



**BEFORE** South Wairarapa District Council

**Under the** Resource Management Act 1991

**and**

**In the matter of** Private Plan Change Request/Resource Consent Application  
Orchards Retirement Village, Greytown

**Date** 21 August, 2019

## **STATEMENT OF EVIDENCE BY CAROLINE WATSON ON BEHALF OF THE SUBMISSION MADE BY GREATER WELLINGTON REGIONAL COUNCIL**

### **Introduction**

My name is Caroline Watson. I am a Policy Advisor for Greater Wellington Regional Council. I have been employed by Greater Wellington Regional Council in this capacity since 2009.

I have a Master's degree in Environmental Studies and a Bachelor's degree in Environmental Studies and Physical Geography from Victoria University. I have 12 years' experience in resource management, where I have worked as a resource consents processing officer before moving into resource management policy.

I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert in resource management planning are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, and where my evidence relies on evidence provided by others this is expressly referenced.

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## **1. Scope of evidence and Greater Wellington Regional Council's submission**

- 1.1.1 The following evidence relates to a submission made by Alastair Smail for Greater Wellington Regional Council (GWRC) on 27 May 2019 on The Orchards Partnership Limited Private Plan Change Request/Resource Consent Application (the Proposal).
- 1.1.2 GWRC's submission assessed the Proposal at 67 Reading Street and 31 Market Road, Greytown for consistency with the Regional Policy Statement for the Wellington Region (2013) (the RPS).
- 1.1.3 The assessment focussed on how the Proposal fits within the RPS policy framework for stormwater management, development in rural areas and urban design and whether these issues have been adequately addressed in the application.
- 1.1.4 GWRC also looked at the Proposal in terms of the requirements of the Proposed Natural Resources Plan 2015 and the operative regional plans and how the application will contribute towards achieving the outcomes described in the Ruamāhanga Whaitua Implementation Programme.
- 1.1.5 The purpose of this evidence is to provide responses to the recommendations in the Officer's Report and to highlight any outstanding areas of concern.
- 1.1.6 My evidence today will:
  - (a) outline the policy and strategic context of this evidence,
  - (b) summarise GWRC's submission,
  - (c) respond to evidence provided as part of the Proposal,
  - (d) respond to the Officer's Report recommendations on the matters covered in GWRC's submission, and
  - (e) request decisions on the application.

## **2. Policy and strategic context**

- 2.1.1 The RPS is a regional document that identifies significant resource management issues within the region and sets out the objectives, policies, and methods to achieve the integrated management of natural and physical resources for the Wellington region.
- 2.1.2 The RPS sets out objectives and policies that provide local authorities with direction and guidance on resource management issues that must be given effect to when making changes to district and regional plans (in accordance with section 75 of the Resource Management Act 1991 (the RMA)) (policies 1-34). The RPS also provides direction on policies that must be considered as part of resource consent application (policies 35-60).

- 2.1.3 GWRC is particularly interested in how The Orchards Retirement Village Development will support and contribute to achieving the integrated management of natural and physical resources in the Wellington region.

### **3. Summary of submission**

- 3.1.1 GWRC made a submission largely in support with amendments sought to The Orchards Retirement Village Development.

- 3.1.2 The submission sought the following:

- (a) That the plan change provisions refer to the use of water sensitive urban design measures and/or to the management and attenuation of stormwater on-site such that pre-development peak flow and total discharge from the site is not exceeded post-development.
- (b) That the resource consent include “details of water sensitive urban design incorporated into the landscaping” as a condition of consent.
- (c) That the resource consent include conditions for the provision for cycling and pedestrian paths within the site in the detailed design stage of the proposal.

- 3.1.3 And noted:

- (a) Support for matters of control in 5.5.3(c) clause (x) which provides for safe pedestrian and cycle access throughout the site.
- (b) Support for the inclusion of urban design principles in the application.
- (c) The site’s integrated nature with the township and good connections with Greytown’s existing infrastructure and facilities.
- (d) That resource consent may be required from GWRC relating to earthworks, discharges to the water race and contaminated land and discharges.

## **4. Response to the Officer’s Report recommendations**

### **4.1 Stormwater management**

- 4.1.1 GWRC were concerned that the proposal described measures that would be taken to manage water on-site but did not include any requirement for water sensitive urban design measures to be used. The submission requested specific provisions for this in the plan change.

- 4.1.2 In relation to the resource consent application, GWRC sought consideration of water sensitive urban design in relation to the landscaping proposed.

