

In the matter of: The Resource Management Act 1991

And:

In the matter of: an application to **South Wairarapa District Council** by **The Orchards Limited Partnership** for land use consent pursuant to section 88 of the Resource Management Act 1991 for the establishment and operation of the Orchards Retirement Village;

And: A request for a Private Plan Change to re-zone land at 67 Reading Street and 31 Market Road from Rural (Primary Production) Zone to Residential Zone and a Character Area overlay across the entire application site to specifically provide for the establishment and operation of a retirement village.

APPLICANT'S WRITTEN RIGHT OF REPLY

5 September 2019

Introduction	3
Matters raised in Ms Clark’s hearing statement	3
Other matters raised at the hearing	4
Timing of resource consent decision.....	4
Financial contributions.....	5
Management of construction effects – Boundary 8 and 9 submitters	6
Management of significant trees	7
Email from Sam Wilkie re vehicle numbers.....	7
Updated appendix drawing for District Plan	9
Updated conditions.....	9
Conclusion.....	9
Appendices.....	10

Introduction

1. The hearing for the plan change and resource consent applications took place on 29th and 30th of August 2019. This statement records the Applicant's reply to matters raised during the hearing that have not already been addressed in evidence.
2. This statement also covers matters set out in the Council's s42A Reporting Officer's further written statement, which was provided on 3 September 2019.

Matters raised in Ms Clark's hearing statement

3. The Applicant is in agreement with Ms Clark's comments and recommendations in Sections 3 and 4 and does not consider that additional information beyond what is included in evidence and Ms Clark's statement is necessary.
4. In relation to Section 5 (changes to recommended conditions) of Ms Clark's statement, the suggested changes discussed between Ms Clark and Mr Percy have been integrated into the draft conditions appended to this statement. Of the points Ms Clark makes, the following are not agreed with:
 - a. Paragraph 5.3 – the Treecology Report did not specify that the trees should be protected and retained, only that this should happen where possible. The report identified trees T12 to T20 as being more significant than the other identified trees, and it is for that reason that those trees have been identified for protection and retained. As discussed at the hearing, this is consistent with the Applicant's intention to retain 'Murphy's Garden' as an open space area for residents and the wider community. As discussed later in this statement, an additional condition is proposed to provide further certainty around the protection of T12 to T20.
 - b. Paragraph 5.7 – the evidence of Mr de Kock is that the traffic volumes and road formations in the streets near the proposed development are appropriate for cyclist use and that separate cycle lanes are not required. Rather than adopt the condition proposed by Greater Wellington Regional Council, Condition 22 is recommended to be

amended to include reference to cyclists to ensure their needs are provided for in the upgrade designs.

- c. Paragraph 5.9 – a slightly amended version of the recommended FENZ condition is proposed. The changes reflect that the roads within the development will remain in private ownership and under the control of the Applicant/Consent Holder and therefore there will be greater ability to control how residents use those roads (including how they park).
5. Other updates to drawings and documents have also been included in the appended conditions (with reference to Ms Clark’s paragraph 5.11).
6. Financial contributions, Ms Clark’s Section 6, are addressed later in this statement.

Other matters raised at the hearing

Timing of resource consent decision

7. Near the end of the hearing a question was posed by the Commissioner in relation to whether the decision on the resource consent applications could be made before a decision on the plan change application was made.
8. The preliminary response provided at the hearing was that, while the resource consent and plan change applications were lodged together, the intention was that the applications could be dealt with separately if necessary. This remains the applicant’s position. The need for resource consent and the associated activity status (discretionary) for the application was based on an assessment against the operative plan rules¹. The AEE also included a comprehensive assessment of the activity against the operative plan objectives and policies².
9. On that basis, the decision on the resource consent can be made prior to the decision on the proposed plan change. That is consistent with the advice of Ms Clark in her post-hearing written statement.

¹ See Section 3 (pg 41-47) of the Resource Consent Application dated 6 March 2019

² Appendix 31 of the application documentation

Financial contributions

10. As briefly summarised at the hearing, the Council and the Applicant have reached an agreed position on financial contributions. Updated conditions reflecting the agreement are appended to this statement, but in summary the following financial contributions have been agreed:
- a. No financial contribution for reserves. This is to reflect the Applicant's position that the open/green space areas within the proposed development will remain open to the general public to enjoy, and that the outdoor amenity spaces and facilities within the development will cater for the majority of the demand that would otherwise have been created for Council reserves.
 - b. The water infrastructure contribution remains unchanged from Ms Clark's s42A report (\$3,249.42 plus GST per new unit plus the full cost of installing the new water main to connect the development).
 - c. The wastewater infrastructure contribution has been assessed on the basis that the proposed development will create demand for 11% of the upgraded sewer infrastructure capacity. This results in a contribution of \$6,649.88 plus GST per unit.
 - d. The general infrastructure contribution for individual buildings with a value exceeding \$1,000,000 remains unchanged (subject to amendments to clarify the condition).
 - e. Roading upgrade contributions for Reading and Church Streets are apportioned in three areas and relate to an updated road upgrade drawing (attached). The full cost of upgrades to the road between the carriageway and the site boundary, including installation of a footpath to McMaster Street, is to be covered by the Applicant. The Applicant is responsible for 50% of the carriageway upgrade costs to Reading Street and Church Street. The Council will be responsible for the cost of upgrades on the school side of Reading and Church Streets around to the Reading/East Street intersection, including the upgrade of the parking area in front of Greytown School and construction of a footpath.

