

Statement of Evidence pursuant to the Resource Management Act 1991

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, pursuant to Part 2 of the First Schedule of the Resource Management Act 1991.

SECOND ADDENDUM (28 AUGUST 2019) TO PLANNING EVIDENCE OF

Phillip Harry Percy

Hearing Date: 29 August 2019

1 Addendum

1. My full name is Phillip Harry Percy. I prepared a statement of planning evidence dated 14 August 2019 and an addendum dated 20 August 2019, both of which have been pre-circulated to the Hearing Commissioner and submitters.
2. In my evidence in chief, I referred to on-going discussions with the Council in relation to the development contributions recommended in the s42A report¹. Those discussions have not resulted in an agreed position between the parties and I have been asked to provide the further evidence below to address the outstanding financial contribution issues.
3. In this addendum, I refer to addendums provided by Mr de Kock (in relation to traffic) and Mr Roberts (in relation to civil infrastructure), and Mr C Percy (in relation to retirement village development), all dated 28 August 2019.

2 Basis for requiring financial contributions

2.1 Statutory basis

4. The Council relies on financial contributions provisions in the District Plan to ensure that the additional demands that will be placed on infrastructure and services from the proposed developments are paid for by the person undertaking the development.
5. The Council relies on financial contributions being specified either as permitted activity standards in rules or as conditions on resource consents. In the case of the proposed Orchards Retirement Village, the Council proposes

¹ Section 5.16, pg 49

to specify financial contributions as conditions on the land use consent being sought for the development.

6. Section 108(10) of the Resource Management Act 1991 ('the Act') requires that the conditions must satisfy two conditions. Firstly, the financial contributions must be imposed in accordance with the purposes specified in the plan. Secondly, the financial contributions must be determined in the manner described in the plan. Section 108(10) is provided in full below.

(10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless—

(a) the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and

(b) the level of contribution is determined in the manner described in the plan or proposed plan.

2.2 Principles informing conditions

7. Well established case law principles inform the imposition of financial contributions conditions²:
 - a. The condition must be imposed in accordance with the purposes specified in the District Plan³;
 - b. The level of contribution is determined in the manner described in the District Plan⁴;
 - c. The condition must satisfy the *Newbury* tests⁵; and

² *Retro Developments Ltd v Auckland City Council* (2004) 10 ELRNZ 330

³ S108(10)(a)

⁴ S108(10)(b)

⁵ The *Newbury* tests provide that a condition in a resource consent must be for a resource management purpose, not for an ulterior motive; fairly and reasonably relate to the development authorised by the consent to which the condition is attached; and not be so unreasonable that no planning authority could have approved it.

- d. The condition must be fair and reasonable on the merits (that is, it is the result of reason, rather than arbitrary whim; it is fair to both the applicant and the community; and it is proportionate.)⁶

3 District Plan provisions

- 8. The financial contributions provisions in the District Plan are included in Chapter 23. The approach the Plan takes to determining and applying financial contributions is summarised as:
- 9. *Where a financial contribution is required as a condition of a permitted activity or resource consent, the purpose, circumstances in which a contribution may be required, and the amount of that contribution are stated. For some types of contributions, a maximum contribution is specified to ensure such contributions are equitable and not unreasonably onerous for some forms of development.*⁷
- 10. The Plan includes sub-sections within Chapter 23 for the following contribution areas:
 - a. Reserves;
 - b. Infrastructure (water supply, wastewater and stormwater); and
 - c. Roads, access, parking and loading
- 11. Within each subsection, the Plan specifies:
 - a. Circumstances when a contribution is required
 - b. The amount of the contribution
 - c. Assessment criteria for waiver or remission of contributions
 - d. Form of the contribution

⁶ *McNally v Manukau City Council* 13 ELRNZ 144

⁷ Section 23.1, Introduction to the Financial Contributions chapter

- e. Purpose of the contribution
 - f. When contributions are payable
12. Comparing the provisions in the Plan with the list of principles that are to be applied to financial contribution conditions, the *purposes* for which contributions can be taken are specified for each contribution area (point (e) in the list above). The *manner in which the level of the contribution is to be determined* is also set out in the Plan. That is a combination of points (a) to (d) in the list above, but in particular points (b) and (c).
 13. In relation to determining the level of contribution, the Plan requires discretion to be applied. For each contribution area, the starting point for determining the level of the contribution is (b), the amount of the contribution. This is typically a percentage of an assessed value (for example 0.25% of the value of a residential unit to be created), an actual value (for example the actual cost of installing a piece of infrastructure, or a proportional value (for example an unspecified 'share' of the cost of the infrastructure)).
 14. Once the initial amount of the contribution has been determined, the Plan also provides the Council with discretion to grant a waiver or remission of the contribution amount. The matters to be considered in determining whether, and to what degree, waivers or remissions should be granted are generally matters that relate to consideration of equity, reasonableness and proportionality. They therefore enable the Council to apply and adjust financial contributions in a way that is consistent with the *Newbury* tests and with *McNally* (see paragraph 7 above).

3.1 Relevant objectives and policies

15. Chapter 18 of the Plan includes objectives and policies that specifically relate to the management of the effects of development on infrastructure, roads and reserves.
16. The explanation section of Chapter 18 is clear that there was, at the time the Plan was prepared, limited additional infrastructure capacity in South

Wairarapa, such that remaining capacity is to be set aside for urban development (rather than allowing rural connections). The policies SLD3(a) and (b) indicate that, where development drives additional capacity, developers should make 'an equitable contribution' where water supply and wastewater networks will require upgrades, and to require a contribution to road upgrades necessary to avoid, remedy or mitigate the effects of the development.

17. These objectives and policies inform the development contributions approach in Chapter 23 of the Plan and assist in applying those provisions.

4 S42A Report Conditions

18. The s42A Report included recommended conditions specifying financial contributions for the proposed development. It also included explanation as to the basis of those conditions in Section 8.0.
19. I do not understand there to be any contention that the proposed development will cause some additional demand on infrastructure and existing roads, and that financial contributions from the Applicant are necessary to fund a share of those upgrades. The contention is in the level of the respective contributions recommended by the Council.
20. In this section of my evidence, I consider the financial contributions recommended in the s42 report against the provisions in the Plan and whether they are for the purposes specified in the Plan.

4.1 Reserves contributions

21. The s42A report recommends that the full reserve contribution in Section 23.2.2(b) of the Plan should be paid (0.25% of the value of each additional residential unit (plus GST)).
22. The purposes for which reserve contributions can be required are listed in Section 23.2.5 of the Plan as:

(a) To provide for the acquisition and development of reserves and open spaces in response to the needs arising from subdivision and development.

(b) To protect conservation values of riparian and coastal margins, and associated water quality and aquatic habitat.

(c) To provide opportunities for public access to and along water bodies including the coast.

(d) To provide recreational opportunities near water bodies.

23. Of the four purposes, three relate to conservation, access and recreation opportunities near water bodies. Purpose (a) indicates that a need for additional reserve and open space must be as a result of/arising from the development.

24. The s42A report does not assess whether a remission or waiver is appropriate. In particular, the s42A report did not:

- a. Assess the activity's impacts on the reserves network and the costs to the Council to avoid, remedy or mitigate those impacts
- b. Have regard to the measures proposed by the Applicant to enhance the open space of the locality
- c. Have regard to other measures proposed by the Applicant to avoid, remedy or mitigate any adverse effects on the reserves network
- d. Whether any site of natural and cultural heritage can and should be enhanced or protected

25. Mr C Percy explains in his evidence in chief and in the 28 August addendum to his evidence that the design of the development has intentionally included substantial open space and outdoor amenity areas. Significant numbers of trees are to be retained to maintain a visually prominence of greenery. This includes the creation of Murphy's Garden as an area where existing mature trees assessed as being worthy of retention are located within an open space area. These areas will provide for both passive and active recreation areas

that are available for retirement village residents and for the wider community⁸.

26. The open space areas will be developed and maintained by the Applicant, and will not therefore require capital or maintenance funding from the Council. While residents of the development will likely use and benefit from other reserves in Greytown, they are likely to frequently utilise the 'reserve' areas within the development site given their proximity to peoples' homes. In my view, the Council will not be required to provide the level of additional reserves that would otherwise be required if the proposal had not incorporated open space and recreation areas.
27. The proposed development also proposes to enhance the riparian areas of the existing water races that run through the site. The proposal is to make these areas accessible to the residents and the wider community. The enhancement of the water races will provide opportunities for access, recreation and potentially ecological benefits (such as from the avoidance of stock access and planting of riparian vegetation).
28. In my opinion, a waiver of a portion of the reserve contributions is appropriate for the following reasons:
 - a. the proposed development includes design factors that contribute, at least in part, to avoiding, remedying or mitigating the effects of any additional demand on the existing reserves network that might be created.
 - b. The proposal to enhance the water races as natural features contributes to the purposes for which reserve contributions would otherwise be sought.
 - c. The proposal creates open space areas that are available for the wider community to access and enjoy, which would not otherwise be provided.

⁸ Mr C Percy has confirmed that The Orchards will not be 'gated' and will be open to the public.

- d. Existing trees that contribute to the natural heritage values of the area are to be retained.

4.2 Infrastructure

4.2.1 Wastewater

- 29. At paragraph 8.5 of the s42A report, Ms Clark explains that the Council had already identified that the wastewater infrastructure in Greytown is at or near full capacity and could not cater for further growth in Greytown. This statement is consistent with the infrastructure policies in the District Plan. Ms Clark then summarises the network upgrades proposed, and the calculations the Council applied to determine the share of the wastewater network upgrade costs to be attributed to future development.
- 30. At paragraph 8.6, Ms Clark states that '*it is reasonable that these costs are now included within the financial contributions levied on the developments which trigger the need for the upgrades*'. The approach the Council has adopted to calculating the cost is to divide the estimated cost of the upgrades (approximately \$8 million), less 20% which is to be funded by rates, by the estimated number of residential units (including 180 villa units in the proposed Orchards development) anticipated to be developed within the existing urban area.
- 31. The financial contribution that the proposed development is required to make to the network upgrades is described in 23.3.2 (f), being:

(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
- 32. Clause (f) makes it clear that the contribution is to be driven by the *proportion of the additional capacity required by the development*. To determine that proportion, the following information needs to be known:
 - a. The amount of additional capacity to be created by the upgrade

- b. The additional capacity required by the development
- 33. The s42A report does not state what the additional capacity to be created by the upgrade will be.
- 34. In relation to the additional capacity required by the development, I understand that the Council's calculations for determining the proportion attributable to the proposed development assume that:
 - a. The upgrades will only add sufficient capacity to provide for the anticipated additional demand, being approximately 780 additional residential lots. There will be no additional capacity created.
 - b. That there will be no additional demand created from other development (commercial, industrial or administrative uses), including from:
 - i. The future residential care facility in the Orchards development
 - ii. Additional buildings understood to be added to Greytown School
 - c. That the demand from a retirement village residential unit is equivalent to a standard residential unit.
- 35. In relation to the appropriateness of those assumptions, the evidence of Mr C Percy and Mr Roberts provide information on the amount of wastewater typically generated from retirement villages compared with standard residential units. Mr Roberts also raises concerns with the methodology the Council appears to have applied to determining the proportional contribution from the development.
- 36. With regard to the consideration of whether a remission on the wastewater contribution should be granted, clause 23.3.3(b) is particularly relevant:
- 37. *The effect of the proposed subdivision or development on the infrastructure and the cost to the relevant Council to avoid, remedy, or mitigate these impacts.*

38. As discussed above, it is necessary for the Council to transparently and accurately calculate the actual effect (or demand) of the proposed development on the wastewater network and what the cost to address those particular effects are. My understanding of the Council's current methodology, as described in the s42A report, is that the contributions being sought do not reflect the actual demand that is likely to be created by the proposed development. The proportion of the upgrade costs appears to be higher than the proportion of the additional capacity that is required to deal with the development's wastewater demand.
39. In my opinion, the Council needs to provide further information to enable the financial contributions provisions in the Plan to be properly applied.

4.2.2 Water supply

40. In relation to water supply contributions, the s42A report recommends three contributions:
- a. The extension of a water main along Reading Street to connect the proposed development to the existing water supply network (actual full cost of the extension) in accordance with Clause 23.3.2(d),
 - b. A general water supply infrastructure contribution in accordance with Clause 23.2.2(g)(ii) of the Plan, and
 - c. A contribution for a building that has a value in excess of \$ 1million in accordance with Clause 23.2.2(g)(ii) of the Plan.
41. In relation to the (a), it is not clear from the s42A report whether the water main extension will serve only the proposed development or whether it will provide capacity for future development in the area. The main would, at least, provide capacity for the future residential care facility proposed for the Orchards site (financial contributions for that development should not be included in the current process).
42. I understand from the s42A report that there is no specific upgrade required to the water supply network to provide for the development. Therefore, only

the general contributions described in Clause 23.2.2(g)(ii) have been applied. Notwithstanding, there is still an obligation to consider the matters in 23.3.3 as to whether any remissions are appropriate and necessary. In particular, consideration should be given to (a) and (b):

(a) Whether any allotment or any part of the development is proposed to be connected to public infrastructure and services.

(b) The effect of the proposed subdivision or development on the infrastructure and the cost to the relevant Council to avoid, remedy, or mitigate these impacts.

43. Mr Roberts describes in his evidence in chief that the proposed development incorporates an internal water network that provides a higher level of service (in terms of pressure, including for firefighting) than what is provided in the Council's water supply network. The Applicant proposes to establish a network internally that addresses the existing water supply network limitations without the requirement to upgrade the Council's system. As Mr Roberts notes, the development's water supply can be extended in the future to provide future high pressure water supply to serve other development if necessary.
44. Mr C Percy and Mr Roberts also discuss the level of demand on water supply infrastructure from retirement village units compared with standard residential units, and provide evidence to support a lower financial contribution than would be the case for typical fee simple residential development. In my opinion, the financial contribution provisions in the Plan provide scope for an adjustment to the standard contributions.

4.3 Roothing, access, parking and loading

45. Ms Clark addresses financial contributions for roading in paragraphs 8.10 and 8.11. I understand that there is no contention between the Applicant and the Council that a contribution towards roading upgrades in the area to address the effects of the proposed development are required. The contention relates to the degree to which the upgrades are necessary in

response to the proposed development and, therefore, whether the financial contribution proposed is appropriate.

46. Ms Clark has relied on Clause 23.4.2(a) as the basis for determining the roading contribution payable. That clause is:

The actual cost of providing a road or access to the development concerned

47. The proposed development will be accessed off existing roads (primarily Reading Street). As such, roads are already provided to the development. An upgrade of the existing roads is required to meet both existing use and future use associated with the proposed development. The correct clause is therefore 23.4.2(e), which is:

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;

48. The critical aspects of that clause are that the cost of the upgrades must be a *reasonable share*, and that the share must be calculated on the *proportion of additional traffic* likely to be generated by the development.
49. Mr de Kock provides evidence⁹ on the degree to which the current roads meet the relevant design standards, and actual and predicted traffic movements associated with the roads in the vicinity of the development. His evidence is that:

- a. Reading Street, Market Road and Church Street are not currently formed to the standard for urban roads;
- b. The number of properties and the traffic movements on Reading Street and Church Street indicate that an upgrade to an urban road design standard is already required; and

⁹ Mr de Kock's 28 August 2019 addendum

- c. The additional traffic likely to be generated by the development (once completed) will contribute between 48% and 54% of the total vehicle movements.
50. The proposed upgrades are therefore to rectify the existing road design limitations, provide additional traffic from other development, and to cater for the additional traffic movements from the proposed development.
51. Mr de Kock also observes that upgrades to the roads will benefit Greytown School, including if further classrooms are to be added. For example, the recommended additional parking on the western side of Reading Street is for the benefit of Greytown School and is not required to address effects of the proposed development. In that case, it would not be appropriate for the Applicant to pay for those upgrades.¹⁰
52. I also note that the upgrades to Reading Street will provide for future demand from the proposed Orchards residential care facility, which is not part of the current application.
53. In a consideration of proportionality and equity, I consider that the Applicant in this case should not be required to carry the full cost of upgrades that will benefit the wider community and respond to demand from future development¹¹.

4.4 Interpretation of additional infrastructure contribution condition

54. The recommended conditions appended to the s42A report refer to the additional infrastructure contribution specified in Clause 23.3.2(g)(ii) of the Plan. As currently worded, the condition (30(d) in the s42A version of the conditions) is unclear as to whether the calculation of building development

¹⁰ It appears that the District Plan does not specifically provide for financial contributions to be taken for development that is undertaken via a designation. That raises a question as to whether contributions can be taken as *development* contributions via the Council's Long Term Plan instead.

¹¹ Clause 23.4.2(d) provides for the Council to require financial contributions from future developments to recoup the cost of providing additional capacity now. In the case of the recommended roading upgrades to Reading Street, they will provide for additional capacity beyond the requirements of the proposed development.

value is the combined total over the whole site or whether it is for an individual building.

55. I understand after discussing this with Ms Clark, that the intention is that the condition applies to a single building. I agree with this interpretation given that contributions are already required for individual residential units so applying a further contribution when the combined value of the overall development exceeds \$1 million would be 'double-dipping'. Notwithstanding the unresolved issue of the actual amount of contributions to be paid, I recommend that the condition could be reworded to:

(d) An additional infrastructure contribution of 0.5% of the assessed value of any building that has a value of more than \$1,000,000 (plus GST). The assessed value will be based on the estimated value of the building as stipulated on the associated building consent application.

5 Summary

56. On consideration of the s42A report and the associated recommended conditions, I am of the opinion that the Council needs to provide more information to enable the financial contributions provisions of the Plan to be properly applied. This is necessary to ensure that any conditions that might be imposed that require financial contributions meet the conditioning principles summarised in paragraph 7 above.



Phillip Percy

28 August 2019

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE REQUEST AND
RESOURCE CONSENT FOR THE ORCHARDS RETIREMENT VILLAGE,
GREYTOWN**

BY THE ORCHARDS PARTNERSHIP LIMITED (APPLICANT)

ADDENDUM TO STATEMENT OF EVIDENCE OF JACOBUS DE KOCK

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1 ADDENDUM TO BODY OF EVIDENCE

1.1 Financial Contributions

1. I can confirm that Reading Street is currently structured as a rural road with no kerb or formalised stormwater management. A footpath is present on the school's side of the street, with semi-formal 90-degree parks on the same side.
2. Similarly, Market Road and Church Street (between Reading Street and East Street) are also structured as rural roads with no kerb or formalised stormwater management. Neither of these streets have footpaths, therefore the pedestrians (including school children) are expected to walk in the movement lane or on the grass berm.
3. McMaster Street and Church Street (between SH2 and East Street) are formed as urban streets with kerbs and channels and footpaths on one or both sides of the street. This is in line with NZS 4404:2010 recommendations.
4. I am aware that currently there are twelve residential properties and Greytown School that gain access from Reading Street. Therefore, the street can be considered to function as an urban street with residential access and school drop-off and pickups on both sides of the street. **Table 1** shows the volume of traffic observed on Reading Street on Thursday the 13th of September 2018, of which the majority were for school and kindergarten pick up trips.

Time	Westbound	Eastbound	Total
14:45 – 15:00	22	12 (1 Heavy)	34
15:00 – 15:15	15	32 (1 Heavy)	47
School Peak Total			81

Table 1: Reading Street Traffic Counts (13 Sep 2018)

5. In summary, Reading Street should already be classified as Urban/Suburban environment (not Rural which is typically no more than 4 units per hectare). This is because its current main function is access to existing residential units, parking for a business (kindergarten) and access to an educational facility. As such, the standard (NZS 4404:2010) suggests that it is warranted for the street with these activities to have a structural edge, in the form of kerb and channel, stormwater management and a footpath on at least one side of the street. Typically, this is NZS 4404:2010 Cross Section E15 at a minimum.
6. Similarly, Church Street (between Reading Street and East Street) provides access to four residential properties on the southern side of the street and has the school boundary to the north. Typically, NZS 4404:2010 Cross Section E15, should be considered for this portion on Church Street too.
7. I have also reviewed the existing traffic volumes on Reading Street, Market Road, McMaster Street and Church Street. All the background traffic data and modelled One Road Network Classification volumes are captured in **Table 2** below. As shown, Reading Street carried 265 vehicles per day (“vpd”) in 2009. If I apply the industry standard of 3% growth per year, the current volume on Reading Street is expected to be approximately 356 vpd. Church Street carried 306 vpd in 2013, with 3% growth per year, the current volume on Church Street is expected to be approximately 365 vpd.

