of the application. I concur with the assessment and conclude, on balance, the proposal is consistent with these objectives and policies.

7.2 Details of the proposed services arrangements are provided in the Calibre Report included in Appendix 21 and plans in Appendix 21A of the application, and summarised below.

### Wastewater

7.3 The development proposes a private internal sewer network that is to be connected to the Council network at two locations on Market Road. Due to site level constraints a pumping station and rising main is proposed at the southern end of the development within the site to pump effluent into the direct gravity portion of the internal network.

### Potable Water

7.4 The potable water design system essentially consists of a Council supplied internally pressurised network. Council water supply from Reading Street will feed buried on-site storage tanks with a maximum storage capacity of 120,00 litres before the water is pumped to users via a private internal pipe network. The water main along Reading Street will require an extension of approximately 100m.

### Stormwater

7.5 Further to the matters raised in submissions and addressed in paragraphs 5.52-5.55 above, because Greytown has no existing stormwater reticulation infrastructure the development must provide for stormwater for the primary storm event (10% Annual Exceedance Probably (AEP)). The stormwater system design consists primarily of shallow berm swales to allow

collection, treatment and soakage of surface runoff. Two larger soakage swale basins will be constructed to provide extra soakage of runoff and amenity to residents. Rain gardens and proprietary soakage modules will also be constructed at appropriate intervals to control the flow within berm areas. This is designed for soakage of surface water for the primary storm event (10%) AEP). Secondary flow will primarily be conveyed via the same system, with the wider road cross section designed that a 1% AEP secondary flow can be conveyed without reaching building platforms. The soakage system has been sized so that secondary flow will be that of pre-development peak flows and total discharge from the site are not exceeded. Stormwater infrastructure for each stage of the development can largely be constructed within the associated stage boundaries.

#### Other services

- 7.6 Further to the matter raised by Powerco in their submission (16) referred to in paragraph 5.57 above regarding electricity supply, the applicant has confirmed they will be able to provide fibre to the development.

### **8.0 FINANCIAL CONTRIBUTIONS**

- 8.1 Chapter 23 of the District Plan sets out the contributions payable for the development. These will be imposed through conditions of the resource consent. Contributions for land use consents may include “the costs of upgrading and expanding community works and services as a result of the proposal, including (but not limited to) public roads, public water supplies and the disposal of sewerage and stormwater. Contributions for land use development through the resource consent process will be sought in full, unless a previous contribution has been received in the subdivision of the site”. (District Plan, Section 23, Page 23-1). The site is held in two separate Certificates of Title with one existing dwelling on one of the titles that is not connected to Council services. No previous subdivision of the site has resulted in the prior payment of contributions.

#### Reserve Contributions

- 8.2 Clause 23.2 deals with reserve contributions and 23.2.1(a) specifies the circumstances that these contributions are payable as a condition of a land use resource consent. These contributions are payable as set out in 23.2.2(a).

Clause 23.2.2 Amount of contribution for reserves as a standard of a permitted activity or as a condition of a resource consent

(b) For land use development for residential purposes, a general district-wide reserves contribution of 0.25% of the value of each additional residential unit (plus GST).

- 8.3 This will be payable per additional residential unit (i.e. after the first unit) and the value will be based on the estimated value of the building as stipulated on the building consent application.

#### Infrastructure Contributions

- 8.4 Clause 23.3 deals with infrastructure contributions and 23.3.1(a) specifies the circumstances that these contributions are payable as a condition of a land use resource consent. Infrastructure contributions are payable for one or more of the works set out in 23.3.2(a) to (f) in addition to a contribution under section 23.3.2(g)(ii).