- f. Roading upgrade contributions for Market Road are the actual works to put in place temporary carriageway widening during the construction period, and to upgrade Market Road once construction is completed so that the sealed carriageway is 5.5 metres wide and a crushed lime footpath at least 1.5 metres wide is installed along the northern side of Market Road.

11. The appended conditions have been drafted to reflect the agreement between the Applicant and the Council. At the time the conditions were drafted, Ms Clark was unavailable to review them. The Applicant would be happy for Ms Clark to be provided with the opportunity to review and comment on the conditions before the hearing is formally closed to ensure the drafting accurately reflects the Council's understanding.

Management of construction effects – Boundary 8 and 9 submitters

12. During and subsequent to the hearing, further constructive discussions have occurred between the Applicant and the Dinnisons (#11), the Normans (#15) and Sija Spaak and Ash Lienert (#6) in relation to addressing concerns around potential construction effects on the submitters' properties. Amended and additional conditions to reflect the discussions are appended to this statement. In summary, the conditions address the following:

- a. The installation of a temporary noise attenuation bund or fence adjacent to the construction road/track that is proposed to run parallel with Boundary 8.
- b. Limits on noise-generating activities operating on Saturdays.
- c. Limiting the period when building construction will take place adjacent to Ms Spaak's property boundary (to reflect the peak season for the visitor accommodation business operated on the property).
- d. Installation of a temporary wind break fence along boundary 9 to assist with landscape planting establishment and to minimise the potential for wind-blown litter to be blown into the Dinnison's property due to the prevailing North/North-east wind.

- e. A requirement for consultation with Mr and Mrs Dinnison as part of landscape planning along boundary 8 and 9 to facilitate consistent landscaping design on both properties.
 - f. A requirement for boundary planting on boundaries 2, 3, 8 and 9 to be included in the detailed landscape planting and management plans.
13. It is understood that the three submitters referred to above are generally in agreement with the above mitigations.

Management of significant trees

14. During the hearing there was some discussion, including with Ms Easter, about improving certainty for the management of the identified trees to be retained in and around the proposed Murphy's Garden. Based on those discussions, further amendments to the conditions are proposed, including a requirement for building and foundation plans for buildings proposed within 3 metres of the canopy of Trees T12 to T20 to be certified by a qualified arborist to ensure that potential adverse effects on the trees will be minimised.
15. The importance of the existing trees to neighbours and the wider community is acknowledged and the Applicant's intention is to retain as many mature trees as possible. While that may not always be possible for some of the trees, the conditions proposed for the protection of trees T12 to T20 are considered to provide sufficient certainty that those trees will be retained and protected during construction. No further conditions are considered necessary to achieve this.

Email from Sam Wilkie re vehicle numbers

16. After the hearing had concluded, an email from Sam Wilkie (submitter #19) was forwarded by the Council. In that email, Mr Wilkie set out his opinion that the traffic generation numbers that Mr de Kock had used in his assessment were inappropriate, and suggested alternative trip generation numbers.
17. Mr de Kock has had an opportunity to consider Mr Wilkie's email and has provided the following response:

'We based our trip generation for the proposed The Orchards development on industry recognised statistics of retirement homes and units, namely The New Zealand Transport Agency's Research Report 453 ("RR453"). RR453 suggests that the 85th percentile trip generation for retirement homes and units across New Zealand are 2.4 and 2.6 trips per day respectively.

Based on the Research Report 453 statistics and combined with the close proximity to the Greytown CBD, active modes of transport will be promoted like:

- walking by providing well-appointed footpaths, walking routes and accessible crossings; and*
- cycling (and e-bikes) by providing cycle friendly roads.*

The age demographic of the residents of the proposed development is expected to be typical of standard retirement villages, that being 70 and older. Therefore, the travel pattern is expected follow the New Zealand-observed travel patterns from other similar retirement villages.

We are comfortable that the industry-recognised trip generation rates are representative of proposed development's vehicle trips. For the reasons mentioned above and combined with the wide range of on-site amenities and facilities, we believe that the proposed development should closely resemble the RR453 statistics.