#### **Response to submission point**

4.1.3 The Section 42A Report recommends amended wording (italicised) under provision 5.5.2 Standards for Permitted Activities (m)(11) in the Plan Change:

4.1.4 (11) Stormwater from buildings and hard surfaces within The Orchards Retirement Village Character Area *shall be managed and attenuated on-site using water sensitive urban design measures such that pre-development peak flow and total discharge from the site is not exceeded post-development, and all stormwater shall be disposed in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure*

4.1.5 In terms of the resource consent, the Recommended Suggested Conditions for Resource Consent (Appendix 2) have included:

4.1.6 *25 (b) details of water sensitive urban design incorporated into the landscaping.*

#### **Decision requested**

4.1.7 Accept the recommendation in the Section 42A Report to amend permitted activity condition 11 for the plan change.

4.1.8 Accept proposed resource consent condition 25.

## **4.2 Cycling and pedestrian paths**

4.2.1 The submission sought that a resource consent condition be included to provide for cycling and pedestrian paths as part of the detailed design stage of the proposal.

#### **Response to submission point**

4.2.2 The proposed resource consent conditions do not include provision for cycling and pedestrian paths within the site in the detailed design stage of the proposal.

4.2.3 However, the amended resource consent conditions provided by the applicant, have included condition 22 which is:

4.2.4 *“Prior to completing the detailed design drawings....., the consent holder shall consult with..... and the Council in relation to the proposed design, and shall ensure that provision is made in the design for vehicle parking, pedestrian movements and traffic flow associated with Greytown School and the consented development”.*

4.2.5 This goes some way to alleviate our relief sought on this issue, however this doesn't address the cycle and pedestrian paths to be considered during the detailed design stage as requested in our submission.

#### **Decision requested**

4.2.6 Amend condition 22 as follows:

4.2.7 *“Prior to completing the detailed design drawings specified in [condition above], the consent holder shall consult with the Board of Trustees of Greytown School and the Council in relation to the proposed design, and shall ensure that*

*provision is made in the design for vehicle parking, pedestrian movements, cycle and pedestrian paths and traffic flow associated with Greytown School and the consented development”.*

#### **4.3 Other matters raised**

- 4.3.1 GWRC wishes to note its support for the other matters raised in submission including the matters of control for safe pedestrian and cycle access, urban design principles and including notes about the requirement for regional resource consent in the district resource consent conditions.

#### **4.4 Requirement of regional consents**

- 4.4.1 It is important to note that the Proposed Natural Resources Plan was recently released as a Decision Version. In this, there are new consenting requirements for stormwater at the individual property level. It will be important for the applicant to be aware of these requirements in terms of the design and layout of the stormwater system within the site. This is where water sensitive urban design elements addressed in the site can be very beneficial.

### **5. Summary of decisions requested**

- 5.1.1 I request that South Wairarapa District Council notes GWRC’s support for the recommendations related to stormwater management using water sensitive urban design tools in both the plan change and associated resource consent and amends resource consent condition 22 as requested above.

**Caroline Watson**

**Greater Wellington Regional Council**

Good morning Commissioner

My presentation today will address key aspects from our submission. We hope that it will emphasise the major impact this development will have on **our** environment.

I would like to start with the existing planting on Boundary 8 and 9.

*(present photos)*

This is a Lombardy Poplar shelter belt located on the Applicant's land. The Poplar is a deciduous tree. In the summer we have total privacy and in winter, when the leaves have fallen, we have an extended view through to the plum trees beyond. **This shelter belt will be demolished. This will have a huge impact on us.**

1. I would like to address the establishment of **temporary screen**. Due to the length of this project, lack of privacy and increased exposure to wind, dust and wind blown rubbish, **an artificial windbreak** would vastly improve our living conditions. It would also protect the newly established boundary planting. Unfortunately there has been no response from the SWDC in their submission and there has been no communication from the Applicant, on this issue. I have a photo of a suitable structure for you to view.

*(present photo)*

2. I would like to address the proposed boundary planting.

*(present the plan & elevations of Boundary 9)*

In our submission we deemed that the boundary planting as proposed by the Applicant is inadequate. **It is by nature inadequate because it is mostly only a concept. The detailed drawings are yet to be presented.** However, what can we glean from the elevation provided by the Applicant. Our exposure to the proposed development is excessive compared to what we have at present. For us, it is too open, it needs additional height, the under planting lacks density and **we will see too many buildings.**

We have had no communication with the landscape architect and limited communication with the Applicant on this issue.

3. I would like to address building height. We did not comment on building height in our submission because of the change to the master plan by the Applicant in late 2018.