Clause 23.3.2 Amount of contribution for infrastructure as a standard of a permitted activity or as a condition of a resource consent

- (a) The actual cost of water supply, wastewater or stormwater disposal systems to the development; and
- (b) The actual cost of all necessary water supply, wastewater or stormwater disposal reticulation within the development for each allotment or building; and
- (c) The actual cost of connections between the water supply, wastewater or stormwater disposal reticulation in the development and the Council's water supply, wastewater and stormwater disposal system; and
- (d) The actual cost of upgrading of any existing Council water supply, wastewater or stormwater disposal system to the extent that it is necessary to service the development; and
- (e) A share of the cost of the existing water supply, wastewater or stormwater disposal system where additional capacity has been created in anticipation of future development. The share will be calculated on the proportion of the additional capacity required to serve the development; and
- (f) A share of the cost of new water supply, wastewater or stormwater disposal system or upgraded water supply, wastewater or stormwater disposal system where additional capacity will be required by the cumulative effects of an area's development – the share will be calculated on the proportion of the additional capacity required by the development; and
- (g) Within all areas (except within the Waingawa Industrial Area): (i) For subdivisions, a general district-wide infrastructure contribution of \$5000 (plus GST) per allotment that connects with public infrastructure and services; or (ii) For land use development for residential, administrative, commercial and industrial purposes, a general district-wide infrastructure contribution of \$5000 (plus GST) per new unit for linking with public infrastructure and services; plus 0.5% of the assessed value of any building development in excess of \$1,000,000 (plus GST). The assessed value of the development will be based on the estimated value of the building as stipulated on the building consent application, or (iii) For land use development for additions and alterations for administrative, commercial or industrial purposes that connects with public infrastructure and services, a general district-wide infrastructure contribution of 0.5% of the assessed value of any building development in excess of \$50,000 (plus GST). The assessed value of the development will be based on the estimated value (excluding GST) of the building as stipulated on the building consent application.

#### Wastewater:

- 8.5 Earlier work by Council on the Greytown Future Development Area (FDA) Structure Plan highlighted the fact that current wastewater infrastructure in Greytown was already operating at or near full capacity and could not cater for further growth in Greytown, whether in the FDA or at other sites. This has led Council to identify the necessary additional wastewater infrastructure to enable further growth in Greytown and the cost of that new infrastructure, so as to avoid potential adverse environmental effects. A review of the financial contributions payable under the District Plan / RMA for wastewater in Greytown as a whole was then undertaken, so that Council could ensure funding for the new infrastructure would be available. The development capacity of Greytown within currently available areas was used to assess future demand, this including "greenfield and infill". It is anticipated that around 780 additional lots (includes the 180 dwelling units as part of the Orchards development) could be created in Greytown. This includes an assumption that infill development (compliant with

District Plan provisions) will make up 30-50% of total development. The cost of the additional capacity has been divided by the number of forecast residential lots which equates to each new unit paying a contribution for wastewater of \$10,400 + GST (an increase of \$8,400, for the wastewater component of the \$5000 in Clause 23.2.2(g)(ii) which was \$2000). This revised figure is driven by the need to fund the following new works;

- Upgrade of the combined 225mm sewer main from Greytown to the Wastewater Treatment Plant.
- Extension of sewer main up Papawai Road to East Street to allow diversion of flows at the South end of Greytown.
- Increased pumping flow rate and UV treatment for increased flows.
- Additional capacity at the Wastewater Treatment Plant for increased biological load.
- Additional land treatment with associated irrigation equipment for stages 1 and 2 to treat the increased flows.
- Additional deferred storage from increased flows during winter conditions when ground conditions are not suitable for irrigation.

8.6 These works are estimated to cost close to \$8 million. It is considered reasonable that these costs are now included within the financial contributions levied on the developments which trigger the need for the upgrades. The alternative for Council is to fund all these costs through rates. It is considered this would not be equitable for existing ratepayers as it does not reflect the requirement on Council of ensuring those who benefit pay or reflect on who is causing an actual or potential adverse environmental effect. In that regard Council has not in any event allocated the entire cost of the upgrade works within the new financial levy, with up to 20% being rate funded. If no other funding is made available, Council cannot undertake the necessary works at all and will be forced to decline further developments.