In the event that the proposed development does show higher trip generation rates than the industry standard, we are comfortable that the combined effect on the local roading network will still be less than minor. This is because the adjacent roads have generally low volumes and therefore will have spare capacity (once the proposed upgrades have occurred) to accommodate the development-generated trips.'

18. The Applicant considers that the expert evidence of Mr de Kock provides a sound basis for accurately assessing the effects of the proposed development and does not consider that an alternative vehicle volume assessment is required.

Updated appendix drawing for District Plan

19. During the exchange of evidence, Mr Phil Percy included an updated Concept Plan drawing proposed to be appended to the District Plan. The updated drawing included a marked area showing the area in which noise insulation provisions apply.
20. An updated drawing has not been provided at this stage. Subject to the Commissioner being comfortable with what is to be shown on the plan, the Applicant is happy to liaise with Council staff to produce the plan in a suitable file format and resolution to meet the publishing requirements for the District Plan.

Updated conditions

21. Appended to this statement is a set of updated conditions. The numbering has been retained as per Mr Phil Percy's 14 August version to assist the Commissioner in cross-referencing Ms Clark's hearing statement. It is assumed that once the substance of the conditions is finalised, the conditions can be re-numbered.

Conclusion

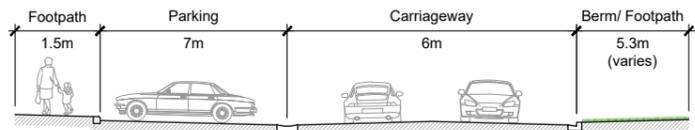
22. The points above, in combination with the verbal reply at the hearing, address any outstanding matters not already covered in evidence. If there is any further clarification or information that would assist the Commissioner prior to the hearing being formally closed, we would be happy to assist.

Craig Percy

For The Orchards Partnership

Appendices

Greytown School



TYPICAL SECTION (A)
Not to scale

Proposed Retirement Village



NOTE:
Pedestrian crossing location to be confirmed by others in association with likely footpaths.



PRELIMINARY ONLY
NOT FOR CONSTRUCTION

B Revised post Hearing	DR	05/09/19
A For information	DR	06/08/19
Revision	App	Date
Surveyed		
Designed DR		05/08/19
Drawn MDI		05/09/19
Reviewed DR		05/09/19
Approved DR		05/09/19

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Client



Project Title
THE ORCHARDS LIMITED
RETIREMENT VILLAGE,
GREYTOWN

Sheet Title
READING STREET
PROPOSED UPGRADE
LAYOUT

Level 13, Kordia House
109-125 Willis Street, Wellington 6011
calbregroup.com
+64 4 384 2029



Scale (A1 Original) 1:1250 (A3) 1:2500



Project No Sheet Revision

711288 M02 B

5 September 2019

Applicant's Right of Reply: Recommended Suggested Conditions for resource consent

Tracked changes key:

Changes recommended in s42A report – ~~purple underline and strikethrough~~

Changes recommended in Mr P Percy's evidence – ~~blue underline and strikethrough~~. Where recommended s42A additions are not supported, these will be shown ~~blue underline with strikethrough~~

Changes recommended in Applicant's right of reply – ~~dark red underline and strikethrough~~

Note: condition numbering changes are not tracked

General

1. ~~Except as amended by the conditions below, the development of Stages 1-3 be carried out in general accordance with the plans and documentation provided with the application-, and in subsequent further information provided, including:~~
 - a. ~~Design Statement and Plans by Designgroup Stapleton Elliott: The Orchards Greytown, Project No. T598, Sheets A1 – A16, 4.3-4.6, dated 05 March 209 included in Appendix 18 to the application and as modified by revised drawing 4.5 dated 11 April 2019.~~
 - b. ~~Assessment of adverse effects prepared by Perception Planning Ltd dated 6 March 2019.~~
 - c. ~~Updated Murphy's Garden drawing SK190812 dated 12 August 2019~~
 - d. ~~The further information provided on 12 April 2019 in response to the Council's s92 further information request.~~
2. ~~Costs, pursuant to Section 36 of the Resource Management Act 1991, be paid by the consent holder.~~
3. The Orchards Retirement Village be registered under the Retirement Villages Act (2003).
4. Any management plans, reports or detailed designs required as condition of this consent may be provided for the entire development or for the relevant stage in accordance with the Staging Plan ~~XXXX~~~~by Designgroup Stapleton Elliott: The Orchards Greytown, Project No. T598, SheetA1.~~