Street	ONRC AADT	Count AADT	Estimated Current Traffic (vpd)	Full Development Traffic RR453 (vpd)	Total (vpd)	% Traffic Contribution at Completion
Reading St	265	265 (2009)	356	415	771	54%
McMaster St	300	-	400	415	815	50%
Church St	100	306 (2013)	365	330	695	48%

Table 2: Existing and Development Traffic Volumes

8. If I apply a conservative trip generation estimate (NZTA's Research Report 453) the proposed development is expected to add approximately 415 vpd to Reading Street and approximately 330 vpd to Church Street, therefore adding approximately 54% and 48% more trips to the estimated current volumes as show in Table 2.
9. I believe that in reality the proposed development will generate far fewer vehicle trips due to the following factors:
- the development will have onsite amenities, therefore generating fewer external trips;
 - the close proximity to Greytown CBD will attract more use of active modes of transport like, walking, cycling and scootering to town;
 - provision of a safe accessible route and attractive accessible walkway within the development will promote active modes of travel; and
 - the development proposes to have shuttles which will combine trips and therefore lower the self-drive trips.
10. I must further highlight that the projected volumes on Reading Street and Church Street do not include the expected traffic growth linked to the expansion of the school. Therefore, the total traffic impact as a result of the proposed Orchards Retirement Village will have on Reading Street and Church Street are expected to be less than 50%.



Jacobus de Kock

Date: 28 August 2019

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE
REQUEST AND RESOURCE CONSENT FOR THE
ORCHARDS RETIREMENT VILLAGE, GREYTOWN**

**BY THE ORCHARDS PARTNERSHIP LIMITED
(APPLICANT)**

ADDENDUM TO STATEMENT OF EVIDENCE OF CRAIG PERCY

1 ADDENDUM TO STATEMENT OF EVIDENCE

1.1 Financial Contributions

1. We have been in discussions with the Council in regards to financial contributions. To date, our discussions have not progressed to our satisfaction.
2. We acknowledge that the District Plan provides for financial contributions to be levied for specific purposes; however, any financial contribution must be fair and reasonable, and reflect the demand the proposed development will put on the services/infrastructure and not be an arbitrary figure.
3. The financial contributions required by the Council for the development are as follows:

Financial Contribution	Unit Cost	Units	Total Cost
Water	\$3,250 per Household Unit Equivalent (HUE)	180	\$585,000
Wastewater	\$10,400 per HUE	180	\$1,872,000
Water Main Pipe	\$40,000 for 100m of waterpipe	1	\$40,000
Reserves Contribution	\$550,000 @ 0.25% = \$1,375	180	\$247,500
Roading	\$725,000 – carriageway, curb and channel, parking and footpaths	1	\$725,000
Total			\$3,469,500

4. The financial contributions required by the Council are onerous, unfair, unreasonable and in their totality impact significantly on the development. Essentially, increased financial contributions will mean an increase in price for the retirement village units, which will be worn by the residents.

5. There are precedent charging regimes from other councils for retirement villages. These councils recognise the demand characteristics of retirement villages: Essentially that retirement villages impose less of a burden on council facilities and amenities than a conventional residential development and therefore should receive some financial relief.

Water and wastewater

6. For our development, the Council are equating for every 1 retirement village unit we develop this will equate to 1 HUE (Household Equivalent Unit) or a standard residential unit. Each HUE has a charge for water and wastewater.
7. Christchurch, Tauranga and Waipa councils use 0.5 HUE for retirement village developments as they recognize the lower number of residents. It is generally accepted that there are 1.3 residents per retirement unit vs 2.6 residents per unit for residential developments.
8. In the context of development contributions, Ryman Healthcare have been successful in achieving a reduction from 0.5 HUE for retirement villages to 0.1 HUE in Auckland (Ryman v Auckland Council, Decision on Objection by Development Contribution Commissioners dated 10 August 2018). In doing so, Ryman demonstrated that not only are there fewer people in a retirement unit, but they are also far less demanding on services (e.g. don't run the tap as long, bath/shower less, don't have individual swimming pools and they use the toilet less).
9. To be clear the 0.1 HUE referred to above is for water, waste water and transport. Auckland still rely on 1.0 HUE for stormwater for retirement units as it represents the footprint of a retirement unit. We are managing our own stormwater on site, and it is accepted there is to be no financial contribution for stormwater.

10. Our evidence highlights that having 1.3 residents per retirement unit is substantially less¹ than a residential unit. In addition retirement village residents are far less demanding on services.
11. The question of proportionality is relevant to the methodology to be adopted by Council in setting the financial contributions. Clause 23.3.2 (f) of the District Plan requires that a share of the costs of new water or stormwater and wastewater be paid – where additional capacity is required by the cumulative effects of an area’s development – and the share will be calculated on the proportion of the additional capacity required by the development.
12. It follows that where the development is having less of an impact than other growth in the area, it should pay a lesser share of the upgrade works required by the growth. Instead of being 180 of the 780 additional lots Council says must bear the cost of the upgrade wastewater infrastructure works (even assuming that this approach is correct, which we have concerns about, and do not necessarily accept without the opportunity for review of requested further information) the development would represent closer to 90 (a 50% reduction).
13. We also have concerns about the further infrastructure contribution. It is not clear what this relates to, or how it differs from the charges levied under the earlier clauses for the purpose of water and stormwater. Without further explanation, this additional charge seems onerous, particularly in the context of the financial contributions already proposed by conditions.

¹ What constituted a “substantial reduction” was considered in the *Ryman* DC Objection at para [85]. “Ryman submits that a 50% threshold is appropriate for demonstrating a substantial reduction. In submitting this Ryman refers to the Urbanism Plus Report which is a Council commissioned report prepared for the 2012 DCP process. In that report it states that a 50% variation is ‘extremely significant’ in terms of ‘equitably attributing demand’ between development types.” The Commissioners held that a variation of 50% or more would meet the statutory requirement of substantial – decision at para [86].

14. We believe that 0.5 HUE should be used by the Council in assessing our financial contributions for water and wastewater. This would be a fair assessment based on occupancy of the units and the level and nature of the demand. In essence we should only pay for the demand of 90 residential properties and not the 180 we are being asked to pay for through the proposed conditions. In some instances, we are also providing part of the service that has been stipulated as a purpose for the financial contributions (for example the fire-fighting capability has been provided internally to the development, without Council input). Any other approach is not considered fair, reasonable or proportionate.
15. Mr Percy will address the various grounds for remission under the District Plan in further detail.

Reserves contributions

16. In terms of the reserve fund contribution of 0.25%, we believe that the level of open and green space provided at our cost, and for the benefits of the residents, but also the public, means that we should be exempt from this charge, or at the very least, there should be a reduction in this charge.
17. Also relevant, is that, due to demographic characteristics, the frailty of residents and the availability of on-site amenities lead to a substantial reduction in demand for Council provided facilities for reserves, and in fact other infrastructure.
18. Our development provides extensive amenity for our residents both indoors and outdoors. In fact, we are keeping our gates open to the wider community to walk our gardens and bike the bike paths. This amenity is owned by us and will be our responsibility to maintain and at no expense to the council.
19. Again, Mr Percy will address the remission provisions in the District Plan in his addendum evidence.

Roading contributions

20. In terms of roading, the Council is expecting us to pay for the entire roading upgrade of Reading St and Church St. This is contrary to their own District Plan which states in clause 23.4.2 (e) that it will require 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 the area. Notably, the share is to be calculated on the proportion of additional traffic likely to be generated by the development.
21. We believe that the carriageway cost should be shared 50/50, footpaths shared 50/50 and parking associated with the school paid for by the Council. This reflects the fact that evidence presented by Mr de Kock on the current state of, and potential impact of the development on, the existing road network.
22. The specification of the road needs to be agreed and we believe that the cost of the road can be significantly reduced.

Concluding comments

23. Overall, we are of the view that the financial contributions do not fairly account for the level of demand that the development will put on services. The Council also needs to take into consideration what we will be doing for the community as far as social, housing and healthcare infrastructure. There are real advantages to the community from this development, yet it is being actively disincentivised by the onerous cost being placed on us but more importantly, future residents within the development.

Craig Percy

28 August 2019

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE REQUEST AND
RESOURCE CONSENT FOR THE ORCHARDS RETIREMENT VILLAGE,
GREYTOWN**

BY THE ORCHARDS PARTNERSHIP LIMITED (APPLICANT)

ADDENDUM TO STATEMENT OF EVIDENCE OF DEREK ROBERTS

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1 ADDENDUM TO EVIDENCE

1.1 Financial Contributions

1. I have reviewed the Estimate of Quantities prepared by Tim Langley, Rooding Manager for SWDC for the Reading Street (McMaster to Church St) and Church St (East St to Reading St) upgrades based on the plan *Reading Street Concept plan for discussion "190034 Reading St Upgrade Concept Appendix 3"*. Mr Langley's assessment appears to indicate that the entire section of Reading Street be upgraded to include a full formation similar to that on shown in the Typical Cross Section on the previously mentioned plan.
2. It is the intention of The Orchards development to direct pedestrian traffic towards McMaster Street. The width of the existing footpath on the Northern side of Reading Street (School gates to McMaster St) does not meet the standards specified by NZS 4404:2010. It is my recommendation that the footpath be widened to 2.5m to provide a safe space for prams and mobility scooters to pass. If the current formation meets the required standards then no upgrade would be required. Because of this, it's my recommendations that upgrade costs be shared equally between the Council and The Orchards.
3. Similarly, the parking requirements on the Northern side of the Reading Street are not as a result of the development. It makes sense to formalise the area used for parking in conjunction the other improvements to Reading St. In my opinion these costs should not be imposed on the development (all parking requirements are provided for internally).
4. To stay in keeping with the current environment and expected use I recommend that the Reading Street upgrade be of two varying standards. These being, from McMaster Street to approximately where the water race

crosses under the road. (Southern extent of the School parking, approximately 250m) and from the same point, South to the Reading St – Church St intersection (approximately 140m). The Northern section should be upgraded to match the Typical Cross Section shown on the plan face of “190034 Reading St Upgrade Concept Appendix 3” and NZS 4404:2010 Cross Section E15.

5. The remaining 140m of Reading Street to Church St should be a compromise between the current state and that referred to above. This would include a 1.5m carriageway widening, footpath (School side), grass verge with swales and no kerb and channel.
6. Similarly, Church St should continue with a similar formation to that described above for the Southern section of Reading St. (refer point #5)
7. Below is a breakdown of the estimated costs to meet the above recommendations. These prices are based on an average of recent work within the Wairarapa and Wellington region.

Construction	Price per lineal metre (ex GST)	Reading St North	
		Lineal Metres	Cost
2.5m wide concrete footpath	\$242.50	250 m	\$60,625.00
5.5 wide A/C parking	\$412.50	250 m	\$103,125.00
3.0m carriageway widening	\$198.00	250 m	\$49,500.00
Reseal 2nd coat	\$51.00	250 m	\$12,750.00
Dish Channel	\$85.00	250 m	\$21,250.00
Kerb & Channel	\$90.00	250 m	\$22,500.00
2.0m wide berm	\$20.00	250 m	\$5,000.00
Sub-Total			\$274,750.00
20% contingency			\$54,950.00
Total			\$329,700.00

Construction	Price per lineal metre (ex GSTS)	Reading St South		Church St	
		Lineal Metres	Cost	Lineal Metres	Cost
1.5m carriageway widening	\$99.00	140 m	\$13,860.00	90 m	\$8,910.00
2.0m footpath	\$194.00	140 m	\$27,160.00	90 m	\$17,460.00
Reseal 2nd coat	\$35.00	140 m	\$4,900.00	90 m	\$3,150.00
Berm tie-in	\$40.00	140 m	\$5,600.00	90 m	\$3,600.00
Sub-Total			\$51,520.00		\$33,120.00
20% contingency			\$10,304.00		\$6,624.00
Total			\$61,824.00		\$39,744.00

8. The Council has indicated that the Wastewater infrastructure is operating at full or near to full capacity. To resolve this, they propose to upgrade some of the downstream network and install a new 225mm pipe. For discussion purposes Council shared a spreadsheet with a breakdown of the anticipated cost for the upgrade work which has also been used to calculate the wastewater contribution value. I have undertaken a preliminary examination of this spreadsheet and the assumptions that have been applied in the calculations. I identified a number of factors that cause me concern as to the accuracy of the spreadsheet model. To be able to comment fully on the proposed wastewater contribution value, I would need to properly examine the calculations and assumptions. This would require further discussions and clarification with the Council, however there has not been sufficient time available between receiving the spreadsheet and the hearing for this to happen.

Wastewater pipe capacity calcs (conservative)

Based on a density of 50 people per Ha (at 3.5 person per dwelling)

- Say 1ha = 50 persons (14.3 houses)
- Say a 100m trunk pipeline (800m of total catchment pipeline)

PWWF = (ADWF x PF) + Direct Inflow + Infiltration

- ADWF = 0.0023 L/S/person = 50 x 0.0023 = 0.115 L/s
- PF = $7.23 \times \text{Area}^{-0.2} = 7.23 \times 1^{-0.2} = 7.23$
- Direct inflow = nil
- Infiltration = 0.25 L/s/km = 0.25 x 0.8 = 0.2
- = **(0.115 x 7.23) + 0 + 0.2**
- = 0.83 + 0.2
- = 1.03 L/s

225mm DIA

- Minimum gradient 0.5%
- Max capacity 38.89 L/s at 1.18m/s
- Max area = $38.89 / 1.03 = 37.75$ Ha
- Max people = $37.75 \times 50 = 1,888$ persons (540 houses)

300mm DIA

- Minimum gradient 0.5%
- Max capacity 76.52 L/s at 1.19m/s
- Max area = $76.52 / 1.03 = 74.3$ Ha
- Max people = $74.3 \times 50 = 3,715$ persons (1,061 houses)

There are a number of assumptions we have had to make e.g Pipe grades, length, Development density etc, to calculate an approx. number of connections. One of the has the biggest impact is the number of people per House/Unit.

To be conservative and allow for significant size house outside of The Orchards development we used 3.5 people per house. See below for comparison of 3.5, 2.2 and 1.3 people per house/Unit

For 225mm dia pipe

3.5 = 540 Houses

2.2 = 858 Houses

1.3 = 1452 Houses/Units

If we continue to use the same assumptions and work backwards from the 780 Residential Units referred to in the s42A then this equates to approx. 2.4 people per house

The s42A report refers to an increase of 780 residential units, I have interpreted this number to be a factor of all the proposed improvements, not solely the installation of a new 225mm dia pipe. If my interpretation is correct it supports the need for further discussions and clarification from the calculations provided by Council.

Derek Roberts



Date: 28 Aug. 2019

A For information	DR	06/08/19
Revision	App	Dats

Surveyed	
Designed	DR
Drawn	PCV
Reviewed	DR
Approved	DR
	05/08/19
	05/08/19
	06/08/19
	05/08/19

Approved DR 02/05/19

Verify all dimensions on site before commencing work. Priorities squared dimensions over scaling. Refer all discrepancies to Calbre.

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Client

THE ORCHARDS
AT GREY TOWN
"Take It As You Find It"

Project Title
THE ORCHARDS LIMITED
RETIREMENT VILLAGE,
GREYTOWN

Sheet Title
READING STREET
CONCEPT PLAN
FOR DISCUSSION

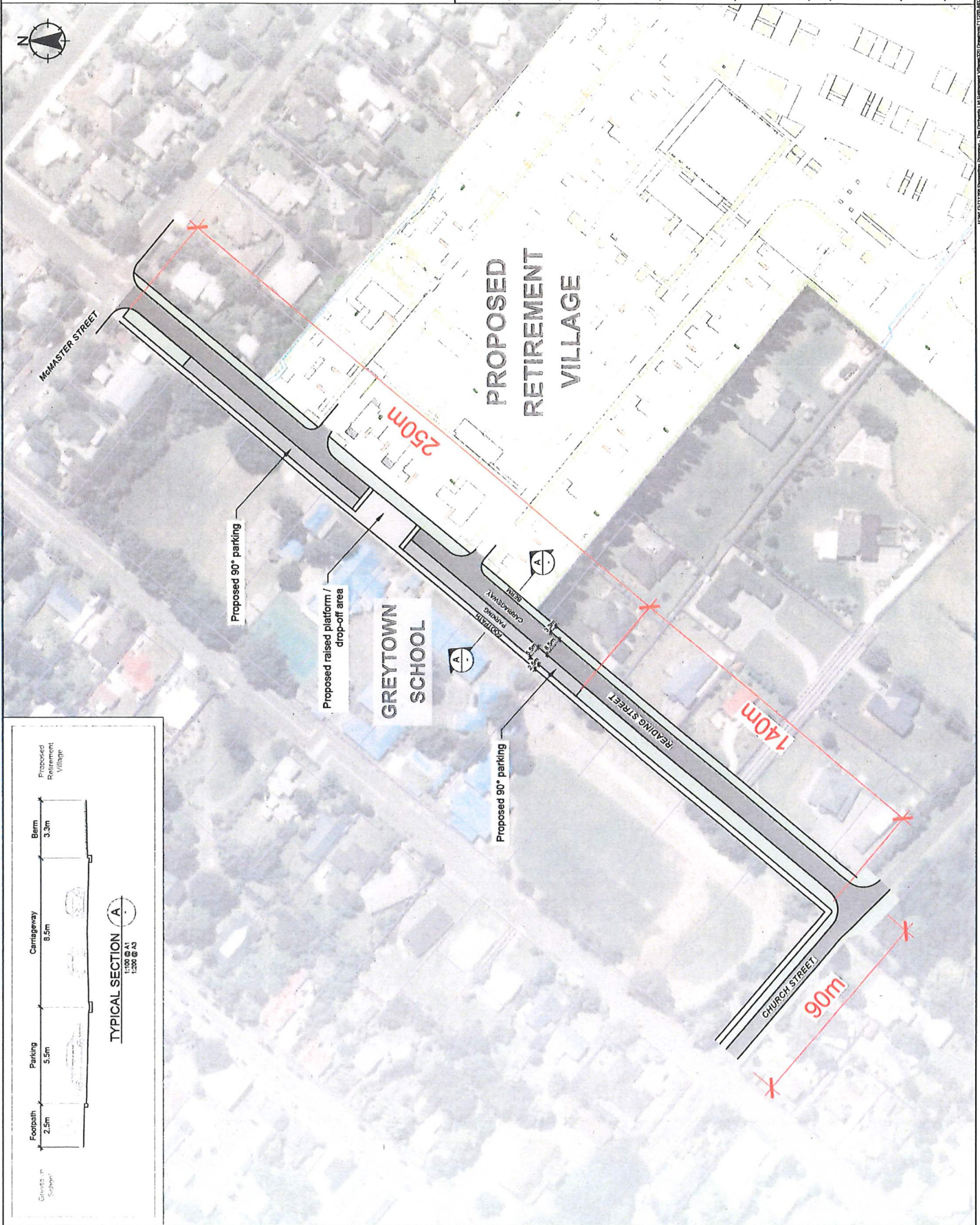
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Scale (A1 Original) 1:750 (A3) 1:1500



Project No	Sheet	Revision
711288	M02	A



Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE REQUEST AND
RESOURCE CONSENT FOR THE ORCHARDS RETIREMENT VILLAGE,
GREYTOWN**

BY THE ORCHARDS PARTNERSHIP LIMITED (APPLICANT)

STATEMENT OF EVIDENCE OF JACOBUS DE KOCK

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 - 2.6 Pedestrian and cycle routes 9
 - 2.7 Construction traffic movement and effects 9

1 EXPERIENCE AND QUALIFICATIONS

1. My full name is Jacobus Michiel de Kock.
2. I am a Professional Engineer and hold a Bachelor of Civil Engineering (BEng) degree and a Masters of Civil Engineering (MScEng) degree from the University of Stellenbosch, South Africa. For the past three years I have worked as a traffic engineer with the firm of Stantec New Zealand, practising as a traffic engineering and transportation planning specialist. I currently hold the position of Associate / Traffic and Roads Safety Lead for Stantec's Wellington Office and am responsible for providing traffic engineering advice, assessment and design for a wide range of activities. I am:
 - a. A Chartered Member of the Engineering New Zealand (CMEngNZ) and its specialist Transportation sub-group; and
 - b. A Registered Professional Engineer with the Engineering Council of South Africa.

1.1 Expert witness code of conduct

3. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that except where I state I am relying on information provided by another party, the content of this evidence is within my area of expertise.

2 BACKGROUND AND SCOPE OF EVIDENCE

2.1 Background

4. I have been involved in this project in the capacity of specialist traffic and transportation engineer from the inception stage through detailed design stage and up to the preparation of the transportation assessment report which accompanied the private plan change and resource consent application. I have read council's section 42A Report, all the relevant submissions of interested and affected parties.

2.2 Scope of evidence

5. The scope of this written brief of evidence is limited to matters discussed in the section 42A Report to the Hearing Commissioner, and that remain at issue. These include:
 - Effects of additional traffic on State Highway 2 (SH2);
 - Road, intersection and footpath upgrade;
 - Internal roading dimensions;
 - Pedestrian and cycle routes; and
 - Construction traffic movement and effects.

2.3 TRANSPORT EVIDENCE

2.3.1 Impact of the development in SH2

6. The Annual Average Daily Traffic ("AADT") data available from the New Zealand Transport Agency ("NZTA") for State Highway at Greytown was analysed to produce the data shown in **Figure 1**. This indicates the weekday AM peak occurs at about 8am and the weekday PM peak occurs between 4pm - 6pm. During the weekend, the peak occurs at around 1pm.