*(present & read emails)*

We have explained our desire to have less exposure to buildings. Multi storied buildings would increase our exposure. Kai Schubert's agreement with the applicant, highlights the possibility of multi stories in the hospital/apartment complex. The SWDC's submission supports a **6m height restriction** and we agree.

There has been some communication with the Applicant on this issue.

4. I would like to address the setback distance.  
(*present elevation* )

In light of the major impact this development will have on us, it is in our opinion, just and fair that **the Applicant's setback distance be the same distance as ours - 10m**. We can then as neighbours set about negotiating a boundary planting that best suits both parties, each having an equal amount of space to contribute.

We have had no communication with the landscape architect and some with the applicant on this issue.

To conclude, the key aspects are:

- 1 A temporary screen be a requirement of consent
- 2 The proposed boundary planting will not enhance our wellbeing
- 3 The building height restriction be set at 6m
- 4 The setback be set at 10m











North

plan 1:1000@A3

*Our boundary with The Orchards Greytown - 223.8m*



Pedestrian crossing  
 Main pedestrian entry  
 Entry feature walls potentially with security gates  
 Crushed limestone paved area for picnics, events, BBQ etc.  
 Hedges on boundary (no fencing)  
 Main vehicular entry  
 Long grass under existing orchard trees  
 Short grass  
 Focal feature  
 Specimen trees at terminus of road view  
 Visitor parking screened by 1.4m high hedging on both sides to retain rural character  
 Tree planting to screen building where orchard trees are not possible  
 Courtyards with retained orchard trees in new shrub planting  
 1.4m high hedging to screen cars  
 Drop off area with entry feature eg wall or simple trough pond  
 Rows of agricultural flowering planted eg lavender, roses, rosemary, alliums (flowering onions), sunflower etc.  
 Nature playground area with seating

Tail hedging to create variation along bdy  
 Existing and new tree and shrub planting to provide complete screening along bdy  
 Playground  
 Wellness centre with covered terraces on three sides  
 Secluded seating area  
 Lawn  
 Pond  
 Bowls lawn  
 Tressed open space opposite main entry to core building with petanque court in orchard trees  
 Staff / visitor car park  
 Community garden and men's shed  
 Simple pond fed by irrigation channel  
 Rumble strips  
 Pedestrian paths through swale parkland

Murphy's garden with existing trees retained with new shrub planting under  
 Existing and new tree and shrub planting to provide complete screening along bdy  
 Tressed open space opposite main entry to core building with petanque court in orchard trees  
 Staff / visitor car park  
 Community garden and men's shed  
 Simple pond fed by irrigation channel  
 Rumble strips  
 Pedestrian paths through swale parkland

KEY:

- Existing trees
- Proposed trees
- Grass
- Shrubs planting
- Hedge planting

Landscape Plan - North

X Boundary planting has less density and the buildings are more visible. less privacy where we need it most.



Reading Street

Orchard Garden

Boundary

Boundary 9:

North internal to boundary residential properties: full elevation

Residence

Boundary

Boundary



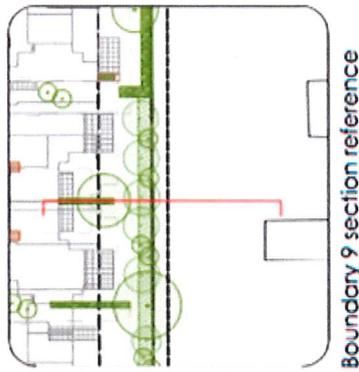
Boundary 9:  
North internal boundary to residential properties: Detail elevation

\* This is NOT the 'mural feel' we were hoping to retain.