Prior to commencing works on site

Construction

5. At least 10 days prior to any works commencing on site the Consent Holder shall prepare and submit to Council for review [and approval](#) a Construction Environment Management Plan (CEMP) to demonstrate how the Consent Holder shall control and/or mitigate any dust, silt run-off and sedimentation that may occur in accordance with *NZS 4404:2004 Land Development and Subdivision Infrastructure*.
6. The objective of the CEMP is to protect the environment from the potential and actual effects of earthworks and site preparation activities. Of particular importance is the control of dust from the earthworks, noting that the Moroa Water Race runs through the site means that proactive measures should be employed to protect water quality during construction activities.
7. Measures identified in the CEMP shall include but not be limited to:
 - a) The name, contact details, experience and qualifications of the person/s nominated by the Consent Holder to supervise the implementation of, and adherence to, the CEMP.
 - b) Identification of all potential dust emissions, including from any tree felling and stump grinding activities;
 - c) Staging any earthworks in manageable amounts/areas to ensure practical dust mitigation is possible, supplemented by plans to demonstrate proposed staging and dust and silt migration mitigation
 - d) Details outlining how the earthworks will proceed to address risks to human health (in respect to dust and stormwater control and in relation to site workers and adjoining landowners) as required by SWDC Consent Reference 180203.
 - e) Wetting: Construction access roads (water cart)
Work areas (k-line)
 - f) The method and timeframe for rehabilitating any temporary construction and batter areas
 - g) Revegetation methodology
 - h) Low speeds on construction site access roads.
 - i) A construction noise management plan that addresses how noise will be managed to meet the noise levels specified in the Wairarapa Combined District Plan during site preparation works.

Alternative measures can be suggested by the Consent Holder or their contractor for consideration by Council.

8. All accepted measures outlined in the CEMP shall be implemented prior to the commencement of any earthworks and shall remain in place for the duration of the earthworks, until all exposed areas of earth are permanently stabilised. [A Council engineer](#)

~~shall be contacted to~~ Council shall inspect these works prior to commencement of earthworks on site or if any changes are proposed after the initial inspection.

9. At least 10 working days prior to the commencement of construction works on the site, the Consent Holder shall prepare and submit to the Council a Construction Management Plan (CMP) for review and ~~acceptance~~ approval. The objectives of the CMP shall be to provide guidance on the environmental management of construction activities authorised by this consent so as to avoid, remedy or mitigate the adverse environmental effects associated with the construction works.

10. The CMP must include (but is not limited to) the following:

a) The name, contact details, experience and qualifications of the person/s nominated by the Consent Holder to supervise the implementation of, and adherence to, the CMP.

b) A staging plan, identifying the construction of each phase of the project and the anticipated timeframe and scheduling for the construction works, including dates and the days and hours of construction. Hours of construction shall be:

- 7.30am – 6.00pm Monday to Friday
- ~~9.00am – 12.00pm (noon)~~ 8.30am – 12.30pm Saturday
- No construction work on Sundays ~~or~~ Public Holidays

c) A construction noise management plan that addresses how noise will be managed to meet the noise levels specified in the Wairarapa Combined District Plan during construction.

d) A plan identifying trees to be retained and a protection methodology in accordance with the guidance set out in Treecology's memo dated 05 March 2019, in particular to ensure the protection of trees numbered T1-T19.

10A. Where a internal construction road/track is located within 50m of the boundaries of Lot 2 DP385926 (73A Reading Street), Lot 4 DP356827 (81A Reading Street) and Lot 3 DP356827 (81B Reading Street), within two weeks of construction beginning a temporary earth bund or a close-boarded/plywood fence with a height of at least 2 metres shall be placed between the internal construction road/track and each of the affected boundaries.

The bund or fence shall be located as close as practicable to the construction road/track and shall remain in place for the length of each of the affected properties until construction begins on the residential units adjacent to the applicable property boundary. If a bund is used, it shall be sown and maintained in grass or other vegetative cover and kept free of weeds (being plants specified in the 'weeds list' on www.weedbusters.co.nz).

10B. Heavy construction machinery, and percussive tools (including hammers and nail guns) used outside of closed-in buildings, shall not be operated within 100 metres of any site boundary before 9.00am on Saturdays.

10C. Pile driving, or the establishment of the construction road/track and the associated bund or fence referred to in Condition 10A, shall not take place on Saturdays.

Timing of building construction

10D. Residential units adjacent to the boundary with Lot 4 DP356827 (81A Reading Street) shall be constructed, with the exception of preparing and forming foundations and works that occur within a closed-in building, within the period of 1 June to 30 September unless otherwise agreed in writing with the owner of Lot 4 DP356827 .

Note: For the purposes of conditions 10B and 10D a 'closed-in building' is a building that has roof and exterior wall cladding, windows and doors in place.