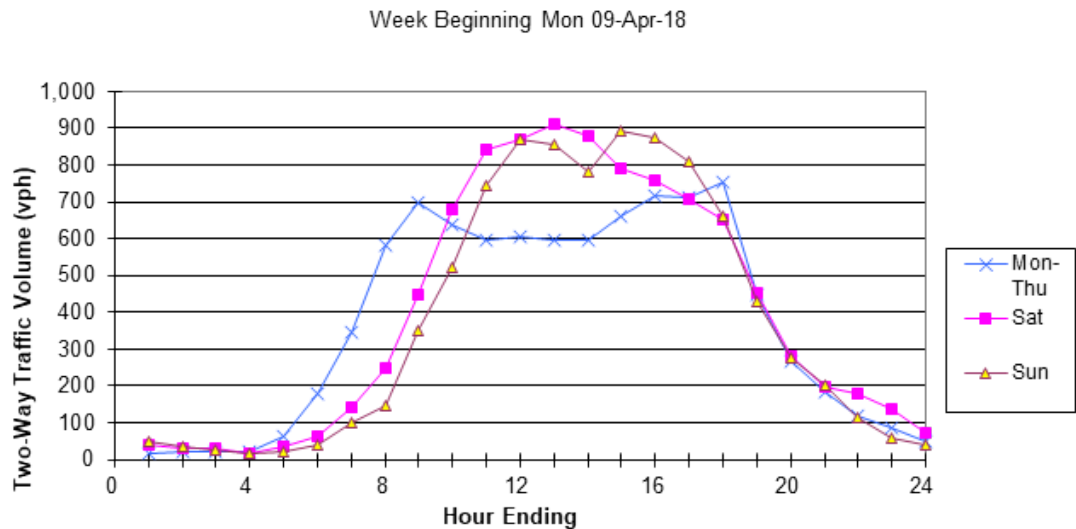


Figure 1: SH2 Average Annual Daily Traffic Volumes (Source: NZTA)

7. I have, as per the NZTA request, commissioned additional vehicle turning movement surveys on SH2, at the intersections of SH2 at McMaster Street and SH2 at Church Street, in order to model the impact that the proposed development will have on the State Highway. The surveys were done on Saturday the 3rd of August 2019 at midday to capture the weekend peak and on Tuesday the 6th of August 2019 at both the AM and PM peak hours to capture the weekday peaks hours. The surveys were done for the expected peak times for a weekday and a weekend, and it was not taken on a school holiday or public holiday, therefore I can confirm that this can be seen as an average day.
8. We used this additional surveyed traffic data to prepare a traffic simulation model, with the industry recognised SIDRA modelling software. The SIDRA model shows that the intersection of SH2 and McMaster Street and the intersection of SH2 and Church Street currently operates at an overall Level of Service ("LoS") A for both intersections, with only the right turning movements being LoS B. When adding the expected traffic flows resultant from the development as suggested in NZTA's Research Report 453, our model shows only a very small impact on the performance of both intersections. The LoS will continue to be A for all the simulated periods, except for the Saturday Peak that will see the Level of service move from a

LoS A to B. I draw your attention to the results of this analysis in **Table 1** hereafter.

Street	Leg	Existing - Saturday Peak	With Development - Saturday Peak	Existing - Tuesday AM Peak	With Development - Tuesday AM Peak	Existing - Tuesday PM Peak	With Development - Tuesday PM Peak
SH2 / Church Street		LOS (Average Delay)					
Church St	South-east	A (9.9)	B (10.1)	A (8.2)	A (8.2)	A (8.9)	A (9.2)
SH2	North-east	- (0.4)	- (0.6)	- (0.3)	- (0.4)	- (0.6)	- (0.8)
Church St	North-west	A (8.8)	A (8.9)	A (8.7)	A (8.8)	A (8.9)	A (9.1)
SH2	South-west	- (0.1)	- (0.2)	- (0.8)	- (1.1)	- (0.2)	- (0.4)
SH2 / McMaster Street		LOS (Average Delay)					
McMaster St	South-east	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (8.1)	A (8.2)
SH2	North-east	- (0.4)	- (0.5)	- (0.1)	- (0.2)	- (0.1)	- (0.2)
SH2	South-west	- (1.0)	- (1.3)	- (0.6)	- (1.0)	- (0.6)	- (1.0)

Table 1: Modelling Results – Level of Service and Average Delay

9. To summarise: in order to simulate the worst-case post development scenario, we assigned all the additional generated development peak hour trips to the two closest intersections. The results of this simulation show that the effect of these trips will be less than minor. In reality the proposed development trips could further dissipate along East Street and therefore have an even lesser effect on SH2.
10. I have recently been in direct correspondence with NZTA to provide the additional information and analysis, as requested by Mr. Luke Braithwaite, to provide the updated analysis, at the time of submission of my draft evidence, at close of business on 13 August 2019, I have not yet received feedback from NZTA.

2.3.2 Street and intersection upgrades

11. I can confirm that the development will increase the pedestrian, cycle and vehicular traffic along Reading Street, Market Road, Church Street and McMaster Street. As discussed in the Stantec assessment, this will trigger

the need to improve the roading infrastructure along Reading Street and Church Street, as well as the intersection of these two streets.

12. Currently Reading Street is configured as a rural street, though it does not meet the requirements to be classified as a suburban street, as it lacks kerbs and channels. Currently on Reading Street there are school related traffic activities (pick-up and drop-off), and other residential traffic demands which would benefit in improved utility and safety from upgraded roading infrastructure.
13. I am in agreement with the *Reading Street Concept Plan For Discussion* as proposed by Mr. Derek Roberts (Calibre) in consultation with Mr. Tim Langley (South Wairarapa District Council), which is also included in Council's s42A report. To my understanding this is an indicative plan for discussion purposes to assist future potential upgrades along Reading Street and Church Street.
14. The *Reading Street Concept Plan For Discussion* shows 8.5m wide carriageway with separated and recessed 90-degree parking spaces and a 2.5m wide footpath on the Greytown Primary school side of the road. Furthermore, this proposal includes a raised platform which will provide:
 - traffic calming along Reading Street in the vicinity of vulnerable road users i.e. elderly and children;
 - an accessible route linking the proposed development with the existing footpath, and
 - also provide a formalised drop—off facility for the school.

This surpasses the minimum requirements as stipulated in the New Zealand Land Development and Subdivision Infrastructure Standard (NZS 4404:2010).

15. I can confirm that there is no need to upgrade the section of Church Street between SH2 and East Street: this section of Church Street is 6.0m wide and has footpaths on both sides of the street. I therefore agree with the

Council's s42A report that this section of Church Street does not require any change.

2.3.3 Internal roading dimensions

16. Fire and Emergency New Zealand (FENZ) has raised concerns regarding these internal roading dimensions. The Code of Practice SNZ PAS 4509:2008 requires a road to provide a minimum carriageway width of 4m to ensure a general appliance is able to gain access.
17. The proposed development has internal roads with various cross-section typologies appropriate to the level of traffic they are anticipated to accommodate. Some of the low volume roads are configured with a 3m wide movement lane with flush grassed shoulders and no kerbs on either side, that provides for a minimum road width of 4.5m in total. There are five such private lanes providing access to between 6 and 8 units along a 50m length.
18. As mentioned in paragraph 17, these roads are proposed without any raised kerbs, such that the road is level with the grass shoulders on both sides. The fire appliance anticipated to service the development is likely to be a medium rigid vehicle with a length of 8m and width of 2.5m. Therefore, I consider this vehicle would be able to access all dwellings adjoining these private lanes without any issue as there would be at least 0.25m of clearance either side of the vehicle with ample room for vehicle overhang.
19. I can also confirm that these private lane designs have been informed by industry recognised standard NZS 4404:2010 Land Development and Subdivision Infrastructure, which states a private lane providing access for up to 6 dwellings is to have a movement lane width of 3m excluding the road shoulders.
20. Furthermore, each of the 3m wide private lanes will be marked with no stopping lines on either side to ensure that a general appliance is able to gain clear access at all times.

2.3.4 Pedestrian and cycle routes

21. The majority of streets in Greytown already have a footpath on at least one side of the street. **Figure 2** shows the existing footpaths in green. Reading Street has an existing footpath on the school side of the street that forms part of an accessible route that links Reading Street with the Greytown Central Business District.
22. The proposed development will provide internal pedestrian footpaths which comply to accessible standards. The proposal further suggests linking these internal footpaths with the Greytown pedestrian network: these linking footpaths are shown on Figure 2 in purple. Because the recommended footpaths extensions will benefit users in addition to residents of the proposed development, the cost sharing for their construction will be a matter to take into account in determining financial contributions.



Figure 2: Pedestrian Facilities on the Surrounding Road Network

23. I therefore consider that the proposed footpaths on Reading Street and Church Street, combined with the existing footpath network and the proposed footpaths within the development site, will provide a safe and accessible route for all vulnerable road users.

24. Currently there are no dedicated cycle routes or on-street cycle facilities on the roads surrounding the proposed development. This is not unusual for smaller towns with low traffic volumes.
25. I refer to the New Zealand Standard (NZS 4404:2010 Table 3.2, cross-section E12) which suggests that a suburban road providing for up to 2,000 vehicles per day (“vpd”), is not required to provide any cycle specific facilities and cyclists are expected to share the movement lane with other vehicles.
26. The roading within the development is expected to result in an operating speed of 20 km/h on primary roads, and 10 km/h on secondary roads. These speeds are appropriate for mixed mode roads and will not create a barrier to cycling or walking within the development.
27. All the streets surrounding the proposed development currently and with the addition of the proposed development traffic still accommodate less than 2,000vpd, therefore dedicated cycle facilities are not warranted, and cycling can be accommodated in the movement lane as suggested in NZS 4404:2010.

2.3.5 Construction traffic movement and effects

28. The detailed content of the Construction Traffic Management Plan is to be developed once detailed design has been completed by the Applicant. I refer the reader to section 5.47 of the SWDC S42A report:

“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”

29. A development of this scope will involve movement of vehicles used for earthworks, site works and building fit-out, as well as staff vehicles. The

construction traffic typically associated with these activities comprises of the following vehicles:

- trucks, involved with the earthworks and delivery of construction plant and materials, and also including concrete trucks;
- trades vehicles associated with suppliers and subcontractors; and
- staff vehicles.

30. I anticipate that trucks and trade vehicles would access the site from SH2 via Church Street and Market Road. Using Market Road would help to minimise the impact of construction traffic on Reading Street, especially given that the construction of the proposed Greytown School in 2020 is expected to overlap and potentially use Reading Street.
31. I have read the Council's draft conditions of consent captured in the s42A report and I agree with the proposed amendments as set out in the amended "Draft conditions appendix 2: recommended suggested conditions for resource consent; 13 August 2019" submitted by Perception Planning.
32. I more specifically agree, with the hours of construction as outlined in the amended conditions as submitted by Perception Planning, these are:
- 7.30am – 6.00pm Monday to Friday;
 - 8.30am – 12.30pm Saturday; and
 - No construction work on Sundays or Public Holidays;
33. I consider that the applicant's willingness to volunteer the submission of a Construction Traffic Management Plan as part of the conditions of consent is sufficient to appropriately mitigate adverse effects that construction traffic could potentially have on the immediate environment.

Jacobus de Kock

Date: 14 August 2019

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE REQUEST AND
RESOURCE CONSENT FOR THE ORCHARDS RETIREMENT VILLAGE,
GREYTOWN**

BY THE ORCHARDS PARTNERSHIP LIMITED (APPLICANT)

STATEMENT OF EVIDENCE OF CRAIG PERCY

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1 EXPERIENCE AND QUALIFICATIONS

1. My full name is Craig Barry Percy. I have over 20 years' experience working in key leadership positions in the retirement village and aged care sectors. This includes 10 years as General Manager of ElderCare New Zealand (which is now part of Oceania Healthcare) and 9 years as Chief Operating Officer of LifeCare Residences in the United Kingdom. I am one of the developers of The Orchards at Greytown.

2 SCOPE OF EVIDENCE

2.1 Scope of evidence

2. I am presenting evidence on behalf of the partnership that is behind the development of The Orchards, the Orchards Limited Partnership. My evidence covers:
 - A short summary of the project
 - Why we are undertaking this project in the South Wairarapa, including in particular the need for retirement care facilities in the area.
 - The benefits of the location of the proposed site of the Orchards at Greytown
 - The implications of any changes to the Masterplan, in particular building setback changes.
 - Timing of construction
 - Construction effects
 - Financial contributions

3 EVIDENCE

3.1 The project

3. The Orchards at Greytown will be a fully integrated Retirement Community which will allow residents to age in place. It will provide independent living villas with extensive communal facilities through to serviced apartments, rest home, hospital and dementia care. The development has been designed to utilise the unique natural attributes of the site and maximise its location relative to local amenities.

3.2 The Developer: The Orchards Limited Partnership

4. The Orchards Limited Partnership is a 50/50 partnership between Craig Percy/Sarah Brown and Tumu Group. The Partnership will be both the developer and long term operator of the retirement community. We have a board structure, with all key decisions requiring a board decision. The management structure is flat and decisions can be made in a well thought through, timely manner. Our onsite management will have an ongoing liaison with our surrounding neighbours.
5. Our vision for The Orchards at Greytown is *“aspirational retirement living”*. The Partners are taking the approach; *“if we were personally looking for a retirement community what would we aspire to retire to”*. We want to ensure that we deliver a quality community that respects the site and surrounds – a development that Greytown and the Wairarapa can be very proud of.
6. Personally, I am excited by the unique opportunity to develop and operate the Murphy’s Orchard site. It enables me to use my knowledge and experience in the sector to develop a ‘best in class’ continuing care retirement community which is currently lacking in the area.

7. My strong links to the Wairarapa bring an added passion to this project. My father and his wider family were born and bred here. My grandfather Earl Percy farmed out at Te Ore Ore and my uncles and family still live and farm in the area.

3.3 Reasons for the development

8. In March last year I was sitting down with an aunt and uncle, who live in Martinborough. They said they were looking at the next stage in their lives and there was nowhere in the South Wairarapa that they could retire to with a nice lifestyle with ongoing care and support services, therefore they would have to leave the area.
9. Following on from this I learnt that there is a general lack of retirement options in the South Wairarapa. This initiated The Orchards development.

3.3.1 The need for retirement facility services in South Wairarapa

10. Through detailed research including meetings with the DHB, visits to existing retirement facilities and conversations with influencers, I soon learnt that in the Wairarapa as a whole and more acutely in the South Wairarapa there is an under provision of retirement and aged care housing, care beds and retirement services. This will only become more prevalent as the baby boomers reach retirement in the coming years.
11. There are two existing small care facilities in the South Wairarapa.
 - Wharekaka a 21 bed rest home/hospital and 10 villa facility in Martinborough; and
 - Arbor House a 26 bed rest home/hospital in Greytown.
12. Due to their poor economies of scale, which is compounded by inadequate government funding, these facilities are both in financial difficulty.

13. It has been agreed with the board of Arbor House that once The Orchards care facility is built, residents and staff of Arbor House will transfer across and become the core of the new care facility. This new care facility at The Orchards will in turn be called Arbor House which will also provide a legacy to Greytown.

3.4 Location of the development: Murphy's Orchard

14. In choosing our location, we looked at both Martinborough and Greytown as possibilities. However, in consultation with the District Council, the DHB and other key stakeholders, we decided that Greytown was the right location. This was due to the existing infrastructure on offer (the community, cafes, restaurants, boutique shopping, supermarket, medical centre), its location somewhat in the centre of the South Wairarapa, and its proximity to SH2 and Masterton Hospital.

3.4.1 Attributes of the Murphy's Orchard site

15. We were incredibly fortunate to acquire Murphy's Orchard, a site that comes with so many natural and locality benefits. These include:
 - a. The large 34 acre flat site enables the retirement community to be developed in such a way that will provide a sense of space, which will be complemented by both existing and new planting/landscaping.
 - b. The project is keeping the legacy and heritage of the site intact. This includes the name of the retirement community "The Orchards". We want to protect as many of the existing trees as is viable and, at last count, 700 mature trees will be kept. These are largely fruit trees, however 'Murphy's Garden' consists of many mature native trees. We are also creating a "Fruit Tree Avenue" through existing mature trees as one of our entrance ways.
 - c. The large flat site enables us to provide a continuum of care ranging from independent living with extensive communal facilities through

to rest home, hospital and dementia care. This allows people to age in place and not need to move from The Orchards.

- d. We are proposing that the communal facilities will reflect the existing architecture of the orchard black packing sheds and we are looking to locate these in black barn style buildings. The architecture is a modern take on the heritage villas that you see in Greytown.
 - e. Unlike your traditional retirement village, we will not be a gated community, and instead be openly facing to the wider community, with resident's driveways mirroring the existing streetscape. We will encourage the local community to use the retirement village walking tracks and facilities. We want to integrate into the existing community and not be separate to it.
 - f. The intergenerational opportunities that we are already exploring with the adjacent Greytown School.
 - g. The site is a stone's throw from all of the amenities that Greytown has to offer. This will allow our residents to walk to get into Greytown. The site and its location lend themselves to active movement by residents both within and beyond the development.
 - h. We are protecting the existing water race network and also managing our own storm water through a swale parkland feature.
16. As a partnership, we have a strong sense of social responsibility, in particular because of the size of the community we will be creating and the number of new properties that we will be bringing to market. To this end, we will be looking at many different areas of the development including, construction sustainability, energy efficiency including solar and embedded power networks, waste and water management, plus the everyday operational efficiency of the development.

3.5 Scale of development, implications on changes to the proposed development, and its economics

17. We are aware that for any small community 180 new independent living units is a large-scale development. However, with the existing lack of retirement accommodation provision in the wider area, and with the baby boomers about to need retirement accommodation, this amount of provision is required.
18. We are also cognizant that we could just provide a retirement village offering for the more affluent resident. However, for the South Wairarapa we will be the only fully integrated retirement village offering available, therefore we want to provide a broad range of options (6 different types of independent units) with pricing to meet the varying socio-economic needs of the market. The entry level (smaller) unit will be a 2 bedroom, 1 bathroom independent unit with carpark (no garage). The level of units range from the entry level described through to a 3 bedroom, 2 living, 2 bathroom and double garage independent unit.
19. Our Masterplan¹ highlights a spacious landscape layout with a lot of green space that includes keeping approximately 700 existing trees (including Murphy's Garden) and will provide a number of the smaller independent units. These smaller units will be desirable for the less affluent retiree. Economically, the smaller units are less desirable for the partnership as they are less profitable.
20. If the proposed Masterplan is not approved with our identified boundary setbacks and roading widths, then we will need to make compromises, which will most likely include the removal of the smaller, less profitable, independent units, and reverting to a majority of larger more expensive independent units.
21. It is the overall profitability of the independent living units that will allow us to develop the loss leading care facility. It is proposed that the approximate

¹ Appendix 19 LOCAL Collectives Orchards Masterplan for RC

120 bed care facility will accommodate serviced apartments, rest-home, hospital and dementia care facilities of a scale and quality that will provide enough aged care beds for the increasing demand requirements of the region. On purchasing into a retirement village the market expects to have care services available should they be required.

22. We are aware of the wider-market that we are providing for, so we are proposing that we will build a mix of standard care rooms through to premium end care suites. This is in contrast to other operators in New Zealand, who are only developing premium end care suites due to their financial viability. We can only achieve this care mix, that will meet the wider community's socio-economic needs, if our overall Masterplan is achieved. Otherwise, we will need to make further compromises and revert to a smaller approximately 60 bed care facility providing only premium care rooms/suites using the balance of the land for further independent living units. This lower number of care beds will not serve the needs of the region.
23. The design of the care facility has not occurred yet, and the flexibility to be able to build to two storeys for at least part of this facility may be necessary both from a functional perspective and also from a design perspective.
24. Unlike your traditional developer who buys land, obtains all of the necessary consents, subdivides and then sells either sections or house and land packages, we have purchased the land, are obtaining all of the necessary consents, and will develop the retirement community in stages, selling these stages down as we go. Where we are different is that we are staying involved in the operational side of the retirement community. This involves the ongoing day to day management and, in time, resales of the units. Therefore, it is very important that we get things right first time as we have to live with any poor decision making made now and into the future.

3.6 Timing of the construction of the development

25. It is proposed that construction of the independent villas will be divided into 3 stages commencing with stage 1 (49 villas) which covers 2/3 of the existing orchard site fronting Reading St. This will be followed on by construction of stages 2 and 3 of the independent villas situated on the adjacent paddock land. Our estimate is that once construction of stage 1 commences, it will take 5 ½ years to complete the independent villas. By phasing construction of the development in this way, we will limit the construction traffic, and its effects, to the actual amount of development occurring at any one time.
26. The infrastructure for the development will be carried out on a stage by stage basis, with the all infrastructure for each stage being completed at the same time.
27. With the economic pressures that Arbor House faces there is a real need for our new care facility (which will be situated at the back of the orchard site) to be developed as soon as possible. We are planning on the first stage of the new care facility to be open at the end of 2022.
28. Our anticipated development plan is as follows:

	Milestone	Date
1.	Planning hearing at South Wairarapa District Council to achieve change of use for the land (from rural to residential) and resource consent.	29 & 30 August 2019
2.	Building Consent for show villa received.	September 2019
3.	Construction commences of the show villa and stage A of the residents' communal facilities.	October 2019
4.	Sales & Marketing commences.	November 2019

5.	Show Villa and Stage A communal facilities completed.	February 2020
6.	Stage 1 of the villas commence. Our plan is to start construction of 3 villas per month from March with each villa taking 4.5 months to complete.	March 2020
7.	First of the villas completed then 3 villas per month will be completed every month thereafter.	From July 2020

3.7 Construction effects

29. We are aware of the effects that construction traffic may have on Greytown School, in particular. We have already had initial discussions with Greytown School on construction management and we have committed to the school that we will consult with them before settling any management plans.