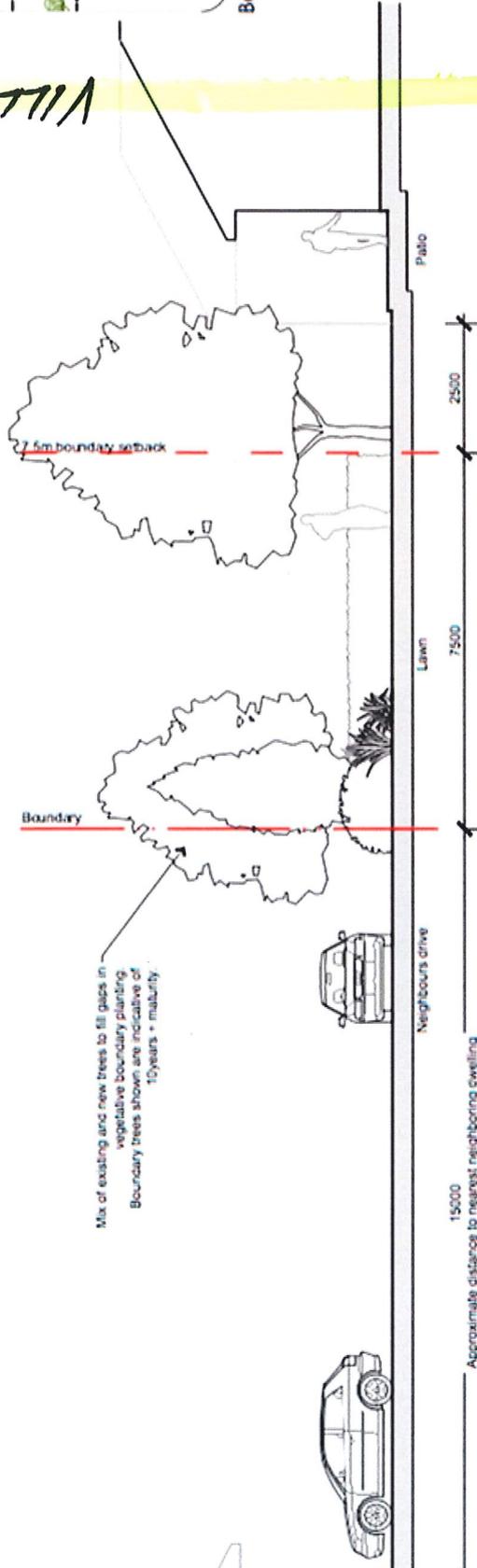
*Back Boundary East*

Greater detail but still no plant names.

DYNNISON RESIDENCE



VILLA



1 Boundary 9 Typical Cross section

\* This elevation gives the impression of a substantial boundary planting but looks can be deceiving.

**From:** Craig Percy  
**Sent:** Sunday, 4 November 2018 8:18 AM  
**To:** [sijaspaak@gmail.com](mailto:sijaspaak@gmail.com)  
**Cc:** Lucy Cooper <[lucy@perceptionplanning.co.nz](mailto:lucy@perceptionplanning.co.nz)>  
**Subject:** The Orchards At Greytown

Hi Sija and Ash

Thanks for your interest in The Orchards At Greytown. I understand that you are wanting to meet with regards what we are proposing. Following the latest round of consultations we are in the process of working up a revised masterplan. The major changes are as follows:

- We are working with DGSE Architects to take out all of the two level buildings and replace with single level buildings across the development.
- Mark Newdick from Local Collective, a very talented Wellington based Landscape Architectural practise will overlay their landscape design concepts onto the Masterplan [www.localcollective.nz](http://www.localcollective.nz)

We would like to complete this work and get a copy to you and then we can arrange a meeting via either phone or in person to discuss.

Regards

Craig  
Ph 027 6700744

[www.theorchardsatgreytown.co.nz](http://www.theorchardsatgreytown.co.nz)



**Sija Spaak**

to scott.norman, me, Ashley ▾

Tue, Aug 20, 6:08 PM (15 hours ago)



Here it is, an email from Craig on 20 November, see the first bullet point.

Sija

Sent from my iPhone

Begin forwarded message:

**From:** Craig Percy <[craig@theorchardsatgreytown.co.nz](mailto:craig@theorchardsatgreytown.co.nz)>  
**Date:** 20 November 2018 at 2:59:16 PM NZDT  
**To:** "[sijaspaak@gmail.com](mailto:sijaspaak@gmail.com)" <[sijaspaak@gmail.com](mailto:sijaspaak@gmail.com)>  
**Cc:** Lucy Cooper <[lucy@perceptionplanning.co.nz](mailto:lucy@perceptionplanning.co.nz)>  
**Subject:** RE: The Orchards At Greytown

Hi Sija and Ash

We are now in a position to share with you the latest Masterplan for The Orchards At Greytown, although this Masterplan does not as yet have the total landscape overlay across.

We are sharing this Masterplan with the Greytown Community Board tomorrow evening and wanted to share this with you ahead of this meeting. The majority of these changes have come about through our initial consultation process.