11. Protection of existing trees

12. The area known as 'Murphy's Garden' shall be in the location and generally comprise the area as shown as a dashed blue line on drawing [drawing reference and date], and shall incorporate trees T10 to T18 as shown on the updated tree location plan appended to the Murphy's Orchard Shelterbelts and Trees Report by Treecology Tree Consultancy dated 29 October 2018~~Treecology Consulting report dated xxx].~~ Murphy's Garden may be extended to encompass a larger area at the Consent Holder's discretion, including the area shown within the dashed red line on Updated Murphy's Garden drawing SK190812 dated 12 August 2019 [drawing reference and date].

13. Except as provided for in Condition 14, trees T19 and T20, as shown in Appendix 2 of the Murphy's Orchard Shelterbelts and Trees Report by Treecology Tree Consultancy dated 29 October 2018, and the trees incorporated into Murphy's Garden in accordance with Condition 12 above, shall be protected during construction and thereafter retained. Should these trees die or require removal due to tree health issues, they shall be replaced with trees of the same or comparable species within the first growing season following their removal.

14. Tree T13, as shown on [drawing reference], shall, where practicable, be retained. Where it is not practicable to retain the tree, it shall be relocated within the site, protected during construction and thereafter retained. Should the tree die or require removal due to tree health issues, it shall be replaced with a tree of the same or comparable species within the first growing season following its removal. The tree relocation shall be planned and overseen by a qualified arborist.

15. Trees T1 to T9, and T21, as shown on in Appendix 2 of the Murphy's Orchard Shelterbelts and Trees Report by Treecology Tree Consultancy dated 29 October 2018 (drawing reference), shall be retained where practicable, but may be removed at the Consent Holder's discretion.

15A. If a building is proposed to be located within 3 metres of the edge of the canopy of any of trees T12 to T20, as shown in Appendix 2 of the Murphy's Orchard Shelterbelts and Trees Report by Treecology Tree Consultancy dated 29 October 2018, the building shall be located and designed to minimise adverse effects on the tree(s). To demonstrate this, detailed plans of the building and foundations shall be certified by a suitably qualified arborist and submitted to the Council with any building consent application.

16. At least 5 working days prior to commencing work within any Council road reserves, the Consent Holder shall submit a Traffic Management Plan to the Roding ~~Engineer~~ Manager at Council, for acceptance. The Traffic Management Plan shall be prepared by a STMS, and Greytown School shall be consulted with in relation to the interaction of construction traffic with school-related traffic and activities. Where relevant the Traffic Management Plan shall ~~this:~~

- a. ~~shall~~ include reference to maintaining safe walking journeys for school children travelling between McMasters Street, Reading Street, Church Street, and Market Road and Greytown Primary School; and This shall
- b. provide details of proposed transport routes, and look to disperse construction traffic through various routes; and
- c. specify the location of any construction vehicle crossings onto Reading Street, taking into account the interaction of construction traffic with traffic and other road users associated with Greytown School.

All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Group Manager - Planning and Environment Council at Council prior to works commencing.

17. At least 5 working days prior to commencing any work onsite, the Consent Holder shall arrange an onsite meeting with a Resource Management Engineer at Council and the contractors responsible for the works to ensure that all parties involved are aware of what is required of them during the earthworks and construction process. All prior-to commencement-of-works conditions detailed in these Conditions (being conditions X to XX) shall be demonstrated to be met.

18. Prior to commencing any work on the site, the Consent Holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. Any construction vehicle crossing onto Reading Street must be located in accordance with any specification in the Traffic Management Plan required by Condition 16 The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Should the construction crossing not prevent earthwork material from tracking onto the public roading network the Consent Holder shall install an appropriate wheel

wash facility, in lieu of the gravel construction crossing, for all construction traffic use prior to exiting the site(s).

19. Prior to the commencement of works on site the Consent Holder shall prepare and lodge with Group Manager - Planning and Environment for acceptance the final Earthworks Plan, which includes existing and finished ground levels and cross sections.
20. All works are to be undertaken in accordance with the approved Environmental Management Plan (EMP) (Condition 5) and Construction Management Plan (CMP) (Condition 9).

20A. Prior to commencement of construction, the Consent Holder shall undertake a pre-construction inspection of Market Road, Church Street (between Market Road and East Street) and Reading Street (between Church Street and McMaster Street) and document, including using photographs, the condition of the roads. A copy of the pre-construction inspection report shall be provided to the Council.

20B. On completion of construction, the Consent Holder shall repair any damage caused to the roads as a result of construction traffic associated with the development to at least the same condition as recorded during the pre-construction inspection undertaken in accordance with Condition 20A.