3.8 Financial contributions

30. We acknowledge that financial contributions for the development will need to be made to the Council. However we are also aware of the essential social and healthcare infrastructure that we are providing the wider South Wairarapa (that is not currently adequately being met). We view the financial contributions suggested by the section 42A report writer as excessive and do not reflect a reasonable sharing of infrastructure costs across the community. At the time of writing this evidence, we have requested a meeting with Council to discuss the basis for the contributions sought. I will provide further information about those discussions at the hearing.

3.9 Concluding comment

31. The Partnership is passionate about this project, and what we can provide for the greater South Wairarapa community. We are aware of the different socio-economic groups of people who will need our offering. We want to provide care for all, and do not just want to be exclusive. A key concern for us is approval of our Masterplan. If our Masterplan is changed, we will need to make compromises that will impact on the retirement facilities we can provide to the wider community.

A handwritten signature in black ink, consisting of the letters 'CBP' followed by a large, stylized loop.

Craig Percy

14 August 2019

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE REQUEST AND
RESOURCE CONSENT FOR THE ORCHARDS RETIREMENT VILLAGE,
GREYTOWN**

BY THE ORCHARDS PARTNERSHIP LIMITED (APPLICANT)

STATEMENT OF EVIDENCE OF DEREK ROBERTS

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1 EXPERIENCE AND QUALIFICATIONS

1. My full name is Derek Roberts
2. I hold the qualifications of B.Surv. [1996] RP.Surv & MNZIS [2003]. I have over 20 years' experience as a Survey and Design Manager in both New Zealand & Australia, 16 years of which have been as a company director, Registered Surveyor and project manager within the Urban Development space. My responsibilities have ranged from Civil Design, Surveying, Project Management, and Resource Consent Planning through to data processing, quality control and associated approvals for multi-stage developments, lifestyle and retirement villages and infrastructure projects.

1.1 Expert witness code of conduct

3. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that except where I state I am relying on information provided by another party, the content of this evidence is within my area of expertise.

2 BACKGROUND AND SCOPE OF EVIDENCE

2.1 Background

4. On behalf of Calibre, I have been involved in the engineering aspects of the project from initial planning stages through to the consenting process. My specific involvement has included feasibility analysis, advising and supporting the planning application, conceptual design, and providing supporting engineering knowledge to the consenting process. Furthermore, I have attended meetings both internally within the design team and with South Wairarapa District Council (SWDC) representatives,

Lawrence Stephenson regarding Infrastructure and Tim Langley on roading matters along with others on Development Contributions and planning matters.

2.2 Scope of evidence

5. The scope of this written brief of evidence is limited to matters discussed in the section 42A Report to the Hearing Commissioner, and that remain at issue. These include:

- Road, intersection and footpath upgrades
- Firefighting water supply
- Management of construction effects

2.3 ENGINEERING EVIDENCE

2.3.1 Road, intersection and footpath upgrades

6. The road improvement design involves upgrades to Reading Street and Church Street in order to provide adequate accessibility to the site and surrounding amenities. The design is to be undertaken in detail during the detailed design phase of the project and will be in accordance with *NZS 4404:2004 Land Development and Infrastructure*. Consultation with Council and Greytown School will be undertaken to ensure the design considers their needs. Cobus de Kock of Stantec will address this matter in more detail. However, I can confirm that the *Reading Street Concept Plan For Discussion* attached to the section 42A report shows the Road corridor width is sufficient to meet current demands, improvements and any foreseeable future need. The upgrade is aimed at improving and formalising the existing layout, use and formation. This will provide additional safety for the school, and other residents as well as those in the development.

2.3.2 Firefighting water supply

7. Calibre's design report titled 'The Orchards – Civil Design for Resource Consent'¹ details the proposed solution for firefighting water supply. The preferred solution is to store adequate volume (120,000 L) on site to provide for firefighting water supply over a period of 30 minutes (fire water classification FW2). This fire water classification covers all proposed buildings on site. The stored water will be internally reticulated and pressurised, with hydrants situated at intervals consistent with the requirements of NZS PAS 4509:2008. The storage includes 45,000 litres for firefighting, 11,000 litres for sprinkler supply to the main facilities (6.0 L/s for 30 minutes), and 64,000 litres as a buffer for three hours of peak flow draw down. This is in accordance with NZS PAS 4509:2008 and the proposed conditions 21 and 22 relating to firefighting water supply. The specific design of this system will be addressed during detailed design.

2.3.3 Management of construction effects

8. I confirm that consideration has and will continue to be given to construction effects including construction traffic, dust, and noise. Calibre will prepare a Construction Environment Management Plan (CEMP) that provides mitigation measures for these effects including limitation of construction work hours, on-site dust suppression measures, control of silt run-off and appropriate management of construction traffic. This will give specific consideration to the needs of neighbours and Greytown School. The Construction Management Plan (CMP) will meet all requirements set out in the approved conditions of consent (as amended by Mr Percy) and those of *NZS 4404:2004 Land Development and Infrastructure*. The CMP will be prepared in conjunction with assigned contractor before approval by the SWDC.

¹ Appendix 21 of the Application for Land Use Consent

9. I note the recommendation by the section 42A writer that the hours of construction for the project be limited to between 9am and 12pm on Saturday.² For practical and financial reasons, a minimum of a 4 hour construction window is needed. To meet this minimum our preferred window would be from 8.30am-12.30pm.

Derek Roberts



Date: 13/08/2019

² Paragraph 5.46 of the Section 42A Report to the Hearing Commissioner

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE
REQUEST AND RESOURCE CONSENT FOR THE
ORCHARDS RETIREMENT VILLAGE, GREYTOWN**

**BY THE ORCHARDS PARTNERSHIP LIMITED
(APPLICANT)**

STATEMENT OF EVIDENCE OF MARK NEWDICK

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I EXPERIENCE AND QUALIFICATIONS

1. My full name is Mark Emery Newdick.
2. I hold degrees in Resource Studies (Planning and Ecology) and Landscape Architecture (hons) from Lincoln University and am a registered member of the New Zealand Institute of Landscape Architects.
3. I am a director of Local Landscape Architecture Collective Limited (Local) based in Wellington and have 20 years of experience in the field of landscape planning, design and construction.
4. We provide a full landscape architectural service from masterplanning to detailed design and construction supervision. Local undertake a range of scales of work from small residential projects to community level masterplanning of major urban expansions.

I.1 EXPERT WITNESS CODE OF CONDUCT

- I. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that except where I state I am relying on information provided by another party, the content of this evidence is within my area of expertise.

2 BACKGROUND AND SCOPE OF EVIDENCE

2.1 Background

- a. Local landscape architecture collective were commissioned in September 2018 to collaborate with Design Group Stapleton Elliot (DGSE), Perception Planning, Treecology Tree Consultants, Calibre and Stantec to develop the scheme for The Orchards Retirement Village, Reading Street, Greytown.
- b. The landscape design and our work primarily focussed on the consolidation and location of shared green space through the efficient organisation of the proposed buildings on site to provide generous and useful recreational open spaces for the residents. In conjunction with this we developed the streetscape, boundary treatments, paving materiality, CPTED, vegetation strategy, and water sensitive design.

2.2 Scope of evidence

- c. My written evidence focusses on the design development of the project, from analysing the existing site characteristics to the broadscale conceptual framework which responds to them. I also describe in detail the main features of the development and how these have been developed in detail.

3 EXISTING SITE

3.1 Site Description

- a. The site is located close to central Greytown, just 150m to the east of Main Street / SH2. The Orchards in general terms can be characterised in two landscape character areas. The northern half of the site, to the north of the central irrigation race comprises of rows of orchard fruit trees, the gardens of the orchard house and outbuildings. The southern half of the site, to the south of the irrigation race has a stand of orchard trees but is principally paddocks with hedgerows. This is illustrated in the 'existing vegetation' landscape structure diagram on page 6.

3.2 Existing access & boundary conditions.

- b. There is currently access from the northern boundary (boundary 1) which is on Reading Street and Market Road which is on the southwestern boundary (boundary 6 and 7). There are rural residential properties to the north east (boundary 2) and west (boundaries 8 and 9) and paddocks to the east (boundaries 3 and 4).

3.3 Topography

- c. The site is relatively flat with a high point of RL 54.18 and a low point (excluding the water races) of RL49.90. The northern section of the site falls at about 1:130 from the northwest corner (RL 54.18) to the eastern boundary (RL 52.00) and the southern section of the site falls from the northernmost corner (RL 53.07) to the southern edge (RL50.00) at an approximately 1:120 fall. There is an overland flow path 65m from the southern corner of the site which is at a nominal RL 49.00.
- d. The most prominent topographical feature on the site are the irrigation races that are about 1.8m wide and 0.5m below the adjacent land levels. These races have a nominal 1:1 slope to their sides.

3.4 The Irrigation races

- d. There are two irrigation races on the site. There is a race on the northern boundary that comes into the site at the north west corner at RL 53.36, travels along the northern boundary, mostly to the north of the site, but comes up to 5m within the site at the site of the former house location, before exiting the site at

the eastern boundary at RL 51.40. The second irrigation race enters the site centrally at RL 52.23 and travels along the northern boundary of the southernmost section of the site where it exits at RL49.61.

3.5 The Orchard tree planting

- a. In the northern half of the site there are 53 rows of fruit trees, mostly plums, along with nectarines and peaches. Many of these trees are around 40 years old. Many of the rows comprise of impressive well-maintained heavy cropping trees. The rows are approximately five meters apart.

3.6 The Gardens of Murphy's House and Orchard outbuildings

- a. About 6,000m² at the top north corner of the site on Reading Street is where the house and orchard outbuildings are located. Here there is a mix of mature and semi-mature exotic and native individual trees that are characteristic of an established private residential property.
- b. Most of these trees are of sufficiently high quality as to be of value for retention.

3.7 The southern paddocks

- c. The southern half of the site has four cropping paddocks, the three western most being rectangular at about 150m x 65m with the narrow section adjacent to Market Road. The eastern most paddock is triangular and 260m on the eastern boundary, 285m on the southern boundary and 150m between the two. Each paddock is separated by a mature hedgerow of mainly Poplars but also some native and exotic trees and shrubs including pittosporum, kowhai, elderberry and walnuts. The to the south of the irrigation race has a stand of orchard trees but is principally cropping paddocks with hedgerows.

3.8 Existing flora and fauna

- a. Although there is significant tree planting on the site, it is principally exotic species. Please refer to the tree survey report by Treecology for further details on the tree locations, condition and species. The fauna of the region including native birds and invertebrates benefit from the existing provision of vegetation, in particular the linear shelterbelts as green corridors where protection, habitat and food sources are provided.

4 LANDSCAPE DESIGN DESCRIPTION

- a. The proposed site design seeks to provide a new retirement village within, and responding to the existing site context, in particular the established orchard and hedgerow tree planting and the landscape structure that these provide. The design aims to integrate all landscape elements from roading to paving, drainage, amenity and mitigation planting to provide a coordinated, efficient and considered response which prioritises landscape quality both inside the site as well as consider the views and relationships with the boundaries outside the site.

4.1 Site layout principles

- a. The houses have a minimum of 4.5m gaps between buildings which will be extensively planted. This density is offset with the provision of generous and high quality shared open space. The placement of dwellings is undulated to ensure built edges are not seen as regimented from within the site or from the boundaries. Large scale trees, hedges and existing (augmented) tree planting is also alternated to further soften and vary visible built edges. Views from the house to the landscape has been carefully considered and generous 'fingers of green' between houses include pedestrian / cycle pathways, seating and BBQ opportunities to allow for the character to feel rural and vegetated.

4.2 Roads and vehicular access

- a. The main access points are from Reading Street and Market Road, along with an additional /secondary access from each of these streets. Larger deciduous trees (pin oaks) are proposed at vehicular entry points to provide variation in scale, shade in summer and extensive screening between dwellings. All trees within The Orchards have been selected to be hardy, easy care trees that are appropriately scaled for their surroundings and are detailed in the plant palette on pages 21-23 of the Landscape Masterplan document.

4.3 Pathways and pedestrian networks

- a. The design minimises the use of footpaths beside roads to encourage the use of paths through more pleasant landscape spaces. This will also minimise the amount of visible hard landscape in the main thoroughfares, avoid the suburban feel associated with them and allow for simple grass swales and flush kerbs to be accommodated on all roads. I feel this will not only promote a rural character but make the landscape more accessible.

4.4 Individual house landscape

- a. All single villas and duplex's have; a garage, visitor parking; a minimum of 15m² terraces or decks, a small garden at the front to help individualise each villa, as well as a small raised planter at the back for herbs and vegetables. The terrace houses have the same provision apart from the parking where there is no garage, but dedicated off street parking provision.
- b. Deciduous specimen trees such as pin oaks, plane trees and ornamental pears (as detailed on the plant palette on pages 21-23) are to be planted adjacent to private gardens to avoid winter shading while providing a scale to balance the proposed buildings, particularly when viewed from the street and adjacent properties. Some native species such as kowhai, and food providing species such as elderberry are also proposed to support and encourage local fauna.

4.5 Murphy's Garden

- a. Murphy's Garden embraces one of the principal aims of the landscape design to use the existing site character to provide new opportunities for reflective and relaxing gardens spaces, as well as softening the boundary condition.

4.6 The Orchard Garden

- a. The Orchard Gardens provide a pleasant pedestrian link between the northern streets and inner village through three rows of the existing Orchard trees. These rows are supplemented with matching new tree planting where gaps currently exist to give a large block of Orchard that provide a strong reference to the orchard character of the site, visual screening between housing and a usable, lime-chip surfaced space inside the grid for petanque, BBQ, and small gatherings.
- b. Within the smaller southern Orchard garden there is a linear lawn with edge seating and an end feature wall. Both areas are surrounded by a meadow of taller grasses that will encourage fauna and provide informal pathways and routes for residents amongst the Orchard trees while minimising lawn mowing and providing an alternative to higher maintenance shrub planting.

4.7 The Swale Parkland

- a. The swale parkland provides an alternative character area to the gridded orchard area with a curvilinear parkland based around a central raingarden which will receive the stormwater collected from rooves, roads and pavements and use it to irrigate native plantings along its curvilinear route. Weirs are used to attenuate the flow of this stormwater and maximise the soakage for the wet tolerant plantings behind them.
- b. Walkways on both side of the swale provide a circular walking trail as well as pedestrian connections to the various amenities inside and outside of the site instead of using roadside footpaths which are minimised in order to accommodate grass swales and avoid a suburban feel.
- c. Fingers of parkland extend from the swale into "mini communities" of housing which have been re-orientated so that views into the parkland and swale beyond are maximised. Shared BBQ and recreational facilities are located throughout the parkland including low key nature play areas where grandparents can entertain their younger visitors.
- d. The memory of the former shelter belts which cut through this area is retained. While the poplars which currently dominate the make-up of these rows are not suitable close to residential housing but some may be able to be retained, along with the myriad species which have been under planted and which can be added to preserve this memory. Species such as elderflower (used to make cordial and "champagne") can be retained and similar species such as hazelnut bushes and walnut trees, berries and figs can be added in to provide a rich and low maintenance food source for residents.

4.8 Community gardens

- a. Four community gardens are provided within the site, each of about 100m² in area and located close to the road for easy access for residents to transport materials such as compost to the gardens and working bees to have easy access. A larger central community garden is proposed and may contain a glass house (TBC) to capture winter sun.

4.9 Planting strategy gardens

- a. The planting throughout the site adopts a rural style to blend the development into its setting with a mixture of native and exotic plants which is consistent with Greytown's plant palette. More formal garden beds and use of colourful flowering species are located where they are of most benefit to the residential community, including Murphy's Garden, and those spaces close to the residential care centre.

4.10 Parking

- a. The Orchards' Retirement Village is located close to central Greytown allowing for walking, cycling and mobility vehicles being viable transport options for a majority of the residents. Onsite parking is kept minimal to avoid the adverse visual effects from within and outside of the site. A central visitor and staff car park is created in a well screened, central location near the residential care building where parking is most needed. Additional staff parking to the east side of the residential care building will be provided as shown on the Masterplan.

4.11 Playgrounds

- a. The development recognises that children will be visiting the residents and two playgrounds are proposed, one next to the village green and one to the south of the residential care facility and adjacent to the flower gardens. It is the intention that the playgrounds include nature play and shall be designed to meet the NZS standard 5828:2015
- b. The gardens on the orchard block and care centre are restrained, simple, mass planted areas or areas of long (occasionally mown) grass and hedging to maintain the sense of rural character and echo the formality and orthogonality of the orchard rows. The village green and bowls club will be located in this area. These spaces have been kept deliberately simple to maximise the sense of space and tranquillity. The nature playground elements in this area are similarly restrained and formal so as not to detract from the character while also encouraging inventive play, a popular theme in contemporary playgrounds, as well as informal seating areas for adults.
- c. The gardens between the care building and swale parkland use rows of rural flowering plants like lavender, ornamental onion (alliums) and roses to provide long lasting displays of colour which are easily accessed by the less able. The existing irrigation race is retained through this area and a simple pond is placed in line with it to further emphasise this valuable and unusual resource.

4.12 Village green & wellness centre

- a. Central to the site is a cluster of community facilities. The wellness centre will be a unique asset to the development where facilities are available to complement the village green and village activities. The wellness centre has covered terraces on 3 sides to relate to the open spaces that surround it. These will not only maximise the amenity of the centre but also allow separate events to be held at one time. There are multiple path connections to this cluster of facilities, all of which are located in a prominent visual location on the main entry street.

4.13 WSUD and stormwater treatment

- a. The masterplan has considered and integrated sustainable principles. The stormwater is detailed within this application by the engineer and onsite retention and treatment is achieved through a number of methods and strategies.
- b. The flatness of the site limits the ability to transport the water over distance, so localised collection and treatment is achieved with roadside swales. The swale parkland is a large raingarden located centrally to the southern section of the site and will collect water from the adjacent houses, roads and hard standing areas.

4.14 Boundary treatments and views into the site

- a. The design of The Orchards has been particularly cognisant of its local setting and neighbours. The boundary has been carefully considered in conjunction with the placement, and staggering setbacks of houses. Fences are not proposed as these are not in keeping with the required rural character. Typical boundary treatments are illustrated on the elevations on pages 18-20.
- b. As illustrated a variety of methods in a varying sequence include hedges, tree planting and high planting where visual screening is desirable. Sufficient space has been provided throughout the site for larger trees which can foreshorten views across the site

5 SUMMARY OF THE LANDSCAPE DESIGN CONCEPT FOR THE PROJECT

- a. Landscape values are to as large degree why people gravitate to the Wairarapa. The existing landscape values within the site have been seen as of particular value to the proposed development from the projects inception. In particular, the existing orchard grid, linear shelterbelts and the more naturalistic proposed swale have largely driven the entire masterplan and site layout.
- b. I personally have fit the required building yield into this structure, along with the boundary, private, shared open space facilities and associated hard and soft amenity features to ensure each element is seamlessly coordinated and integrated. I am therefore intimately familiar with the proposed design and confident that we have maximised the potential landscape values from both within and outside the site.

6 UPDATED ILLUSTRATIONS

- a. Since the initial submission, the applicant has considered extending the Murphys Garden to include a greater number of the existing mature trees in the former farmhouse garden. The exact extent of the enlarged area will be determined based on balancing the desire to retain trees while maintaining yield.
- b. The maximum potential extension is shown on SK190812 and this drawing is attached to my evidence.
- c. Five new cross sections have been added to the drawings set showing boundary treatments and setbacks of housing in relating to neighbouring properties. These are also added to my evidence.