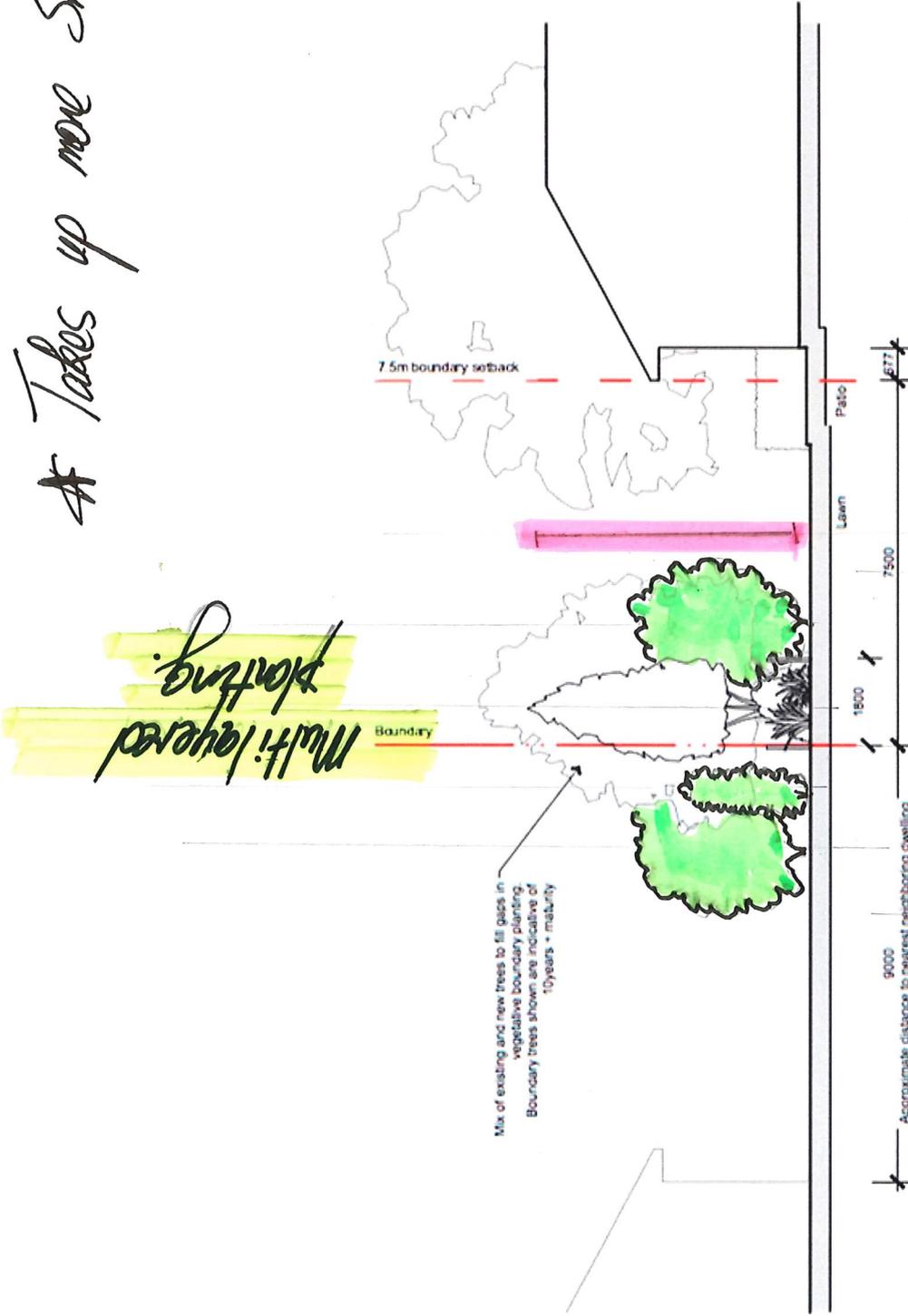
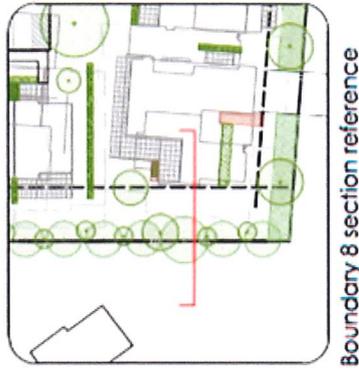
We have made the following key changes:

- All buildings across the site are now single level
- Two level apartments have been replaced by duplex terrace housing
- The communal and care buildings are now further north on the site plan
- Villa properties bordering your boundary are now setback by 7.5m (as a minimum). On the previous Masterplan these properties were setback by 5m.
- We have broken up long rows of villas with greenspace
- We have removed the lake and made more of a feature of the water race running through the site.

We welcome your feedback at your earliest possible convenience. Please let me know when we can set up a call to discuss this revised Masterplan.