Upgrades to Reading Street and Church Street

21. The Consent holder shall prepare detailed design drawings for upgrades to Reading Street and Church Street, to be generally in accordance with [drawing attached to s42A report], and submit these to the Council at least 1020 working days prior to commencement of construction of residential units for Stage 1 of the development.
22. Prior to completing the detailed design drawings specified in Condition 21~~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 and cyclist movements and traffic flow associated with Greytown School and the consented development.
23. The Board of Trustees of Greytown School must be provided with an opportunity to submit a written statement to the consent holder as to the adequacy of the design, which shall be provided to the Council at the time the detailed design is submitted in accordance with Condition 22 ~~condition above~~.

Note: The above conditions are intended to enable collaborative refinement of the road upgrades indicatively shown in [drawing appended to s42A report]. The intention is that Greytown School and the consent holder will be actively involved in the refinement of the design, but recognising that it is the Council's responsibility, as roading authority, to decide on the final design of any upgrades.

24. Where the upgrades to Reading Street and Church Street are to be undertaken by the Consent Holder, the upgrade works shall be completed no later than 5 working days prior to completion and first occupancy of the first five residential units forming part of Stage 1.
25. Where the upgrades to Reading Street and Church Street are to be undertaken by a party other than the Consent Holder (such as the Council or its contractor), the Consent Holder shall advise the Council of the estimated completion and first occupancy date of the first five residential units in Stage 1 at least 2 months prior to that date.

Upgrades to Market Road

- 25A. Prior to construction traffic using Market Road to access the site, the following works shall be undertaken on Market Road:
- (a) The southern side of the sealed carriageway between the intersection with Reading Street and any construction site access shall be temporarily widened by 1 metre beyond the edge of the existing seal using crushed limestone. The temporary widening shall be maintained for the period that construction traffic uses Market Road.
- 25B. Upon completion of the consented development, the Consent Holder shall undertake the following upgrades to Market Road:
- (a) The sealed carriageway of Market Road from the eastern-most entrance to the site to the intersection with Reading Street shall be extended to 5.5 metres wide; and
- (b) A footpath, at least 1.5 metres wide and surfaced in compacted crushed limestone, shall be constructed on the north side of Market Road between the eastern-most entrance to the site and Reading Street.

Engineering Design/Approvals

26. The consent holder shall submit construction plans and specifications ~~obtain written approval~~ for all the engineering works ~~from~~ to the Council for certification that the works are generally in accordance with this resource consent no later than ~~2010~~ working days prior to any construction work commencing.
27. A suitably qualified person shall undertake the design and supervision of any works associated with the development **and** shall certify all of the work on completion.
28. A design certificate (Schedule 1A NZS 4404:2004) shall be completed by a suitably qualified design professional and submitted with construction plans.
29. A contractor's certificate (Schedule 1B NZS 4404:2004) shall be completed and supplied to Council certifying that all works required by Council have been completed in accord with the approved plans.

29A. A certificate (Schedule 1C NZS 4404:2004) shall be completed and supplied to Council by an independent professional certifying that all works required by Council have been completed in accord with the approved plans.

30. The consent holder shall provide as-built-plans in accord with Schedule 1D of NZS 4404:2004 (electronic and two hard copies) on completion of the work.

Firefighting Water Supply

31. The provision of fire hydrants with adequate pressure and flow to service all buildings and lots in the development with a fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Hutt-Wairarapa branch of the New Zealand Fire Service.

32. Any building constructed shall be provided with a firefighting water supply system and access to this system that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

32A. All internal roads shall be maintained with a 4 metre wide by 4 metre high corridor to maintain access for firefighting appliances at all times. This shall include road marking, signs and/or other measures to discourage the parking of vehicles in locations that would obstruct the corridor.

Reverse Sensitivity

33. The consent holder shall inform any residents of at least the first three independent living units from the intersection of Boundaries 2 and 3 that their unit is located near a working winery. Lawfully established activities associated with the winery activity, including but not limited to working machinery and vehicle movements, may generate noise, dust and odour that could be experienced in or around their unit.

That the following covenant be registered on the land contained within Certificate of Title (437963) at no cost to the Council:

Part Tahorahina Block (held in Certificate of Title 437963) 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.

34. Prior to completion of any independent living unit adjacent to Boundary 3, as shown on drawing 3.2 – Site Planning Controls in The Orchards Greytown Design Statement dated 5

March 2019, a timber fence shall be constructed on Boundary 3 for a length of 39m beginning from the intersection of Boundaries 2 and 3. The construction of the timber fence shall be a minimum of 1.8 metre high post fence with 20mm thick boards and 20mm thick battens. The boards shall be butted up against each other and the (min) 50 mm wide battens nailed over the joins to prevent airgaps from forming as the timber shrinks. There shall be no airgaps at the base of the fence. The consent holder may, with the prior written agreement from the owner of neighbouring property [Title WN 274645], construct the fence from different materials so long as it meets the same acoustic rating as the proposed timber fence detailed above.