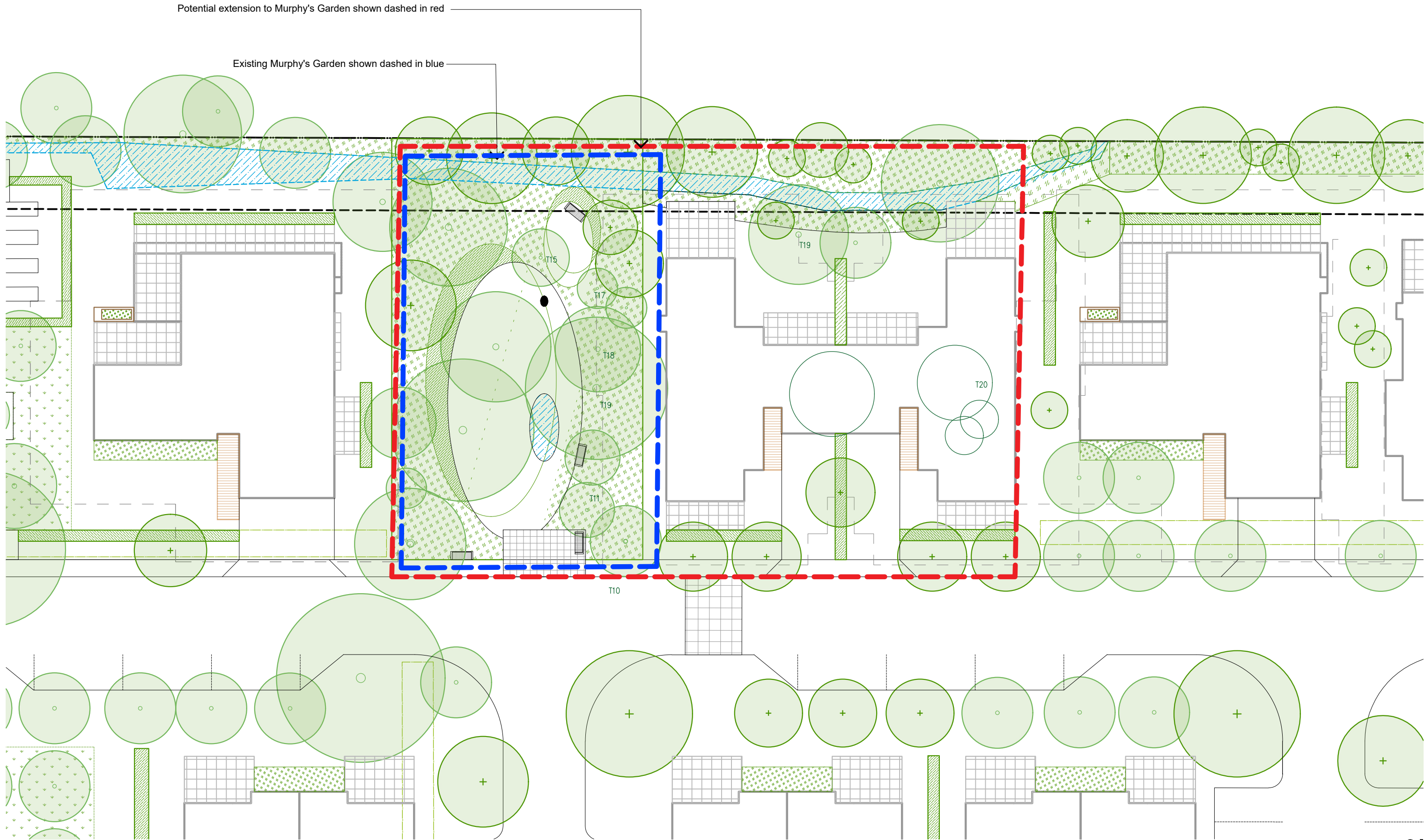
7 CONCLUSION

- a. Having been involved in this project from the outset, I am confident that the design has been developed in the most considered and sensitive way possible. The site is very well suited to the type of development proposed and the design has been painstakingly developed and adjusted to fit into the existing landscape. The village will be a positive contribution to Greytown's urban and rural landscape and a unique opportunity for retirees to live in a retirement village with an established, parklike environment.



Mark Newdick

DATE: 14 August 2019



Do not scale. Verify dimensions on site before commencing work.

No.	Revision Notes	Date
Not For Construction		

local

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North:



Scale:

1:50 @A3

Issued For: For Resource consent

Job Number:

1810-1028

Revision:

A

Murphys Garden Extension
sheet 1 of 1

Project:

The Orchards

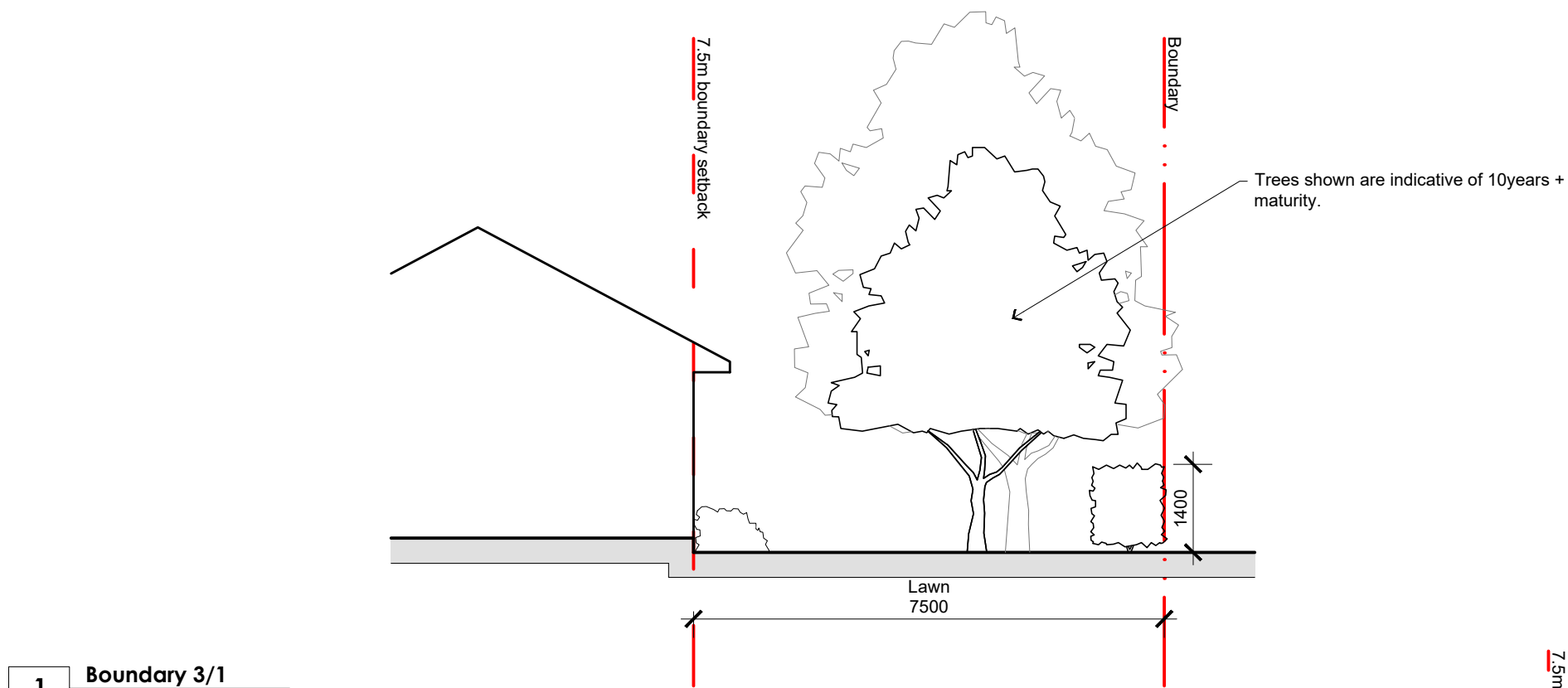
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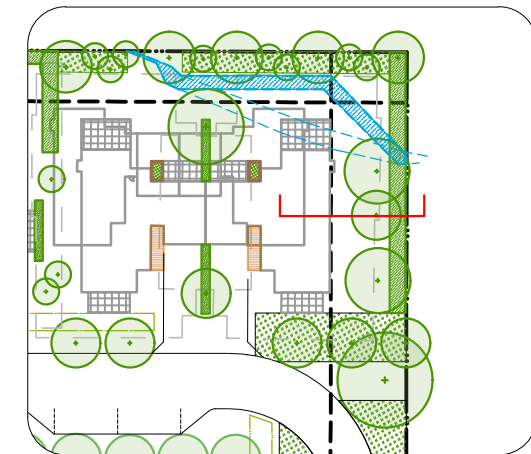
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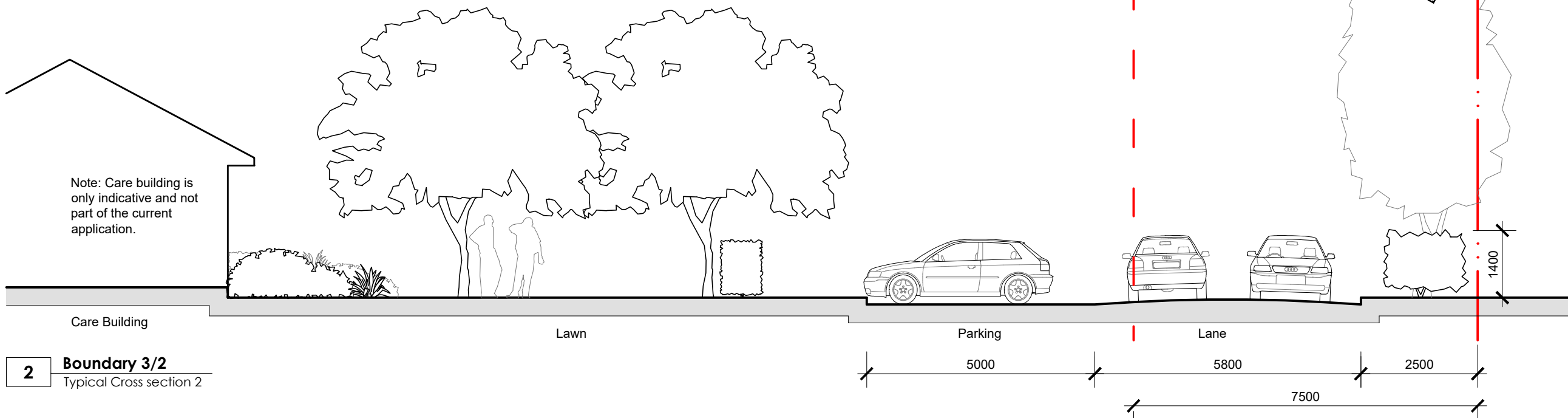
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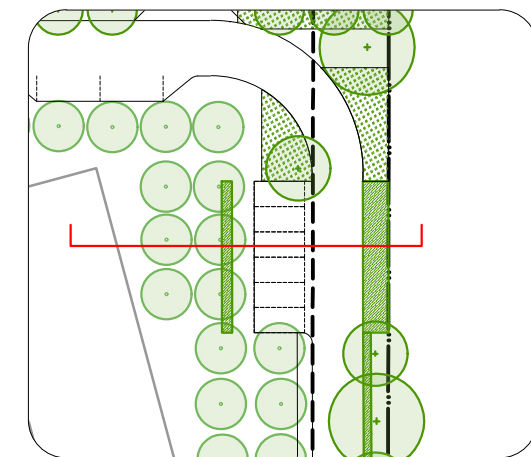
1 **Boundary 3/1**
Typical Cross section 1



Boundary 3 section 1 reference



2 **Boundary 3/2**
Typical Cross section 2



Boundary 3 section 2 reference

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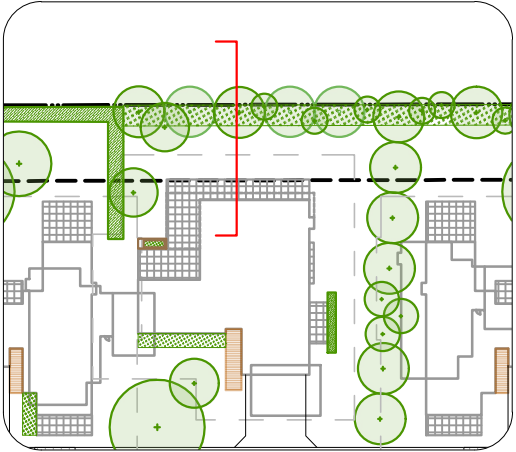
No.	Resource Consent	12.08.2019
No.	Revision Notes	Date
Not For Construction		

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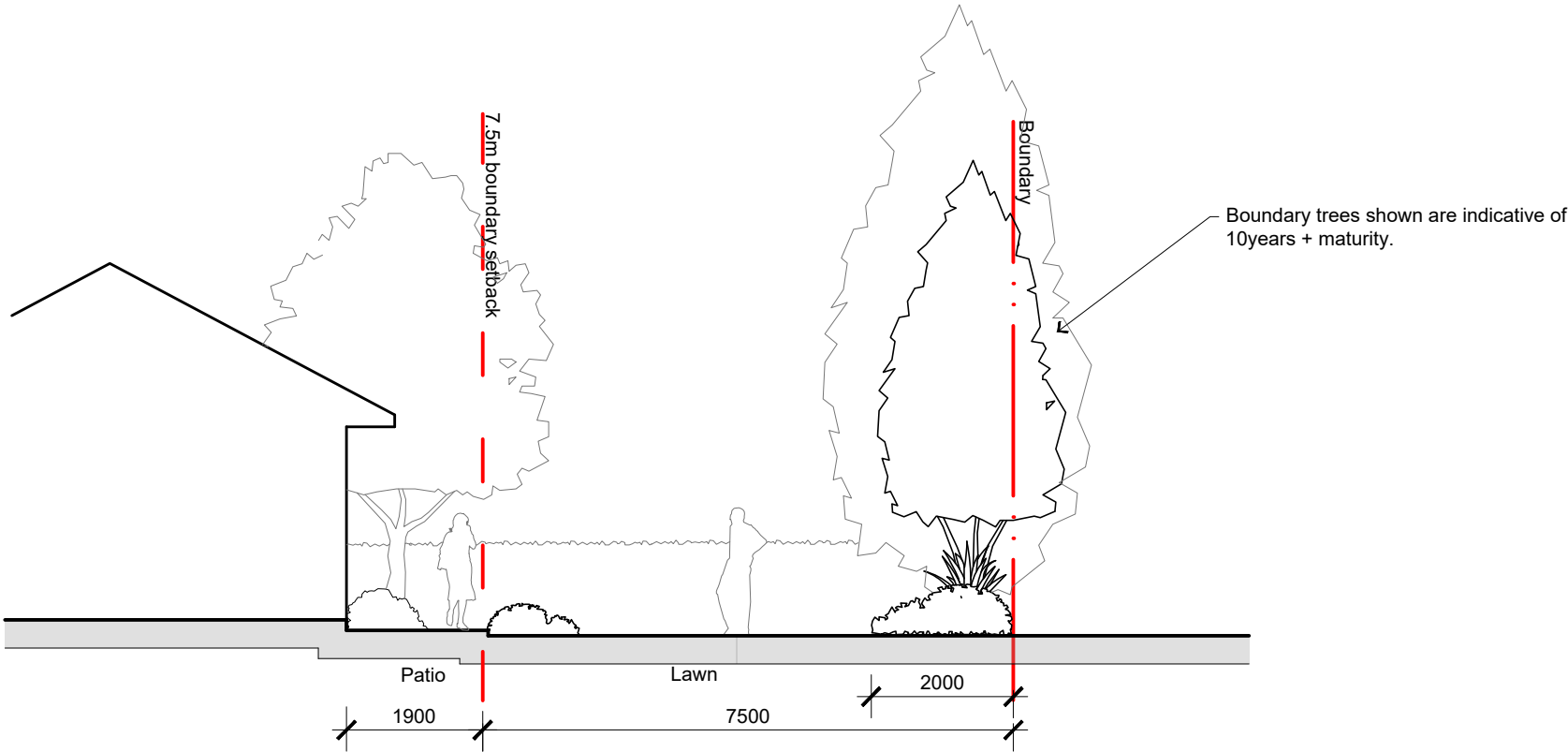
North:
Scale:
Issued For: Resource Consent
Job Number:
1810-1028
Revision:
A
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Project:
The Orchards
Drawing Title:
Boundary Sections
sheet 1 of 3
phone: 04 801 6437
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Drawing No:
LA2.01



Boundary 4 section reference



1 **Boundary 4**
Typical Cross section

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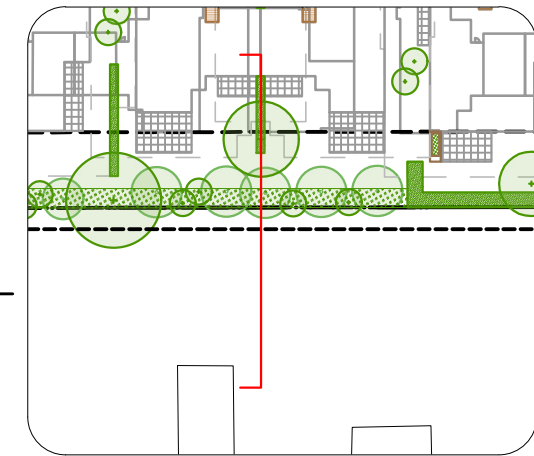
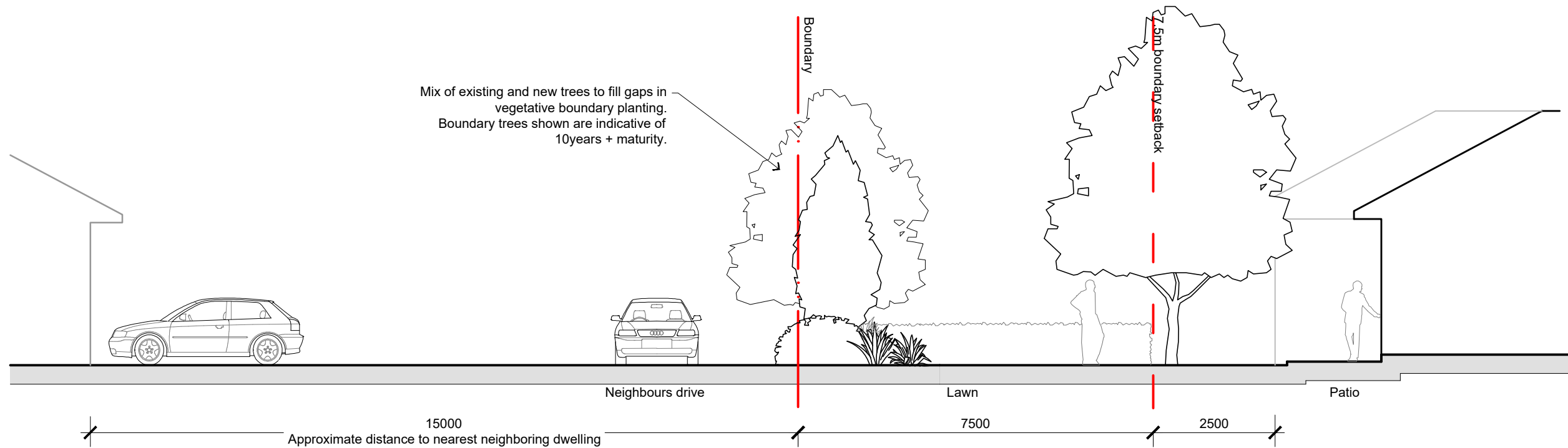
No.	Resource Consent	12.08.2019
No.	Revision Notes	Date
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North:
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Issued For: Resource Consent
Job Number:
1810-1028
Revision:
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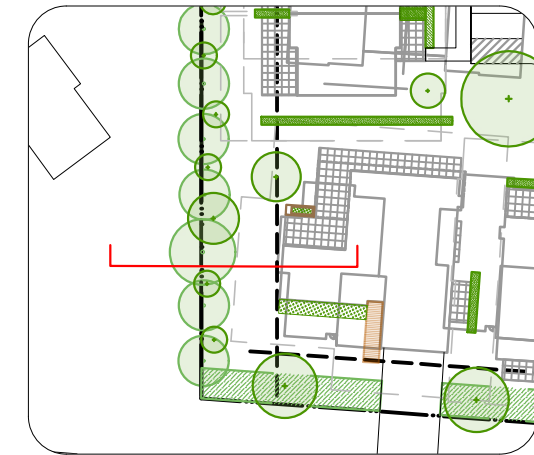
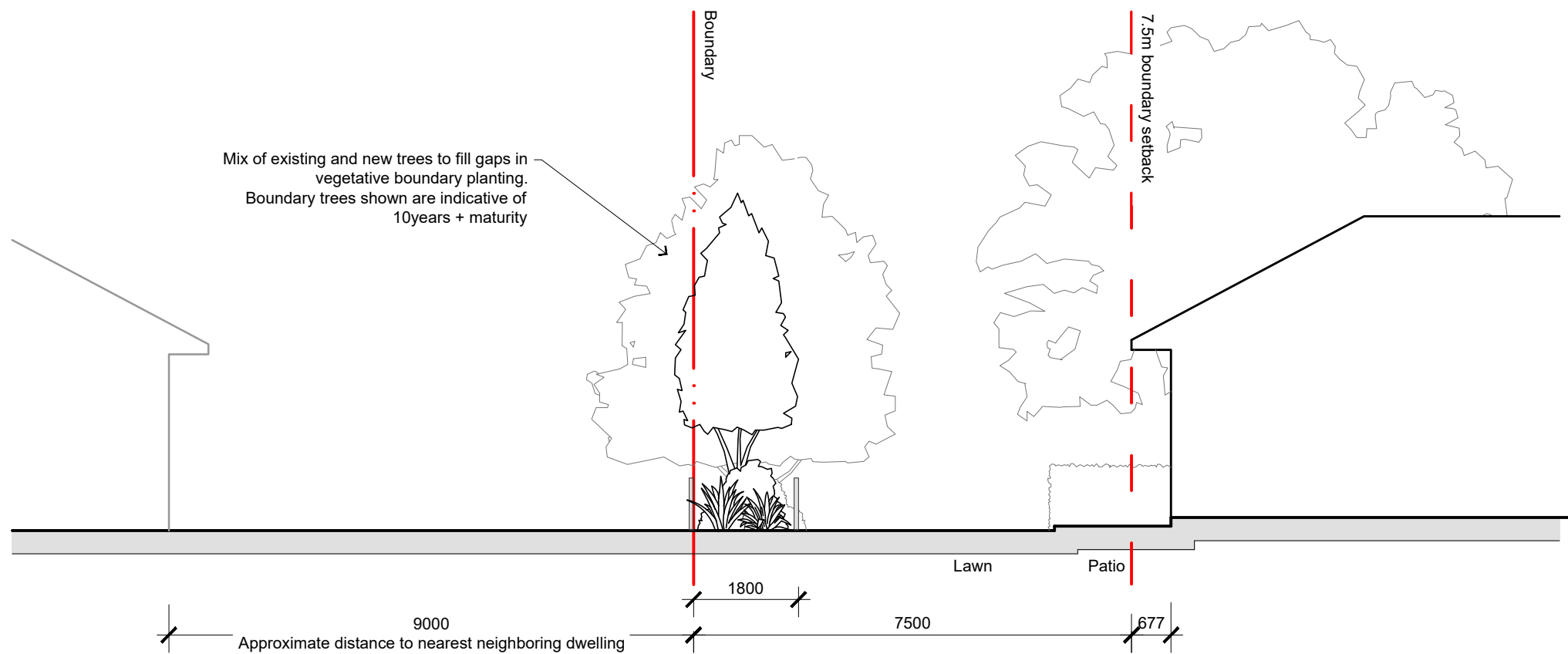
Project:
The Orchards
Drawing Title:
Boundary Sections
sheet 2 of 3
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Drawing No:
LA2.02



Boundary 9 section reference

1 **Boundary 9**
Typical Cross section



Boundary 8 section reference

2 **Boundary 8**
Typical Cross section

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No.	Resource Consent	12.08.2019
No.	Revision Notes	Date
Not For Construction		

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North:
Scale: **1:100 @A3**
Issued For: Resource Consent
Job Number: **1810-1028**
Revision: **A**
level 3, 11 vivian street, wellington, new zealand, 6011

Project: **The Orchards**
Drawing Title: **Boundary Sections**
sheet 3 of 3
phone: 04 801 6437
www.localcollective.nz

Drawing No: **LA2.03**

Recommended amendments 14 August 2019

Tracked changes key

Recommended changes by s42A officer – purple underline and strikethrough

Recommended changes by Phillip Percy – blue underline and strikethrough.