Regards  
Craig

*\* Takes up more space.*



Approximate distance to nearest neighboring dwelling

**2** Boundary 8  
Typical Cross section

*Camelia japonica*  
3.6

*Thuya occidentalis*  
3.6

*Temporary Green*

*Evergreen plants*

NZ Transport Agency Reference: 919015

19 August 2019

The Orchards Limited Partnership  
C/- Phillip Percy (Perception Planning)  
PO Box 259,  
**MARTINBOROUGH 5711**

**Via email:** [phillip@perceptionplanning.co.nz](mailto:phillip@perceptionplanning.co.nz)

Dear Peter,

**RE: Wairarapa Combined District Plan Private Plan Change & Notified Land Use Resource Consent Application RC190034**

Thank you for the ongoing discussions and further information provided on behalf of The Orchards Limited Partnership in regard to this Publicly Notified Proposed Plan Change and Land Use Resource Consent Application. As an affected party the NZ Transport Agency (Transport Agency), has considered the proposal and the subsequent information provided.

At the time of submission (28 May 2019), the Transport Agency's opposition was based on the lack of information in regard to:

- The provision for 'Standard Residential Development' as a controlled activity;
- The effects that the traffic associated with the proposed development would have on intersections with State Highway 2; and,
- Pedestrian and cyclist connectivity to and from the State Highway.

Further information:

As per paragraph 5.4 of the Section 42A Report (dated 7 August 2019), Honor Clarke addresses the Transport Agency's concern in regard to 'Standard Residential Development' being developed. It is understood that the addition to Section 5.1.4(b) – Non-Complying Activities ensures that any 'Standard Residential Development' within the Orchards Retirement Village Character Area that is not provided for as a controlled activity in Rule 5.3.3(c) will have a non-complying activity status. As this is the South Wairarapa District Council's interpretation of this rule, the Transport Agency considers that this matter has been sufficiently addressed so that 'Standard Residential Development' cannot occur as a controlled activity within the Orchards Retirement Village Character Area.

The ongoing consultation with the Transport Agency has provided the benefit of a better understanding of the potential impacts of the proposal on the state highway, motorists, pedestrians, cyclists and the wider transport hierarchy. Through this consultation the Transport Agency has reviewed the following:

- SIDRA Modelling Memo – Received 9 August 2019 – Via Email from Cobus de Kock;
- Pedestrian and Cycle Routes Memo – Received 12 August 2019 – Via Email from Cobus de Kock;
- Statement of Evidence of Jacobus de Kock – Received 14 August 2019 – Via Email from Honor Clark; and
- Statement of Planning Evidence of Phillip Harry Percy – Received 14 August 2019 – Via Email from Honor Clark.

These memos and statements have concluded that the effects on the Transport Agency infrastructure are less than minor. The Transport Agency accepts these conclusions and will not be requesting any mitigation measures to be volunteered as part of the application.

Please consider this letter as confirmation that the Transport Agency no longer wishes to be heard at a hearing in support of our submission dated 28 May 2019. Please notify the Transport Agency if the application which council considers is different to the scope of the proposal outlined herein. Such changes could void the Transport Agency's position.

The Transport Agency would also appreciate an electronic copy of the final decision on this application, for our records.

If you have any queries, please do not hesitate to contact Luke Braithwaite at (04) 978 2643 or email [luke.braithwaite@nzta.govt.nz](mailto:luke.braithwaite@nzta.govt.nz)

Signature:



Evan Keating – Principal Planner – Consents and Approvals, System Design and Delivery; on behalf of the NZ Transport Agency

Address for service:

NZ Transport Agency,  
System Design and Delivery, Consents and Approvals  
Level 11, HSBC House  
1 Queen Street  
**AUCKLAND 1143**

Or via email on [consentsandapprovals@nzta.govt.nz](mailto:consentsandapprovals@nzta.govt.nz) using reference no 919015

Contact Person: Luke Braithwaite – Consultant Planning Advisor

DDI: (04) 978 2643

E: [luke.braithwaite@nzta.govt.nz](mailto:luke.braithwaite@nzta.govt.nz)

Alternate email: [consentsandapprovals@nzta.govt.nz](mailto:consentsandapprovals@nzta.govt.nz)

CC:

South Wairarapa District Council – Honor Clark – [Temp.Planner@swdc.govt.nz](mailto:Temp.Planner@swdc.govt.nz)

Jacobus de Kock (Stantec) – [cobus.dekock@stantec.com](mailto:cobus.dekock@stantec.com)

South Wairarapa District Council  
PO Box 6  
Martinborough 5741

20 August 2019

**Attention: Honor Clark (Consultant Planner)**

Dear Commissioners,

**Fire and Emergency New Zealand - Letter to be tabled at the Hearing regarding SWDC Orchards Retirement Village**

Fire and Emergency New Zealand (FENZ) has opted not to attend the hearing for proposed Plan Change and resource consent application (ref: 190034) for Orchards Retirement Village on 29<sup>th</sup> - 30<sup>th</sup> August. We request that this letter be tabled in lieu of the attendance of FENZ.