35. The Consent Holder shall enter into the following covenant with the owners of Lot 1 DP 367619 (held in Record of Title WN 274645):

The Grantors (being the owners of Part Tahorahina Block (held in Record of Title WN 437963)) covenant with the Grantees (being the owners of Lot 1 DP 367619 (held in Record of Title WN 274645)) as follows:

- *The Grantors acknowledge that their land is immediately adjacent to the Grantee's land upon which winery activities occur, and that noise and odour are generated by the use of that land for winery activities, including but not limited to light and heavy vehicle movements, winemaking, bottling, warehousing and distribution of wine.*
- *The Grantors shall not lodge, or permit to be lodged on their behalf, with the South Wairarapa District Council, the Wellington Regional Council, or any other territorial or other authority having jurisdiction under the Resource Management Act 1991, any objection or complaint to the lawful use of the Grantees' land for winery activities.*
- *All winery activities undertaken on the Grantees' land are to be lawfully undertaken in accordance with the provisions of any relevant district or regional plan, resource consent, existing use rights, and/or any other approval required to undertake winery activities on the dominant land.*
- *Neither party is limited or constrained in any way by this covenant from their lawful right to make a submission, either in support or opposition, or give or withhold their written approval, in relation to any resource consent application, boundary activity, plan change application or other approval relating to the other party's land that is sought from the South Wairarapa District Council, the Wellington Regional Council, or any other territorial or other authority having jurisdiction under the Resource Management Act 1991.*

Shared Green Spaces

36. A landscape planting and management plan (with supporting specifications) in accordance with the Landscape Concept Plans [\[dated March 2019\]](#) shall be prepared and submitted to the Group Manager - Planning and Environment at least 10 days prior to any works on the land being developed for certification prior to construction commencing for the following shared green spaces:

- a) Orchard Gardens
- b) Swale Parkland
- c) Murphy's Garden
- d) Southern Entry Walk
- e) [Boundary planting along Boundaries 2, 3, 8 and 9 that is required by Condition 39](#)

[36A. When preparing the landscape planting and management plan in accordance with Condition 36, the person preparing the plan shall consult with the owners of Lot 2 DP385926 \(73A Reading Street\) in relation to planting along the boundaries with that property.](#)

37. The landscape planting and management plan shall contain:

- a) Reference to Landscape Concept Plans [and](#) other supporting material [included in the resource consent application documentation](#)
- b) [Details of water sensitive urban design incorporated into the landscaping](#)
- c) A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting.
- d) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme.
- e) [Identification of trees to be protected and](#) Tree protection measures in accordance with the methodology specified in the Treecology memo dated 05 March 2019.
- f) the extent, materiality and finished levels of paving;
- g) the location, materiality, height and design of fencing and retaining walls;
- h) the details of drainage, soil preparation, tree pits, staking, irrigation; ~~and~~
- i) the construction details of all hard landscape elements (paving, fencing, gates, lighting etc); [and](#)
- j) ~~A~~[the details](#) of irrigation systems

These plans shall be supported by specifications that describe in a written form the more specific technical landscape matters such as quality of materials.

38. All planting, including trees, shall be maintained in perpetuity thereafter to the satisfaction of the Group Manager - Planning and Environment. If any plant or tree should die or become diseased it shall be replaced within the next available planting season. This includes ensuring

that all native shrubs and grasses proposed on the terrace edges and the knoll are irrigated and maintained to ensure survival and healthy growth.

39. All planting to occur along Boundaries 2, 3, 8 and 9 shall be undertaken within the first planting season after construction commences. Specimens to be planted shall be at least ~~bag size~~ PB3 bag size.

39A All planting to occur along Boundaries 4, 5 and 6 shall be undertaken within the first planting season after construction commences on Stage 3 of the development.

39B. Prior to construction on Stage 1 of the development beginning, a temporary fence shall be erected parallel with the north-eastern boundary of Lot 2 DP385926 (Boundary 9) between the proposed boundary planting and proposed residential units. The fence shall be at least 2 metres high and shall be clad with either windbreak (or similar) fabric or plywood, and each section of the fence shall be maintained in place until construction of the adjacent residential unit has been completed.