8.7 The new contribution is consistent with Clause 23.3.2(f) of the District Plan, Council has identified a need for a significant increase in the financial contribution for wastewater which applies to the whole of Greytown. The new contribution for wastewater has been levied consistently in Greytown since the work on the Greytown FDA was undertaken.

Water Supply:

8.8 As noted above the water main in Reading Street will need extending by approximately 100m. In addition to the standard water contribution payable of \$3,249.42 + GST per new unit (water component of the \$5000 in Clause 23.2.2(g)(ii), in accordance with Clause 23.3.2(d) of the District Plan, Council would require the actual full cost of this upgrade or alternatively the completion of work. The extension of the water main is necessary to service the development.

Additional infrastructure contribution:

8.9 Furthermore, in accordance with Clause 23.2.2(g)(ii), an additional infrastructure contribution is payable of 0.5% of the assessed value of any building development in excess of \$1,000,000 (plus GST) and that this assessed value will be based on the estimated value of the building as stipulated on the building consent application.

### Roads, Access, Parking and Loading Contributions

- 8.10 Clause 23.4 deals with road, access, parking and loading contributions and 23.4.1(a) specifies the circumstances that these contributions are payable as a condition of a land use resource consent. These contributions are payable for one or more of the works set out in 23.4.2(a)-(f).

Clause 23.4.2 Amount of contribution for roads, access, parking and loading as a standard of a permitted activity or as a condition of a resource consent

- (a) The actual cost of providing a road or access to the development concerned; and
- (b) The actual cost of all necessary roads and accesses within the development area for each allotment or building; and
- (c) The actual cost of road or access crossings between allotments, or buildings in the development; and
- (d) A share of the cost of the existing roads and access where additional capacity has been created in anticipation of future subdivision or development. The share will be calculated on the proportion of that additional capacity which is to serve the development; and
- (e) A reasonable share of the cost of new or upgraded roads or access where additional capacity or safety improvements are necessary to accommodate the cumulative effects of the development within an area. The share will be calculated on the proportion of additional traffic likely to be generated by the development; and
- (f) The cost of forming of the parking spaces (where a waiver from the District Plan parking requirements is sought, the cost of forming a parking space).

- 8.11 The main roading upgrades required as a direct result of the development include upgrades to Reading Street, specifically the section between McMaster Street and Church Street, and Church Street between East Street and Reading Street. A draft plan of the proposed upgrades is provided in Appendix 3. This plan has been developed by Council's Roading Manager and the engineer acting for the applicant. Costs of the upgrades have been calculated by Council and are estimated at \$725,000 (plus GST). In accordance with Clause 23.4.2(a) of the District Plan, Council would require the actual cost of this upgrade or alternatively the completion of the works, as the upgrades are considered necessary to service the development and allow the application to be granted.

### Payment of Contributions by Stage

- 8.12 Due to the scale of the development, it is considered reasonable to allow the payment of contributions as per the staging proposed for the development. It is noted that the current land use consent application relates to Stages 1-3 only.

## **9.0 RECOMMENDATIONS**

- 9.1 It is recommended to the Commissioner that the private plan change request for the Orchards Retirement Village Character Area shall be able to proceed subject to the recommendations on submissions and further submissions included in this report and summarised in Appendix 1 to this report.
- 9.2 Furthermore, it is recommended that the South Wairarapa District Council hereby grants Land Use consent, to application no. 190034, pursuant to Section 104B of the Resource Management Act 1991 and as a Controlled Activity under Section 9(2) of the Resource



Management (National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)) Regulations 2011, subject to the suggested conditions listed in Appendix 2 to this report, under s108 of the RMA,

- 9.3 The conditions, as recommended in Appendix 2, have been formulated from the conditions suggested by the applicant that were included in Appendix 34 to the application, and amended accordingly (amendments highlighted) to meet Council requirements and address, where appropriate, the matters raised in submissions and further submissions and minimise of mitigate adverse environmental effects.