We have received and reviewed the S42 Officer's Report and the Applicant's evidence and our response is set out below.

## **1 Proposed Plan Change**

### **1.1 Water Supply for Firefighting.**

The Officer's Report is correct regarding the summary of FENZ's submission relating to water supply. FENZ's original submission recommended that the Plan Change be amended to add the provision of a suitable water supply system to the proposed matters over which the Council retains control within new Controlled Activity Rule 5.5.3. The Officer's Report confirms that this relief is appropriate, and FENZ strongly support this amendment to Rule 5.5.3.

### **1.2 Access to Water Supply**

The proposed Plan Change includes site specific standards. Standard 10 relates to private roads within the development and requires that they have a lane width of 3m, which is less than the minimum width of 4m required within the Code of Practice SNZ PAS 4509:2008 to ensure access for firefighting appliances. In the proposed development, fire appliances will be required to remain on the street during any emergency situation. Therefore, sufficient width is required, not only for access along the street but also for working around the appliance should an emergency arise. FENZ original submission requested that Standard 10 be amended to require a minimum 4m width. The Officer's Report supports this recommendation at para 5.20.

Subsequent to the publication of the Officer's Report, the Applicant has submitted evidence prepared by Jacobus De Kock, a traffic engineer from Stantec NZ. The evidence confirms that the internal roads with a 3m width will be configured with flush grassed shoulders with no kerbs on either side, which will provide for a minimum road width of 4.5m. The private lanes will be marked with no stopping lines on either side to ensure that there is clear access for firefighting appliances at all times.

FENZ has considered the evidence submitted by Mr De Kock and accepts that with the inclusion of flush grassed shoulders and no kerbs there would be adequate access for firefighting appliances to travel along the private internal roads, subject to the internal roads being clear of parked vehicles at all times.

In light of the above, FENZ accepts the rationale put forward by the Applicant, and no longer seeks the relief set out in our original submission to amend the proposed Plan Change to increase the width of the secondary roads within the site-specific standards for the Character Area to meet the access requirements of the Code of Practice SNZ PAS 4509:2008. Instead, it is recommended that the mitigation measures suggested by the Applicant are secured by condition attached to the resource consent (as discussed further below).

## **2 Resource Consent Application**

### **2.1 Water Supply for Firefighting**

FENZ considers it is essential that an adequate water supply for firefighting purposes is provided in accordance with the Code of Practice SNZ PAS 4509:2008 and request that the provision of this water supply is secured by condition (as suggested within the recommended conditions at Appendix 2 of the Officer's Report). FENZ strongly support the inclusion of this condition.

### **2.2 Access to Water Supply**

As noted above, FENZ accepts the rationale put forward by the Applicant, and request that the proposed mitigation measures to maintain access for firefighting appliances are secured by condition. It is suggested that the requirement for no kerbs and flush grassed shoulders to the internal roads should be included within the required content of the Landscape Planting and Management Plan set out within draft Condition 25 in Appendix 2 of the Officer's Report. In addition, any planted vegetation should maintain a clear corridor of 4m wide by 4m high to enable fire appliance access; this should also be included within the condition.

It is understood that the proposed internal roads will be managed on an on-going basis by the Applicant. The requirement to maintain firefighting vehicle access with the provision of no stopping lines, enforcement of these no stopping areas and vegetation free corridor will therefore be undertaken by the Applicant. To ensure that these are secured, it is suggested that a further condition be added to the consent, which states:

*All internal roads shall retain a 4m wide by 4m high corridor to maintain access for firefighting appliances at all times. This shall include 'no stopping' road markings and signage prohibiting the parking of vehicles. These road markings and signage shall be maintained in perpetuity to the satisfaction of the Group Manager - Planning and Environment.*

FENZ requests that, if the Commissioners are of the view to accept the proposed Plan Change and resource consent application for Orchards Retirement Village, the access mitigation measures suggested by the Applicant are secured by condition on the resource consent. FENZ supports the condition proposed in Appendix 2 of the Officer's Report to require sufficient water supply required for

firefighting purposes and the amendment to Rule 5.5.3 within the proposed Plan Change to ensure the Council retains control over the proposed water supply.