Buildings

40. Prior to the commencement of any construction works, plans shall be submitted and certified by the Group Manager - Planning and Environment of the Council which detail independent residential unit typologies in accordance with the following:
- a. They are in general accordance with the architectural design objectives and materials listed within the DGSE Design Statement dated March 2019;
 - b. The building footprint for any individual independent dwelling unit shall be not less than 80m² and no more than 203m².
 - c. No dwelling shall be more than three bedrooms.
 - d. There shall be no encroachment of any dwellings into any of the areas shown in drawing 3.2 of The Orchards Greytown Design Statement by Designgroup Stapleton Elliot dated 5 March 2019 ~~plan XXXX~~ that are shown as boundary setbacks or shared green space areas, except where specified in Condition 40(g).
 - e. The overall building site coverage of the whole application site does not exceed 26%.
 - f. The total number of independent residential units across the whole application site does not exceed 180 units.
 - g. Any independent residential unit to be constructed adjacent to Boundary 3 where it intersects with Boundary 2 shall be:

- i. [a standalone unit; and](#)
- ii. [designed and constructed so that any bedrooms and common living are orientated towards the north-west so that those rooms do not face Boundary 3; and](#)
- iii. [set back from Boundary 3 by at least 7.5 metres.](#)

Accidental Discovery Protocol

41. If the Consent Holder:

- a. does not have an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the Consent Holder shall without delay:

- iv. notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
- v. stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b. discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the Consent Holder shall without delay:

- vi. stop work within the immediate vicinity of the discovery or disturbance and;
- vii. advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
- viii. arrange for a suitably qualified archaeologist to undertake a survey of the site.
- ix. Site work may only recommence following consultation with Council.

Signage

42. Details of the entrance signage including the final location, coloured elevation and materials plans shall be provided for approval of the Council's Group Manager - Planning and Environment. The entrance signs shall be restricted to:
- a. A maximum of three signs per frontage with the public road, with a total face area per sign of no more than 4m².
 - b. The sign must relate to the activity undertaken on the site and be located fully within the site of the activity to which it relates.
 - c. Where a sign is affixed to a building, the sign shall comply with the maximum height and setback requirements.
 - d. All signs must comply with the sight distance requirements in Appendix 5.
 - e. No sign shall be located where it conceals the visibility of an existing official sign or traffic-controlling device.
 - f. No sign shall use reflective materials, or be illuminated, flashing or moving.

Financial Contributions

~~[Amended conditions to be provided after further discussions with the Council]~~

43. ~~That~~ the following infrastructure contributions shall be ~~are~~ paid at the time of "Application for Connection Permits" are lodged with Council for the residential units:
- a. Water Supply contribution - \$3,249.42 plus GST per new unit
 - b. Wastewater contribution - ~~\$6,649.88~~~~\$10,400.00~~ plus GST per new unit
 - c. The full cost of the extension (approx. 100m) of the water main in Reading Street or alternatively the completion of the work.
 - d. Additional Infrastructure contributions of 0.5% of the assessed value of any building development that has a value in excess of \$1,000,000 (plus GST). ~~and that this~~ The assessed value will be based on the estimated value of the building as stipulated on the ~~associated~~ building consent application.
44. ~~That the following contributions are paid:~~
- ~~Reserve fund contribution of 0.25% plus GST of the value of each additional residential unit (plus GST).~~

45. The following roading contribution, or alternatively the completion of work, to complete the following components of upgrades to Reading Street and Church Street generally in accordance with the upgrade plan titled Reading Street Proposed Upgrade Layout, Revision B, dated 05/09/19 prepared by Calibre Group:

(a) installation of a 2.0 metre wide footpath on the eastern side of Reading Street between the northern-most site entrance and McMaster Street;

(b) 50% of the agreed cost of the upgrades to the Reading Street carriageway

(c) 50% of the agreed cost of the upgrades to the Church Street carriageway

(d) full cost of upgrades to the berm and area between the carriageway and the site boundary.

Note: the Consent Holder shall not be responsible for the cost of upgrading the parking area on the west side of Reading Street, the construction of a footpath on the western side of Reading Street south of the school entrance, or the construction of a footpath on the northern side of Church Street.

of \$725,000 (plus GST) or alternatively the completion of work to upgrade Reading Street and Church Street in accordance with the approved upgrade plan (N.B. Draft plan included in Appendix 3).

46. Payment of contributions may be made as per the staging proposed (Stages 1-3).

Review

47. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the RMA), serve notice on the Consent Holder of its intention to review the conditions of this resource consent for any of the following purposes:

- a. To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
- b. To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- c. To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the RMA.

Notes:

1. This resource consent will lapse if not given effect to in accordance with Section 125 of the Resource Management Act 1991.

2. Any work on buildings and private drainage (including on site wastewater systems and remedial work) will require a building consent under the Building Act 2004. To assist the Building Consents Team, a numbered plan of all the proposed dwellings would be appreciated.
3. Permits are required from Council to connect to the water and sewer services. Please contact the Utilities Engineer at the Council to arrange for these permits.
4. Fire and Emergency NZ considers that the best way to achieve compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 is the installation of a sprinkler system that fully complies with the Fire Sprinkler Systems for Houses NZS 4517:2010.
5. To enable orderly and timely provision of electricity supply, the developer should contact Powerco.
6. Resource consent may be required from GWRC relating to earthworks, discharges to the water race and contaminated land and discharges.