Provisions as notified – red underline and strikethrough

PART A - ENVIRONMENTAL ZONES

5 RESIDENTIAL ZONE

5.1 Introduction

The Wairarapa contains a variety of residential areas, including those within the main urban communities of Masterton, Carterton, Featherston, Martinborough and Greytown, and as well as smaller coastal and rural settlements. While each community is distinctive in size, setting and character, the fundamental elements of the residential areas are similar enough to be managed under a single environmental zone:

- A degree of consistency in the density, size and scale of buildings with a reasonable amount of private open space;
- A adequate ratio of private to public open space and accessibility to such open space;
- Attractive streetscapes;
- A adequate degree of privacy; access to sunlight; low levels of noise, vibration, odour, and dust; and
- A safe and functional road network for traffic and pedestrians.

Residents seek to maintain and enjoy this widely recognised residential amenity.

The residential environment can accommodate a range of appropriate 'non-residential' activities without any significant loss of amenity, including schools, small-scale retail and professional services, and home occupations.

However, while many of these supporting activities are generally acceptable within the residential environment, they can create adverse effects if their scale and intensity of use create more than minor adverse effects on amenity values and residential character of neighbourhoods and settlements.

Conversely, even residential development can adversely effect the residential environment if it is of an inappropriate scale or density.

Residential character and amenity will change over time, so as to meet a wide range of urban residential lifestyles. A growing aged population, and a demand for lower maintenance properties has resulted in infill and higher density housing in some areas of the Wairarapa, such as inner parts of the Masterton. Retirement villages and housing complexes for the elderly are also more popular. These more intensive forms of residential development need good design to ensure they fit well with the residential character.

In other parts of the Wairarapa, holiday and weekend homes represent an increasing proportion of residential areas: indeed, in Martinborough large developments of such uses have been established or proposed: again, good design is required to ensure they maintain the character of the towns. Also, the southern end of Carterton has a lower density residential character and some historical land uses associated with this character.

5.2 Significant Resource Management Issues

1. Higher density residential development, and inappropriate building design, scale, bulk and site layout may conflict with the local residential

- character and amenity values, particularly in areas with historic heritage values and/or a strong cohesive sense of character.
2. New structures can have adverse effects on the amenity values of adjoining residential properties, particularly with regard to openness, sunlight access and overshadowing.
 3. Relocated buildings can create ongoing adverse visual effects on a neighbourhood without adequate screening, landscaping or finishing.
 4. The need to provide for a wide range of residential lifestyle choices, including more intensive forms of residential development, including retirement villages, in a way that protects the amenity values and character of the residential neighbourhoods.
 5. The design and layout of new comprehensive residential development, including retirement villages, may not provide an appropriate basis for an evolving sense of coherent character and amenity values, including appropriate connections for pedestrian, cycle and car modes of transport, and access to commuter rail services (where they exist) to the existing urban area.
 6. Non-residential activities that are necessary to support and service residential neighbourhoods may generate adverse effects, out of keeping with the accepted amenity values and character of the residential environment.
 7. Non-residential activities that are not generally an accepted part of the residential environment may create adverse effects, including a cumulative change in character and land use.
 8. Development of infrastructure servicing urban development can have both positive and adverse effects on natural and physical resources, ecosystems, and amenity values (for example water bodies).

5.3 Objective, Policies and Methods

5.3.1 Objective Res1 – Residential Amenity Values and Character

To maintain and enhance the character and amenity values of Wairarapa's residential areas, having due regard to the particular characteristics of each neighbourhood, and the need to provide for a diversity of residential lifestyles and non-residential services and activities.

5.3.2 Res1 Policies

- (a) Manage the Wairarapa's residential area under a single overall framework to provide for a wide range of lifestyles in a manner that is consistent with maintaining and enhancing an acceptable level of residential character and amenity values.
- (b) To provide residents with an acceptable level of certainty through environmental controls imposed on development and land use in the Residential Zone.
- (c) Apply specific management requirements as necessary to maintain and enhance the special character and amenity values of those residential areas with differing characters.

- (d) **Require comprehensive residential developments to be designed and developed to a high environmental standard through a specific management framework.** *Implemented through 1.1.1(d)*
- (e) **Promote variety and innovation in residential development to meet the diverse needs of current and future generations, including opportunities to use renewable energy in housing design and siting.** *Implemented through 1.1.1(a), 1.1.1(b), 1.1.1(f)*
- (f) **Enable a wide range of residential based business and activities in keeping with the relative amenity values and character of residential neighbourhoods.** *Implemented through 1.1.1(a), 1.1.1(b)*
- (g) **Protect the character and amenity of the Residential Zone from the potential adverse effects of relocated buildings.** *Implemented through 1.1.1(a), 1.1.1(b)*
- (h) **Provide for existing local shopping areas and other supporting services such as schools, and ensure any change or expansion in these areas do not adversely affect the qualities of the residential environment.** *Implemented through 1.1.1(b) and 1.1.1(c)*
- (i) **Manage non-residential activities that are not generally accepted within a residential area to avoid, remedy or mitigate adverse effects on residential character and amenity values.** *Implemented through 1.1.1(b) and 1.1.1(c)*
- (j) **Provide for low density residential and primary production activities in the Carterton Low Density Residential Character Area subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.** *Implemented through 1.1.1(a), 1.1.1(b)*
- (k) **Provide for the development and operation of a retirement village in the Orchards Retirement Village Character Area shown on the Indicative Concept Plan (Appendix X) subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.**

5.3.3 Explanation

The focus of the management of the Wairarapa's residential environments is to provide for the ongoing use and development of residential areas in a way that will maintain a generally acceptable level of amenity values and to protect the residential character of each neighbourhood. This can be achieved under a single management framework (the Residential Zone) that recognises and provides for the common environmental elements of Wairarapa's residential neighbourhoods – for example, building scale, sunlight access, streetscape views, and noise levels.

To maintain and enhance an acceptable level of residential amenity values and character, minimum environmental standards specifying requirements for site development and land use can provide a consistent approach throughout the Wairarapa, with such variations as necessary to recognise important differences in environmental characteristics and qualities. Such standards should not prevent innovation and diversity in design or lifestyles, provided the external effects are acceptable within the residential context.

The management framework should also seek to afford residents with a strong level of certainty about the nature of land uses that can occur within the residential environment, by limiting permitted activities to residential uses, as well as those activities that are commonly associated with residential

neighbourhoods and that provide important economic, social and cultural services – for example, parks and reserves, local shops, and home occupations.

The Zone should also set some standards to ensure the scale and intensity of these supporting activities is appropriate and is likely to be no more than minor – for example, if a residential business grows to such a level and intensity of use that it adversely affects the local amenity values and character. If an activity cannot meet one or more of the minimum environmental standards, its potential effects may be more than minor.

Threats to the character and amenity of the residential environment include incompatible activities, and buildings and structures of an inappropriate scale, location or density. Controls are also necessary to maintain enough daylight and privacy in dwellings, with their outlooks not unduly dominated by bulky buildings, with adequate setbacks from neighbours and streets, and with an acceptable provision of open space (private and public). The effects of vehicle access, movement and manoeuvrability, noise emissions, artificial light levels and signage may also need to be controlled to address potential effects on safety and residential amenity.

Initiatives to promote more sustainable residential development and building design would have significant cumulative benefits for the Wairarapa and the nation as a whole. While aspects are outside the district plan to pursue, Plan policies should not limit and preferably encourage opportunities to use more renewable sources of energy, such as through solar access in the layout, siting and design of houses.

The visual effects of relocatable buildings can potentially degrade the amenity values of localities, particularly if the condition of relocated buildings and the site are not promptly brought back into acceptable standard. It therefore may be appropriate to impose basic requirements so the building does not detract from an area's visual amenity.

Comprehensive residential developments, such as retirement villages and special tourist accommodation complexes, should be managed in a way that provides for separate yet compatible character with existing residential neighbourhoods – this may require specific area definition and subdivision/development controls to provide certainty.

Large-scale greenfield residential developments may also need specific treatment to ensure that any cumulative effects are addressed comprehensively, that any outstanding attributes are protected and that the development connects with existing urban areas in a coherent manner.

Local shopping areas occur within many parts of the Residential Zone. These facilities provide a valuable function to the community, servicing the needs of local residents, but any further expansion needs to be controlled to ensure any adverse effects are avoided or mitigated. Other small-scale residential businesses and services also support the functioning of the Wairarapa's residential neighbourhoods, including schools, medical centres, home businesses and child care facilities. Environmental standards can be applied as thresholds to indicate the scale, intensity and character beyond which may not be acceptable within a residential context.

Non-residential activities that may not be generally acceptable within the residential area need rigorous control to determine whether the adverse effects can be satisfactorily avoided, remedied or mitigated.

At the southern end of the Carterton urban area, parts of the residential area is valued for its relatively low density character and amenity values. The low density provides a more spacious and open areas around dwellings, and allows for small scale primary production activities that reflect the size and nature of development in this area. Specific minimum standards apply to this area to maintain the low density character, with graduated minimum lot sizes reflecting a transition from the standard residential density in the main urban area through to a slightly lower density in the middle of the southern area, through to a low residential density in the outer parts. The Wairarapa Branch Railway Line passes through a corner of the Carterton South area, and it is important to ensure that development is well integrated with the existing transport networks (including rail), and provide for the continued operation of existing transport infrastructure by avoiding, remedying or mitigating adverse effects, including reverse sensitivity effects, from future development adjoining these networks.

5.3.4 Methods to Implement Residential Zone Policies

- (a) **Specifically identify permitted land uses within the Residential Zone, supported by such environmental standards as necessary to protect the character, amenity values and function of the Zone.**
- (b) **The resource consent process to assess potential adverse environmental effects of activities that are not permitted, either because of non-compliance with environmental standards or because of the nature of the non-residential land uses.**
- (c) **Use of conditions on resource consents to control the effects of activities to acceptable levels.**
- (d) **Identify areas of comprehensive residential developments and provide a management framework through specific rules designed to maintain and enhance the residential character and amenity values in the development area and the adjoining area.**
- (e) **For large-scale greenfields development, use a structure plan approach to identifying appropriate roading and infrastructure connections, the management of environmental attributes (for example, streams) and connectivity with existing urban areas.**
- (f) **Education, guidance and information about environmental standards and sustainable residential design.**
- (g) **Financial contributions for the provision and upgrading of roads, infrastructure and reserves.**
- (h) **Compliance with New Zealand Standard 4404: 2004 *Land Development and Subdivision Engineering* to ensure a suitable standard of infrastructure and development, except where other forms of development can achieve environmentally satisfactory outcomes.**

- (i) **Allocation of funds through Strategic and Long Term Council Community Plan (LTCCP) processes for projects or initiatives to support the policies.**
- (j) **The use of powers and functions under other legislation, including Council bylaws, as necessary to support or supplement Res1 policies.**

5.3.5 Principal Reasons for Adoption

People living in the Residential Zone expect the amenity values and the character of development in their neighbourhoods to be appropriate for residential living. They also expect a certain level of certainty in the nature and character of the area in which they live. Therefore, a specified list of permitted activities have been set, supported by appropriate environmental standards, which establish a baseline for protecting these expectations, while also enabling a range of activities and building forms to occur without undue impediment. The minimum standards apply to both residential and non-residential activities.

Activities that cannot meet these standards, or which are the types of non-residential activities not generally found in residential neighbourhoods, would require resource consent, which provides a process for assessing the environmental effects of the proposal, and whether there are measures that can be applied to avoid, remedy or mitigate any adverse effects.

Variations in the environmental standards for the Wairarapa's Residential Zone apply in those areas that have a specific residential character that is either being developed or protected.

For new large-scale residential developments, structure planning is an effective way of requiring comprehensive planning of roading, infrastructure, layout and connectivity, as well as addressing the environmental attributes of sites, such as streams, remnant bush, topographical features and natural hazards.

There is a range of non-RMA methods available to promote a good standard of residential design and development, particularly through the use of Codes and Guidelines, and through council funded initiatives for community and residential amenities. Financial contributions from residential development will be used in the upgrading and expansion of the Districts' roads, reserves and other civic amenities and facilities.

5.4 Anticipated Environmental Outcomes

- (a) **A diversity of residential environments, providing for the living needs of Wairarapa's residents.**
- (b) **Residential neighbourhoods supported by a good range of services, facilities and amenities that enhance their character and environmental quality.**
- (c) **Residential environments where the scale, character and amenity of new development is appropriate for the particular neighbourhood.**
- (d) **Comprehensive residential developments that have a high standard of character and amenity values.**

- (e) Protection of residential amenity values from environmental pollutants such as excessive dust and noise.**
- (f) Greater use of renewable energy sources, particularly through passive solar design.**

5.5 Residential Zone – Rules & Standards

5.5.1 Permitted Activities

The following are Permitted Activities:

- (a) Residential buildings and activities;
- (b) Homestays;
- (c) Papakainga housing;
- (d) The following non-residential activities:
 - i. Residential business;
 - ii. Reserves and recreational activities;
 - iii. Healthcare activities;
 - iv. Community amenity facilities;
 - v. Education and child care facilities;
 - vi. Temporary Activities that comply with the standards under Rule [21.1.16](#);
 - vii. Primary production activities (excluding forestry), aviaries, and apiaries, in the Carterton Low Density Residential Character Area.
- (e) Any activity listed as a District Wide Permitted Activity in the rules in [Section 21.1](#), and which is not otherwise specified as a controlled, restricted discretionary, discretionary or non-complying activity under [Sections 5.5](#) or [21.1](#);

Policy 1.1.1(f)

5.5.2 Standards for Permitted Activities

Permitted activities shall comply with all of the following standards for the Residential Zone:

- (a) Maximum Building Height
 - i. 10 metres.
 - ii. 7 metres for coastal settlements (Castlepoint, Riversdale, Lake Ferry, Whangaimoana, Whatarangi, Ngawi, Mangatoetoe).
- (b) Maximum Height to Boundary
 - (i) 3 metres height at the boundary with a 45-degree recession plane.
- (c) Minimum Building Setback
 - i. 5 metres from the front boundary.
 - ii. For front sites, 1.5 metres from all other boundaries, except that there shall be two setbacks of at least 3 metres from any side and/or rear boundary.
 - iii. For rear sites, 1.5 metres from all other boundaries, except that there shall be two setbacks of at least 3 metres from any side and/or rear boundary.
 - iv. 0 metres for common wall boundaries.

Policy 1.1.1(b) and 1.1.1(e)

Policy 1.1.1(b) and 1.1.1(e)

Policy 1.1.1(b) and 1.1.1(e)

Note: For the purpose of the above rule –

Front site: means a site with a legal road frontage of not less than 10 metres;

Rear site: means a site with a legal road frontage less than 10 metres.

Plan Change 6

- v. Within the Carterton South Structure Plan Area, 5 metres from any proposed road shown on the Carterton South Structure Plan in [Appendix 14](#).
- vi. 5 metres from any waterbody.
- vii. In the South Wairarapa District, 20 metres from the banks of any river and stream whose bed has an average width of 3 metres or more.

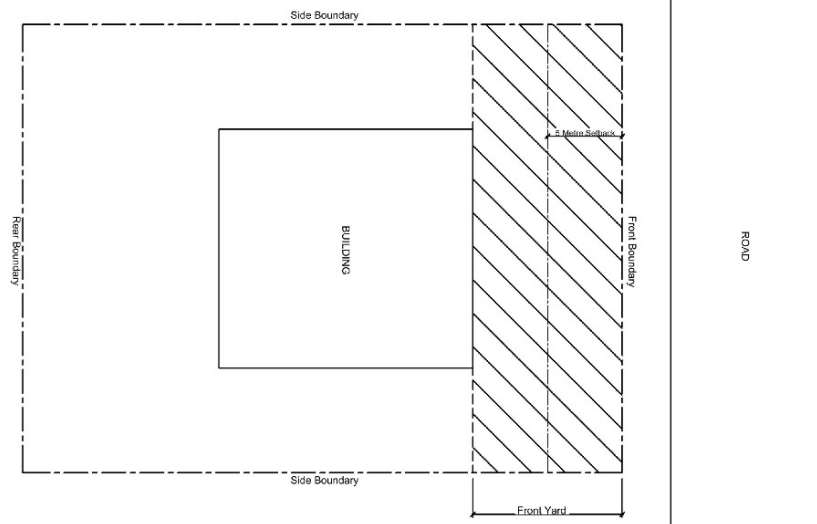
Exceptions:

Plan Change 6

- (i) Eaves, porches, balconies and decks or other minor features may occupy any part of a required setback, other than the front yard setback, provided they do not encroach by more than 25% of the relevant setback distance and do not, except for eaves, exceed 2m in length.

(d) Accessory Building Setback

- i. No accessory building shall be located in a front yard,
- ii. An accessory building may be located within any part of the building setbacks for side and rear boundaries only provided the building does not cover more than 25% of the total yard requirements along any one boundary.



(e) Maximum Fence Height

Plan Change 6

- i. 1.8 metres for fences, walls and screens, except at road intersections of Strategic Arterial roads identified on the Roding Hierarchy on the Planning Maps, no obstruction exceeding 1.0 metre in height is permitted within a 6.0 metres by 6.0 metres triangle measured from a boundary intersection point (Refer [Figure 32.1](#) in [Appendix 5](#)).

(f) Number of Dwellings

Policy 1.1.1(b) and 1.1.1(e)

- i. The total number of dwellings per site shall be limited to that which enables each dwelling to meet the minimum lot area subdivision requirements for that site (Rule 20.1.2(a)).

(g) Noise Limits

Policy 1.1.1(b)

- i. The sound level from activities within any site in the Residential Zone, shall not exceed the following limits within any measurement time interval in the stated time-frames when assessed at any point within the boundary of any site in the Residential Zone:

Daytime	7.00am – 7.00pm	55dBA L10
Nighttime	7.00pm – 7.00am	45dBA L10
	9.00pm – 7.00am	75dBA Lmax

- i. All sound levels shall be measured in accordance with NZS 6801:1999 “Acoustics - Measurement of Environmental Sound”, and assessed in accordance with NZS 6802:1991 “Assessment of Environmental Sound”.

(h) Signs

Policy 1.1.1(b)

- i. Any permanent sign shall be permitted provided it complies with the following standards:
- 1) One sign per site, with a total face area of no more than 0.5m².
 - 2) 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.
 - 3) Where a sign is affixed to a building, the sign shall comply with the maximum height and setback requirements.
 - 4) All signs must comply with the sight distance requirements in [Appendix 5](#).
 - 5) No sign shall be located where it conceals the visibility of an existing official sign or traffic-controlling device.
 - 6) No sign shall use reflective materials, or be illuminated, flashing or moving.
 - 7) No sign shall be affixed to the exterior of any heritage item listed in [Appendix 1.7 Heritage Items](#).