Should you have any further queries regarding the requirements of FENZ or would like FENZ to attend the hearing to discuss this further, please don't hesitate to contact me.

Yours sincerely



**Mel Wykes**

Senior Planner

on behalf of

**Beca Limited**

Direct Dial: +64 4 550 5980

Email: mel.wykes@beca.com

**BEFORE AN INDEPENDENT HEARINGS COMMISSIONER  
FOR THE SOUTH WAIRARAPA DISTRICT COUNCIL**

**IN THE MATTER** of an application for  
resource consent under  
section 88 of the  
Resource Management  
Act 1991 (the Act)

**AND**

**IN THE MATTER** of a request for a  
private plan change  
under part 2 of the first  
schedule of the Act

**BETWEEN** **THE ORCHARDS  
LIMITED  
PARTNERSHIP**

**Applicant**

**AND** **SOUTH WAIRARAPA  
DISTRICT COUNCIL**

**Consent Authority**

**AND** **SCHUBERT WINES  
LIMITED**

**Submitter**

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**MEMORANDUM OF COUNSEL ON BEHALF SCHUBERT WINES LIMITED**

**Dated: 20 August 2019**

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 **Simpson Grierson**

Barristers & Solicitors

M G Conway / K E Viskovic

Telephone: +64-4-499 4599

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Email: [katherine.viskovic@simpsongrierson.com](mailto:katherine.viskovic@simpsongrierson.com)

DX SX11174

PO Box 2402

Wellington

1. This memorandum is filed on behalf of Schubert Wines Limited (submitter 17) (**Schubert**) which lodged a submission on The Orchards Partnership Limited's (**The Orchards**) private plan change request (**proposed plan change**) and resource consent application.
2. Schubert owns and operates a winery on the site adjacent to the land which The Orchards seek to develop as a retirement village. The focus of Schubert's submission was on avoiding the potential for reverse sensitivity effects on the winery operation.
3. Following lodgement of its submission, Schubert entered into discussions with The Orchards to try and address its concerns. As a result, it reached agreement on a number of matters with The Orchards, which were reflected in the planning evidence of Mr Phillip Percy (dated 14 August 2019), the amended suite of conditions he provided with his evidence and the updated suite of provisions put forward as a part of the proposed plan change by Mr Percy on 20 August 2019.
4. The following matters have been agreed between Schubert and The Orchards to address its concerns:
  - (a) Amend the building setback along boundary 3 from 5 metres to 7.5 metres (proposed condition 40(g)(iii));
  - (b) Require that the dwelling located adjacent to the intersection of boundaries 2 and 3 be designed and built so that living and sleeping rooms are orientated to the north-west and away from boundary 3 (proposed condition 40(g));
  - (c) Require the installation of a 1.8m high acoustic fence along the first 39 metres of boundary 3, starting from the intersection with boundary 2 (proposed condition 34);
  - (d) Require that the Applicant advise the residents of the first three independent units from the intersection of boundaries 2 and 3, that their unit is located near a working winery, and that the lawfully established activities may generate noise, dust and odour (proposed condition 33);
  - (e) Require a no complaints covenant to be registered against The Orchards' title in favour of Schubert (proposed condition 35);

- (f) Require that boundary planting be undertaken within the first planting season after construction commences (proposed condition 39);
  - (g) Amend the proposed plan provisions to limit the height of the future residential care facility to no more than 5.0 metres within 25m of Boundary 3 and thereafter no more than 10 metres (proposed plan change rule 5.5.2(m));
  - (h) Amend the proposed plan provisions to require acoustic insulation to be provided for habitable rooms to reduce the impact of any noise reaching those rooms in the area immediately adjacent to Schubert's winery. This area is shown on the amended concept plan (proposed plan change rule 5.5.2(m)(6)); and
  - (i) Provide "reverse sensitivity effects" as a matter of control for any independent residential units, buildings and land for advanced residential health care, recreational and communal facilities, grounds maintenance and ancillary activities proposed to be located within the Orchards Retirement Village Character Area (proposed plan change rule 5.5.3(c)(xx)).
5. As Schubert's concerns have been addressed by the proposed amendments to the proposal being put forward by The Orchards, as described in this memorandum, it no longer seeks to be heard at the hearing for this matter.
6. Schubert requests that the above conditions and rules be included, as a minimum, to address the potential reverse sensitivity effects on Schubert should the proposed plan change and resource consent application be approved.



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M G Conway / K E Viskovic  
Counsel for Schubert Wines Limited  
20 August 2019