Exception:

- (i) Official Traffic Signs are excluded from complying with the above standards provided they comply with the Land Transport Rule: Traffic Control Devices 2004 and the Manual of Traffic Signs and Marking (MOTSAM).

*Policy 1.1.1(b)***(i) Roads, Access, Parking and Loading Areas**

- ii. Compliance with the standards in [Appendix 5 Requirements for Roads, Access, Parking and Loading](#).
- iii. One vehicle access point per frontage.
- iv. No contiguous carparking area containing five or more parking spaces, including access and manoeuvring areas.

*Policy 1.1.1(b), 1.1.1(i) and 1.1.1(j)***(j) Non-Residential Activities**

In addition to the other standards for permitted activities in the Residential Zone, permitted non-residential activities shall comply with the following standards:

- i. Any area containing more than four parking spaces shall be screened by fencing, planting or other treatment so it will not be visible from any public road, public open space, or dwelling on an adjoining property.
- ii. No more than 2 persons (fulltime equivalent) who reside off the premises may be employed in the activity.
- iii. No outdoor storage of goods and materials.
- iv. No accessory building and enclosures for the housing and keeping of animals in confinement shall be located within 20m from the boundary of the site.

*Policy 1.1.1(b), 1.1.1(c) and 1.1.1(d)***(k) Greytown Villas Character Area**

- i. All buildings within the Greytown Villas Character Area shall comply with all Residential Zone and District-wide permitted activity standards, except where the following applies:
 - 1) The total number of buildings (including stand-alone and duplex units, and advanced residential care facilities) shall not exceed 100 structures. Advanced residential care facilities shall be constructed only within Stage 4 of the Indicative Concept Plan for Greytown Villas (Refer [Appendix 9](#)).
 - 2) Buildings within the Greytown Villas Character Area shall be subject to the following standards:
 - a) Minimum building setback to West Street is 6.0 metres.
 - b) Minimum building setback at the boundary of the Greytown Villas Character Area is 3.0 metres.
 - c) Minimum separation distances between buildings is 3.0 metres.
 - d) No new building shall exceed 10 metres in height above ground level, and no building shall exceed a height of 3.0 metres plus three quarters of the shortest horizontal distance between that part of the building and the nearest site boundary.
 - 1) No outdoor fence, wall or screen shall exceed 1.8 metres in height.
 - 2) The overall building coverage shall not exceed 35% except in Stage 4, which shall not exceed 40%.
 - 3) Each residential unit (except for advanced residential care facilities) shall have an exclusive outdoor living court of at least 30m².
 - 4) Buildings requiring wastewater disposal shall be connected to the reticulated sewerage system.

- 5) Stormwater from buildings and hard surfaces shall be disposed of within the Greytown Villas Character Area or piped to an approved outfall without affecting adjoining properties.
- ii. All private roads within the Greytown Villas Character Area shall comply with the following standards:
 - 1) Minimum width of formation
 - a) 6.0 metres for main internal roads
 - b) 5.0 metres for small cul-de-sacs
 - 2) Shall be located as generally shown in the Indicative Concept Plan in Appendix 9.
- iii. All screening and landscape treatment within the Greytown Villas Character Area shall comply with the following standards:
 - 1) Any commercial storage, parking, loading, manoeuvring or service area adjoining and visible from any site zoned Residential or any public place shall be screened from that area. The screening shall be no less than 1.8m in height, comprising either a densely planted buffer of at least 2m width or a solid fence or wall.
 - 2) The Character Area shall be landscaped as follows:
 - a) Not less than 20% of the space between the road frontage boundary and the front of the principal building shall be planted; and
 - b) Not less than 10% of the space between the boundary of any adjoining site zoned Residential and the principal building shall be planted; and
 - c) Not less than 20% of the site, or the part of the site directly associated with the use or development shall be laid out in lawn and garden.
 - 1) Roads and buildings shall not encroach within 10 metres (the assumed maximum tree root area) of the protected matai and totara trees within the Greytown Villas Character Area, except no more than 50% of the assumed root area of any individual tree and no more than 20% of the overall assumed root area of all the protected matai and totara trees shall be affected.

(I) Jellicoe Residential Character Area

- (i) All buildings within the Jellicoe Residential Character Area shall comply with all Residential Zone and District-wide permitted activity standards, except where the following applies:
 - (1) Buildings within the Jellicoe Residential Character Area shall be subject to the following standards:
 - (a) The location of buildings and ancillary facilities shall be generally as set out in the Structure Plan in [Appendix 10](#).
 - (b) A residential building on a “Cottage Lot” and a “Large Lot” shall be setback at least 4 metres from three of the boundaries of the lot in which it is located, provided that this shall not apply to the one bedroom units as identified on the Structure Plan in [Appendix 10](#).
 - (c) No building shall be sited within 10 metres of any boundary of the Jellicoe Residential Character Area.

-
- (d) The maximum height to boundary requirement (Rule (b)) does not apply to the shared boundary of a “one-bedroom unit” on any of the “Townhouse Lots” as shown on the Structure Plan in [Appendix 10](#).
 - (e) The overall building coverage shall not exceed 25%, and within individual dwelling unit sites on “Cottage Lots” and “Large Lots” shall not exceed 35%, and within individual dwelling unit sites on “Townhouse Lots” shall not exceed 80%.
 - (ii) All private roads within the Jellicoe Residential Character Area shall comply with the following standards:
 - (1) Minimum width of formation
 - (a) 6.0 metres for main internal roads
 - (b) 5.0 metres for small cul-de-sacs
 - (2) Shall be located as generally shown in the Indicative Concept Plan in [Appendix 10](#).
 - (iii) All screening and landscape treatment within the Jellicoe Residential Character Area shall comply with the following standards:
 - (1) Any commercial storage, parking, loading, manoeuvring or service area adjoining and visible from any site zoned Residential or any public place shall be screened from that area. The screening shall be no less than 1.8m in height, comprising either a densely planted buffer of at least 2m width or a solid fence or wall.
 - (2) The Character Area shall be landscaped as follows:
 - (a) Not less than 20% of the space between the road frontage boundary and the front of the principal building shall be planted; and
 - (b) Not less than 10% of the space between the boundary of any adjoining site zoned Residential and the principal building shall be planted; and
 - (c) Not less than 20% of the site, or the part of the site directly associated with the use or development shall be laid out in lawn and garden.
 - (iv) The developer shall provide to the Council advice from a suitably experienced acoustic consultant acceptable to the Council, either confirming that the present proposals of the developer are adequate to prevent noise from the adjoining agricultural contracting and engineering business significantly affecting the residents of the development, or recommending what further steps are required by the developer to achieve that level of protection. If required by the Council, the developer shall take all steps necessary to give effect to such recommendations.

Note: The Historic Heritage Precinct Standards in the District Wide Rules ([Rule 21.1.3](#)) also apply to those Historic Heritage Precincts in the Residential Zone in South Wairarapa District.

(m) The Orchards Retirement Village Character Area

All buildings and activities within The Orchards Retirement Village Character Area shall comply with all Residential Zone and District-wide permitted activity standards, except where the following apply:

- 1) The total number of independent residential units (including stand-alone, duplex and terrace dwellings but excluding advanced residential care facilities) shall not exceed 180.
- 2) Advanced residential care facilities shall not exceed 120 beds.
- 3) Buildings within the Orchards Retirement Village Character Area shall be subject to the following building setbacks, as shown on the Indicative Concept Plan (Appendix X):
 - a) Boundaries 1, 2-3 and 7 – 5m
 - b) Boundaries 3, 4, 8 and 9 – 7.5m
 - c) Boundaries 3-4, 5, and 6-8 and 9 – 10m
- 4) Maximum Building Height 610m, except within 25m of Boundary 3 as shown on the Indicative Concept Plan (Appendix X) where the maximum building height shall be 5m *Note, this plan will need an annotation for 'Boundary 3' added.*
- 5) The advanced residential care facility must include doors, windows, building modulation or other architectural detail for no less than 50% of its total façade facing Boundary 3.
- 6) The advanced residential care facility must include acoustic insulation measures to effectively reduce noise from outside.
- 7) Minimum separation distances between independent dwelling units is 4.5m, except in the case of attached duplexes or terraced dwellings where there is no minimum separation distance requirement for their common walls.
- 8) The overall building coverage of the Orchards Retirement Village Character Area shall not exceed 26% as shown on the Indicative Concept Plan (Appendix X).
- 9) Each independent residential unit shall provide exclusive paved outdoor living court (including any covered outdoor space) as follows:
 - a) For Villas – at least 15m²
 - b) For Terraces – at least 6m².
- 10) Buildings requiring wastewater disposal shall be connected to the reticulated sewerage system.
- 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

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- shall be disposed in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure.
- 12) All private roads within The Orchards Retirement Village Character Area shall comply with the following standards:
- a) Minimum width formation:
- i. 5.5 metres with a footpath on one side for primary internal roads
- ii. 3.4 metres with pedestrian shared in the movement lane for secondary roads
- iii. Passing opportunities every 50m on secondary roads
- b) Shall be located as generally shown in the Indicative Concept Plan (Appendix X)
- 13) All vehicle crossings to an independent residential unit, accessed from a public road, shall comply with the standards in Appendix 5 Requirements for Roads, Access, Parking and Loading.
- 14) Any staff cycle parking areas provided shall be secured and covered and be visible from communal buildings on the site.
- 15) A contiguous carparking area shall contain no more than 15 parking spaces and associated access and manoeuvring areas.
- 16) Parking spaces for independent residential units shall be provided within The Orchards Retirement Village Character Area as follows:
- a) Villas – at least 1 parking space off-street
- b) Terrace -at least 1 parking space either off-street or on-street
- 17) Parking spaces for Advanced Residential Care Facilities shall be provided within The Orchards Retirement Village Character Area and meet the requirements of Table 21.1.25.1.
- 18) Parking spaces for non-residential activities shall be provided within The Orchards Retirement Village Character Area to meet the demands generated by the activity or building. This can be provided either as formed off-street or on-street parking spaces.
- 19) All screening and landscape treatment within The Orchards Retirement Village Character Area shall comply with the following standards:
- a) Any commercial storage, bin storage or service area shall be screened. The screening shall be no less than 1.5m in height, comprising either a planted buffer, or a fence or wall with 40% visual permeability.
- b) Not less than 10% of the common areas within the Orchards Retirement Village Character Area shall be planted with shrubs of a minimum height of 200mm in general accordance with the Concept Plan in Appendix X.
- 20) Any permanent sign shall be permitted provided it complies with the following standards:

- 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.
- 21) All non-residential activities within the Orchards Retirement Village Character Area shall be ancillary to the operation of the retirement village.
- 22) There shall be no limit to the number of persons (full time equivalents) employed in the Orchards Retirement Village provided that:
 - a) The number of persons employed to deliver the on site services are necessary to the operation of the Orchards Retirement Village;
 - b) Parking requirements shall be met in accordance with Table 21.1.25.1 - Parking Requirements in the District Wide Rules.

5.5.3 Controlled Activities

The following are Controlled Activities:

- (a) **Any activity involving relocating a dwelling or other building over 10m².**

The matters over which control is reserved are:

- (i) Siting, design, and exterior condition.
- (ii) Screening and landscape treatment.
- (iii) Bonds.
- (iv) Transportation route.

- (b) **Within the Greytown Villas Character Area, any retirement villas, relocated buildings, buildings and land for advanced residential health care, recreational facilities, grounds maintenance and ancillary activities.**

The matters over which control is reserved are:

- (i) The design and appearance of relocated buildings and for buildings for advanced residential health care and/or recreational facilities.
- (ii) The location of buildings with respect to site boundaries and each other.
- (iii) The provision of outdoor living courts, service courts, access and parking.
- (iv) Landscaping and site development.

Policy 1.1.1(b), 1.1.1(c) and 1.1.1(d)

- (v) The timeframe for the work to be completed.
- (vi) Staging of development.
- (vii) Financial contributions.

Policy 1.1.1(b), 1.1.1(c) and
1.1.1(d)

(c) Within the Orchards Retirement Village Character Area, any independent residential units, buildings and land for advanced residential health care, recreational and communal facilities, grounds maintenance and ancillary activities.

The matters over which control is reserved are:

- (i) The design, scale and appearance of all buildings.
- (ii) Minimum floor areas for residential units.
- (iii) Building coverage for the site as shown in the Indicative Concept Plan in Appendix 9.
- (iv) The provision of adequate supply of water for firefighting in accordance with the Code of Practice SNZ PAS 4509:2008.
- (v) The provision for and method of stormwater collection and disposal.
- (vi) The provision for wastewater disposal.
- (vii) The location of buildings with respect to site boundaries and each other.
- (viii) The provision of outdoor living courts.
- (ix) The provision of outdoor storage and service areas, including bin storage and collection.
- (x) Roading and the provision of access and parking spaces.
- (xi) The provision for safe pedestrian and cycle access throughout the site.
- (xii) The provision of landscaping, screening and open space.
- (xiii) Noise and vibration management.
- (xiv) Lighting.
- (xv) Signage.
- (xvi) Staging of development.
- (xvii) Odour.
- (xviii) Sediment and dust management.
- (xix) Financial contributions.

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1.1.1(d)

(c) Within the Jellicoe Residential Character Area, any private clubrooms, grounds maintenance, recreational facilities and a conference venue.

The matters over which control is reserved are:

- i. Standard and location of access.

- ii. Parking.
- iii. Design and appearance of new buildings.

Assessment Criteria

Controlled activities will be assessed against the relevant assessment criteria set out in [Section 22](#).

Notification and Service of Applications

An application for resource consent for controlled activities made under this rule need not be notified; and need not be served on affected persons.

Note:

All the standards for permitted activities in [Rule 5.5.2](#) must be met.

5.1.2 Restricted Discretionary Activities

The following are Restricted Discretionary Activities:

- (a) Any permitted or controlled activity that does not meet one or more of the standards for permitted or controlled activities.

Discretion is restricted to the following matters:

- i. Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular standard(s), that is not met.

Assessment Criteria

Restricted Discretionary activities will be assessed against the relevant assessment criteria set out in [Section 22](#).

5.1.3 Discretionary Activities

The following are Discretionary Activities:

- (a) Any other activity including any commercial and retail activity that is not a permitted, controlled, restricted discretionary or a non-complying activity is a discretionary activity.

Assessment Criteria

Discretionary activities will be assessed against, but not limited to, the relevant assessment criteria set out in [Section 22](#).

5.1.4 Non-Complying Activities

The following are Non-Complying Activities:

- (a) Any activity listed in the Schedule of Primary Industry ([Appendix 4](#)).
- (b) Any residential development within the Orchards Retirement Village Character Area that is not provided for as a Controlled Activity in Rule 5.3.3(c).

Assessment Criteria

Non-complying activities will be assessed against, but not limited to, the relevant assessment criteria set out in [Section 22](#).

Policy 1.1.1(b) and 1.1.1(i)

20 DISTRICT WIDE SUBDIVISION RULES AND STANDARDS

No form of subdivision is a permitted activity under this Plan, as even simple forms of subdivisions may require assessment and the imposition of conditions, such as those in relation to access, infrastructure, water supply and sewage and stormwater disposal. Thus, at the least, subdivision is a controlled activity if it meets the standards as set out in this section, but is otherwise a restricted discretionary, discretionary or non-complying activity.

20.1.1 Controlled Activities

All Environmental Zones

- (a) Any subdivision that complies with all of the standards in 20.1.2 is a Controlled Activity.

The matters over which control is reserved are:

- i. The design and layout of the subdivision, including the size, shape and position of any lot, any new roads, the provision of footpaths and cycleways, provision of linkages to existing roads, access over the railway, access, passing bays, parking and manoeuvring standards, any necessary easements, or the diversion or alteration to any existing roads;
- ii. Potable water supply, water storage and water treatment;
- iii. Effluent disposal systems and maintenance requirements;
- iv. Stormwater control and disposal, including adequacy of disposal;
- v. Service arrangements, including easements;
- vi. Provision of reserves, including connections to existing and future reserves;
- vii. Provision of esplanade reserves and esplanade strips, and access strips, to and around the coastline and margins of lakes and rivers;
- viii. Effects on indigenous biological diversity, including protection of existing vegetation, wildlife and watercourses, revegetation and weed and pest control;
- ix. The protection of any significant environmental features or other special feature(s) on any lot;

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- x. The staging of development or the timing of any works;
 - xi. Controls to mitigate the effects of construction;
 - xii. Separation distance, barriers, acoustical treatment, and orientation of buildings;
 - xiii. Fire rating of party/common walls;
 - xiv. Provision of fire fighting and management of fire risk;
 - xv. Design and location of network utilities;
 - xvi. Earthworks management, including sediment control;
 - xvii. Effects on historic heritage;
 - xviii. Effects on values of any waahi tapu sites and any resources of significance to Tangata Whenua.
 - xix. Natural hazard avoidance or mitigation;
 - xx. Effects on the character, landscape and amenity values of the vicinity, including the effects of siting and design of buildings, screening and landscape treatment, including building sites on ridgelines;
 - xxi. Energy efficiency and the ability for lots to use renewable energy;
 - xxii. Measures to remedy any site contamination;
 - xxiii. Financial contributions;
 - xxiv. Bonds and other payments and guarantees;
 - xxv. Compliance with New Zealand Standard 4404:2004 “*Land Development and Subdivision Engineering*” and other standards referenced in NZS4404:2004;
 - xxvi. Application of New Zealand Handbook 44:2001 *Subdivision for People and the Environment*;
 - xxvii. Conformance with any relevant current resource consent for a comprehensive development, including minor variations, or any relevant Structure Plan; and
 - xxviii. Reverse sensitivity effects, including but not limited to noise, odour, dust and visual effects.

Assessment Criteria

Controlled activities are to be assessed against the relevant assessment criteria set out in [Section 22](#).

Notification and Service of Applications

An application for resource consent for controlled activities made under this rule need not be notified; and need not be served on affected persons.

Note: Earthworks may also require resource consent from Wellington Regional Council for discharges to water or land or for the amount of earthworks being undertaken.

20.1.2 Standards for Controlled Activities

Lot Standards - Residential, Commercial and Industrial Zones

- (a) All lots in the Residential, Commercial or Industrial Zones shall comply with all the relevant standards in the table below.

	Zone	Minimum Lot Area	Minimum Average Lot Area
(i)	Residential Serviced (Masterton Districts)	350m ²	400m ² (for three or more lots)
(ii)	Residential Serviced (Carterton and South Wairarapa Districts)	400m ²	500m ²
(iii)	Residential Serviced Coastal (Masterton District)	400m ²	450m ²
(iv)	Residential Unserviced	1,000m ²	N/A
(v)	Residential (Opaki and Chamberlain Road Future Development Areas)	350m ²	1,200m ²
(vi)	Residential Serviced (Carterton Low Density Residential Character Area)	2,000m ²	N/A
(vii)	Residential Serviced (Carterton Medium Density Residential Character Area)	750m ² ; and 1,000m ² minimum average lot area	N/A
(viii)	Residential (Greytown Villas Character Area)	500m ²	N/A
(ix)	Residential (Jellicoe Residential Character Area)	88m ² Townhouse Lots 375m ² Cottage Lots 1,200m ² Large Lots	N/A
(x)	Residential (Underhill Road Character Area)	1,000m ²	N/A
(xi)	<u>Residential (The Orchards Retirement Village Character Area)</u>	<u>No minimum</u>	<u>N/A</u>
(xii)	Commercial	No minimum	N/A
(xiii)	Industrial	No minimum	N/A

For the purposes of this rule:

Note 1: The minimum lot area and minimum average lot area shall exclude any accessways or rights-of-way, and the minimum lot size shall not apply to those areas where they are a separate access lot.

Note 2: “Residential Serviced” refers to the ‘Residential Zone’ areas serviced by reticulated wastewater systems, such as Masterton, and

includes the Greytown Future Development Area, but excludes Lake Ferry Township due to the limited capacity of its reticulated system.

Note 3: “Residential Unserviced” refers to the ‘Residential Zone’ areas not serviced by reticulated wastewater systems, and includes Lake Ferry Township due to the limited capacity of its reticulated system.

Note 4: “Residential Serviced Coastal” refers to the ‘Residential Zone’ areas serviced by reticulated wastewater systems and located to the seaward side of the inland boundary of the Coastal Environmental Management Area, such as Castlepoint.

Note 5: For the purpose of the subdivision rules and standards, where any allotment is to be amalgamated or held together with any other allotment on the same plan or any land of an adjoining owner in accordance with a condition of subdivision, the combined area shall be deemed to be a single allotment for the purpose of determining compliance with these standards.

Lot Standards – Rural Zones

- (b) Any subdivision in the Rural (Primary Production), Rural (Special) or Rural (Conservation Management) Zones shall comply with all of the relevant standards in the table below:

	Zone	Minimum Lot Area	Lot Frontage
(i)	Rural (Primary Production)	All lots shall have a minimum lot area of 4 hectares, except for:	Minimum 100m for front lots.
		1. Where the Certificate of Title for the site was issued before 26 August 2006, or resource consent to subdivide was granted for the site before 26 August 2006, no minimum lot area applies for a lot containing an existing dwelling provided the balance lot has a minimum lot area of 4 hectares; or	N/A
		2. Where the Certificate of Title for the site being subdivided was issued before 29 March 2008, or resource consent to subdivide was granted for the site before 29 March 2008, up to two lots may have a minimum lot area of 1 hectare provided they have a minimum average lot area of 2 hectares.	Minimum 100m for front lots
(ii)	Rural (Special)	4 hectares	Minimum 100m for front lots
(iii)	Rural (Conservation Management)	Each lot shall comply with all District-wide Rules	N/A

For the purposes of this rule:

Note 1: For the purpose of calculating the average lot size, where there are any lots larger than 10 hectares, these lots shall be given a nominal size of 10 hectares.

Note 2: For the purpose of the subdivision rules and standards, where any allotment is to be amalgamated or held together with any other allotment on the same survey plan or any land of an adjoining owner in accordance with a condition of subdivision, the combined area shall be deemed to be a single allotment for the purpose of determining compliance with these standards.

Access Standards – All Environmental Zones

- (c) All lots shall demonstrate compliance with the District-wide permitted activity land use standards for Roads, Access, Parking and Loading in Section Error! Reference source not found..
- (d) In the Rural (Primary Production) Zone and Rural (Special) Zone, if there are two or more rear lots, they shall share a single vehicle access.

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Development Standards - All Environmental Zones

- (e) Each lot shall contain a **building area**. For the purpose of this rule, **building area** shall be defined as that area (or areas) shown within each lot on a proposed subdivision plan that:
 - i. Contains any dwelling house to be located on the lot, and complies with the permitted activity land use standards for dwellings in the respective Environmental Zone; and
 - ii. Has minimum dimensions of 15m by 12m that is clear of any right-of-way of other easements; and
 - iii. In the Rural (Primary Production), Rural (Special) and Rural (Conservation Management) Zones shall be able to satisfactorily dispose of effluent on-site.

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Note 1: The Certificate of Title of any lot that is not intended to be developed for residential purposes may be required to have registered against its Certificate of Title consent notices pursuant to Section 221 of the Act detailing any future requirements for or restrictions on residential development and use.

- (f) Each undeveloped lot in the Jellicoe Residential Character Area shall contain a shape factor of the following dimensions:
 - iv. Townhouse Lots – rectangle measuring 6.5 metres by 8.5 metres.
 - v. Cottage Lots – rectangle measuring 12.5 metres by 25 metres.
 - vi. Large Lots – rectangle measuring 20 metres by 25 metres
- (g) In the Residential Zone, the maximum building coverage for lots with existing dwellings shall be no more than 30 percent of the lot area excluding any accessways or rights-of-way.

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- (h) All lots shall demonstrate compliance with the permitted activity land use standards for the respective Environmental Zone in Section [4](#), [5](#), [6](#) or [7](#).
- (i) All new water supplies, waste water supplies and stormwater systems shall be provided in accordance with NZS 4404:2004 “Land Development and Subdivision Engineering”.
- (j) All financial contributions shall be in accordance with the requirements of [Section 23](#).
- (k) All lots shall comply with the Esplanade Reserve/Strip standards in [Section 24](#).
- (l) Any subdivision within a Future Development Area shall be in accordance with an approved Development Concept Plan, under Rule [Error! Reference source not found.](#).
- (m) Any subdivision within the Greytown Future Development Area shall be in accordance with the Structure Plan for this area.

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Exceptions - All Environmental Zones

- (a) Any boundary adjustment shall comply with all standards in [Rule 20.1.2](#) except as follows:
 - vii. Minimum Lot Area: Where any affected lot is already less than the minimum lot area for subdivision as a Controlled Activity in the respective Environmental Zone:
 - i. Any adjustment shall not decrease the area of that lot by more than 10%; and
 - ii. Any adjustment shall not cause any non-compliance or increase any existing non-compliance with any other rules.
 - viii. No dwelling shall be severed from its existing site.
- (b) Any subdivision of different floors or levels of a building, or different parts of a floor or level of a building.
- (c) Any lots for the purpose of containing network utilities where the subdivision is necessary for networks utility purposes, or lots for reserves and access need not meet any of the other requirements in [Rule 20.1.2](#).
- (d) Any subdivision creating a Conservation Lot containing a Significant Natural Area listed in [Appendix 1.3](#), shall comply with the following standards:
 - ix. The subdivision shall result in the whole of the listed feature being physically and legally protected in perpetuity. An agreement regarding an encumbrance, bond, consent notice or covenant must be entered into before the issue of the Section 224 Certificate. Such an instrument is to be

registered on the Certificate(s) of Title of the relevant lots. The covenant or encumbrance shall be prepared by a solicitor at the applicant's expense.

- x. The covenant shall incorporate any specified protective or enhancement measures to maintain or enhance its value or physical security.
- xi. The application shall include sufficient detail for the Council to ascertain the particular natural, historic or cultural value associated with the item.
- xii. The conservation lot does not need to meet the relevant minimum lot area requirements.

ii. Restricted Discretionary Activities

The following are Restricted Discretionary Activities:

Rural (Primary Production) and Rural (Special) Zone

- (a) Any subdivision in the Rural (Primary Production) Zone or Rural (Special) Zone that does not comply with any one of the minimum standards for a Controlled Activity in Rule (b), provided that the standards for Restricted Discretionary Activities in Rule (d) are met.

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Discretion is restricted to the following matters:

- i. Design, layout, shape, location and number of lots;
- ii. Efficiency of land use;
- iii. Effects on rural character and amenity values, including the siting and design of buildings;
- iv. Avoiding, remedying or mitigating any effects deriving from the relevant risks, values and character that are particular to the area; and
- v. The matters set out in (a).

All Environmental Zones – Access

- (b) Any subdivision that does not comply with Rules (c) and (d), provided that all other standards for Controlled Activities in [Rule 20.1.2](#) are met.

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Discretion is restricted to the following matters:

- vi. Development and site characteristics;
- vii. Design, location and construction of vehicle crossings, entranceways, access and roads;

- viii. Availability of alternative private or public access, parking or loading areas;
- ix. Design, layout, number and standard of parking and loading areas;
- x. Financial contributions.

All Environmental Zones – Development

- (a) Any subdivision that does not comply with [Rule 20.1.2\(e\)](#) and [20.1.2\(f\)](#), provided that all other standards for Controlled Activities in [20.1.2](#) are met.

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Discretion is restricted to the following matters:

- xi. All matters as specified in [Rule 20.1.1](#);
- xii. Design, layout, size, number and location of lots;
- xiii. Methods to avoid or mitigate the effects of external primary production activities on the proposed lots, including buffer setbacks, dwelling siting and planting.

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(b) Any subdivision that does not comply with [Rule 20.1.2\(h\)](#), provided that all other standards for Controlled Activities in [20.1.2](#) are met.

Discretion is restricted to the following matters:

- xiv. Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular standard(s) that is not met.

- (c) Any subdivision that does not comply with Rule (i), provided that all other standards for Controlled Activities in [20.1.2](#) are met.

Discretion is restricted to the following matters:

- xv. Potable water supply, water storage and treatment;
- xvi. Wastewater collection, treatment and disposal;
- xvii. Stormwater collection, treatment and disposal; and
- xviii. Financial contributions.

Assessment Criteria

Restricted discretionary activities are to be assessed against the relevant assessment criteria set out in [Section 22](#).

20.1.4 Standards for Restricted Discretionary Activities**Rural (Primary Production) Zone and Rural (Special) Zone***Policy Error! Reference source not found.*

- (d) Any subdivision within the Rural (Primary Production) Zone and Rural (Special) Zone under Rule (a) shall comply with all of the relevant standards in the table below:

	Zone	Minimum Lot Area	Lot Frontage
(i)	Rural (Primary Production)	All lots shall have a minimum lot area of 4 hectares, except for: Where the Certificate of Title for the site being subdivided was issued before 29 March 2008, or resource consent to subdivide was granted for the site before 29 March 2008, up to two lots may have a minimum lot area of 1 hectare provided they have a minimum average lot area of 2 hectares. Where two or more Certificates of Title are proposed to be subdivided in a proposal, the entitlement to 1 hectare lots may be located on different Certificates of Title within the application site to that from which the entitlement is created.	Minimum 90m for front lots.
(ii)	Rural (Special)	4 hectares	Minimum 90m for front lots.

For the purposes of this rule:

Note 1: For the purpose of the subdivision rules and standards, where any allotment is to be amalgamated or held together with any other allotment on the same survey plan or any land of an adjoining owner in accordance with a condition of subdivision, the combined area shall be deemed to be a single allotment for the purpose of determining compliance with these standards.

Note 2: Where a subdivision proposes lots of minimum 1 hectare under Rule (d)(i) above, the entitlement of the 1 hectare lots may be located on a different Certificate of Title within the application site to that from which the entitlement is created.

Development Standards - All Environmental Zones

- (a) Any subdivision shall comply with the standards for Controlled Activities in Rules (a), (g), (j), 2(a), (l) and (m).

*Policy Error! Reference source not found.***20.1.5 Discretionary Activities**

The following are Discretionary Activities:

Residential, Commercial and Industrial Zones

- (a) Any subdivision that does not comply with any one or more of the standards for controlled activities in Rule (a).
- (b) Any subdivision that does not comply with the standard for a Controlled Activity in Rule (g).

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- (c) Any subdivision within a Future Development Area that does not have an approved Development Concept Plan, or is not consistent with an approved Development Concept Plan under Rule Error! Reference source not found..
- (d) Any subdivision in the Waingawa Industrial Area that is consistent with the Waingawa Industrial Area Structure Plan in [Appendix 12](#).
- (e) Subdivision within the Greytown Future Development Area that is not consistent with the Structure Plan for this area.

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Rural Zones

- (f) Any subdivision in the Rural (Primary Production) Zone that does not comply with the minimum standards for Restricted Discretionary Activities in Rule (d), provided that the standards for Discretionary Activities are met.
- (g) Any subdivision in the Rural (Primary Production) Zone or Rural (Special) Zone extending public water, stormwater or wastewater utility services or extending any legal road.

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All Environmental Zones

- (h) A subdivision that is not otherwise a controlled, restricted discretionary, or non-complying activity under Chapter 20.
- (i) Any subdivision that creates a new allotment in which one or more of the following circumstances apply:
 - (i) Contains Contaminated Land listed in [Appendix 3](#);
 - i. It is on land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) in [Appendix 3.2](#).
 - ii. The allotment is within a Flood Hazard Area or Erosion Hazard Area;
 - iii. The allotment is within the Coastal Environment Management Area;
 - iv. The allotment is within an Outstanding Landscape listed in [Appendix 1.1](#);
 - v. Contains an Outstanding Natural Feature listed in [Appendix 1.2](#);
 - vi. Contains all or part of a site of a Significant Natural Area listed in [Appendix 1.3](#), except if the Significant Natural Area is wholly contained in a Conservation Lot under Rule (d);
 - vii. Contains all or part of a site of an Archaeological or Geological Site listed in [Appendix 1.5a](#) or [Appendix 1.5b](#);
 - viii. Contains all or part of a Site of Significance to Tangata Whenua listed in [Appendix 1.6](#);

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- ix. Contains all or part of a Site of Historic Heritage listed in [Appendix 1.7](#);
- x. The allotment is within an identified Historic Heritage Precinct listed in [Appendix 1.8](#) (refer also to Rule **Error! Reference source not found.**);
- xi. Any part of the allotment is within 150 metres of an effluent distribution area, effluent holding pond or oxidation pond (excluding waste disposal areas associated with domestic septic tanks located on an adjacent site);
- xii. Any part of the new allotment is within 20 metres of the centreline of a high voltage (110kV or more) transmission line (as shown on the Planning Maps).

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(j) Any subdivision with access to a State Highway, Limited Access Road, Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway, provided that the standards for Discretionary Activities are met.

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(k) Any subdivision that does not comply with the standards in Rules (j) or (k).

Assessment Criteria

Discretionary activities will be assessed against, but not limited to, the relevant assessment criteria set out in [Section 22](#).

20.1.6 Standards for Discretionary Activities

Rural Zones

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(a) Any subdivision within the Rural (Primary Production) Zone under Rule (f) shall comply with the following:

- i. Minimum average lot area of 4 hectares, provided that, where there are any lots larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot size.

(b) Any subdivision within the Rural (Primary Production) Zone or Rural (Special) Zone under Rule (g) shall comply with the following:

- i. Standards for a Controlled Activity in the respective Environmental Zone in [Rule 20.1.2](#).

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All Environmental Zones

(c) Access to a State Highway, Limited Access Road Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway.

- i. Any subdivisions under Rule (j) shall comply with the following:

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- i. Standards for a Controlled Activity in the respective Environmental Zone in [Rule 20.1.2](#); or
- ii. Standards for a Restricted Discretionary Activity in the respective Environmental Zone in Rule 0.

20.1.7 Non-Complying Activities

The following are Non-Complying Activities:

Rural (Primary Production) Zone

- (a) Any subdivision that does not comply with the minimum standards for Discretionary Activities in [Rule 20.1.6](#).

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Rural (Special) Zone

- (b) Any subdivision that does not comply with the minimum standards for Restricted Discretionary Activities in [Rule 20.1.4\(a\)](#).

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All Environmental Zones

- (c) Any subdivision with access to a State Highway, Limited Access Road, Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway, which does not meet the relevant Environmental Zone's minimum standards for a Controlled Activity ([Rule 20.1.2](#)).

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Assessment Criteria

Non-complying activities will be assessed against, but not limited to, the relevant assessment criteria set out in [Section 22](#).

PART C – CONSENT PROCESS AND GENERAL PROVISIONS

21 ASSESSMENT CRITERIA

22.1 Consents under District Wide Rules

These criteria are not exclusive, as other criteria may be considered when assessing a discretionary activity.

22.1.1 Subdivision

(d) **Greytown Villas Character Area**

- (i) Whether subdivision provides for lots that accord with the development shown on the Greytown Villas Indicative Concept Plan ([Appendix 9](#)), and provide for buildings that meet the special development requirements for buildings under Rule (b).

(e) **The Orchards Retirement Village Character Area**

- (i) Whether subdivision provides for lots that meet the operational requirements of the Orchards Retirement Village that accords with the development shown on the Concept Plan at Appendix X..

22.2 Consents under Zone Rules

Note: These criteria are not exclusive as other criteria may be considered when assessing discretionary and non-complying activities.

22.2.17 Greytown Villas Character Area

- i. The extent to which all buildings and site development conform with the indicative Concept Plan in [Appendix 9](#), which shows the broad overall concept for the development of Greytown Villas (including stages of development).
- ii. The extent to which the development maintains the integrity of the overall landscape and amenity values of the area.
- iii. The safety, effectiveness and efficiency of utilities and services.
- iv. The compatibility of new buildings with existing buildings in terms of design and appearance.
- v. The extent to which the needs of retirees are met by:
 - i. Siting new residential villas so that their principal rooms (lounge and main bedroom) are generally oriented between 270° and 45°;
 - ii. Spacing external walls with windows to habitable rooms a minimum of 5 metres apart;
 - iii. Ensuring the minimum distance between the main glazing of the main living room and the windows to secondary rooms of another unit is generally at least 7 metres.
- vi. Whether the external appearance of buildings relocated to the Greytown Villas Character Area are compatible with the existing character and amenity of the area, and whether any adverse effects on amenity values are adequately mitigated.
- vii. Whether buildings and land for advanced residential health care purposes, grounds maintenance and community facilities are generally located within the areas indicated for such purposes in the Indicative Concept Plan in [Appendix 9](#).

- viii. The extent to which buildings and land for advanced residential health care and community facilities are designed to be compatible with the existing character and amenity of the area, and provide for the needs of retirees.
- ix. The relationship of the facilities with the surrounding open space and residential uses, and the use of planting and landscaping to maintain and enhance the amenity values of the site and the vicinity.

22.2.18 The Orchards Retirement Village Character Area

- i. The extent to which the buildings and site development conform with the indicative Concept Plan in Appendix X, which shows the broad overall concept for the development of the Orchards Retirement Village Character Area.
- ii. The extent to which the development maintains the integrity of the overall landscape and amenity values of the area.
- iii. The safety, effectiveness and efficiency of utilities and services.
- iv. The compatibility of new buildings with existing buildings on the site in terms of design and appearance.
- v. Whether buildings and land for advanced residential health care purposes, grounds maintenance and community facilities are generally located within the areas indicated for such purposes in the Indicative Concept Plan in Appendix X.
- vi. The relationship of the facilities with the surrounding environment, and the use of planting and landscaping to maintain and enhance the amenity values of the site.

26 INFORMATION TO BE SUPPLIED WITH RESOURCE CONSENT APPLICATIONS

26.3.5 Information Schedule 5: Controlled Activities

Additional information requirements relating to controlled activities shall be supplied as appropriate to the nature of the activity and will address those matters specified in the Plan over which Council has retained control.

(e) Greytown Villas Character Area

- i. Information regarding the relationship of the proposal for which consent is sought with the Indicative Concept Plan in [Appendix 9](#).

(f) The Orchards Retirement Village Character Area

- i. Information regarding the relationship of the proposal for which consent is sought with the Indicative Concept Plan in Appendix X.

27 DEFINITIONS

Community Activity – means the use of any land or premises purpose built for any activity or service which has an individual or community health, welfare, care, safety, educational, recreational, cultural, ceremonial, spiritual, art or craft purpose.

Community Facility – means any land, building or premises which provides any community activity; and includes educational facilities, places of worship, libraries, hospitals, ~~retirement homes and rest homes~~, community halls, kohanga reo, and childcare centres, but excludes entertainment facilities.

Retirement Villa – any residential unit development within the site of the Greytown Villas Character Area, with design features particularly suited to the needs of retirees, but does not include advanced residential health care facilities. A retirement villa may be a single or multi-unit.

Retirement Village – means any land, building or site used for a comprehensive residential development that contains two or more residential units, together with services and/or facilities for on-site residents and staff and which may include staff accommodation, advanced residential care facilities, such as nursing, medical, hospital or dementia care, recreation, leisure, welfare facilities and activities, and other non-residential activities ancillary to the retirement village, predominantly for persons in their retirement and their spouses or partners.

APPENDIX X – THE ORCHARDS RETIREMENT VILLAGE CHARACTER AREA CONCEPT PLAN

Statement of Evidence pursuant to the Resource Management Act 1991

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, pursuant to Part 2 of the First Schedule of the Resource Management Act 1991.

STATEMENT OF PLANNING EVIDENCE OF

Phillip Harry Percy

Hearing Date: 14 August 2019

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1 Experience and qualifications

1. My full name is Phillip Harry Percy. I hold the degree of Bachelor of Resource and Environmental Planning with Honours from Massey University with a specialisation in physical geography. I hold a current Making Good Decisions certificate.
2. I have been practicing as a planner since 1998 (approximately 20 years). This has included working as a Resource Advisor (Policy) for Greater Wellington Regional Council, a Senior Planner for Eliot Sinclair and Partners in Christchurch and as a Senior Planner for Beca in Wellington. I have previously worked as a Planner in the United Kingdom including in consent processing, enforcement and monitoring roles.
3. I am currently a Director of Perception Planning Limited, a resource management planning consultancy established in 2007 and which employs 14 professional staff. I have worked for Perception Planning since its establishment.
4. I have been involved in a professional capacity in a wide range of planning matters including applications for large-scale subdivision consents, land use consents for dwellings, commercial buildings, earthworks and infrastructure projects including in the Palmerston North, Kapiti Coast, Wellington and Christchurch areas. I have experience in assessing proposals against both regional and district planning provisions and in both urban and rural environments. I have also been involved in resource consent applications for discharges to land, water and air and water take applications, including municipal wastewater discharges, winery waste discharges, and discharges of stormwater.

1.1 Expert witness code of conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I agree to comply

with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that except where I state I am relying on information provided by another party, the content of this evidence is within my area of expertise.

1.2 Previous involvement

6. The resource consent and plan change application documents were prepared by Lucy Cooper who is a Planner that, at the time, was employed by me. My involvement in the project up until July this year was at an overview level. I was not actively involved in preparing or reviewing the application documentation, the AEE, or the proposed plan provisions. I have, from time to time, provided some planning advice to the Applicant on specific matters, but was not involved in the development design process. I was not involved in pre-application consultation, nor post-notification discussions with submitters until July. Ms Cooper resigned from Perception Planning in July, and I became directly involved in providing planning advice to the Applicant at that stage.

2 Scope of evidence

2.1 Scope of evidence

7. My evidence addresses planning matters that have been raised in submissions or in the s42A report. I have largely followed the topic-based approach adopted in the s42A report, and provide reference to the relevant sections of that report as necessary.
8. Where there appears to be no contention on the issues included in Ms Clark's s42A report, I have not made specific reference to these matters in my evidence.

2.2 Material considered

9. In preparing this evidence, I have read the following documents:
- a. The application documentation and appendices
 - b. Submissions relating to the applications
 - c. The s42A report prepared by Honor Clark, Consultant Planner for the Council
 - d. The evidence of:
 - i. Craig Percy – Applicant
 - ii. Cobus de Kock – Traffic
 - iii. Derek Roberts – Civil engineering
 - iv. Rachael Annan – Landscape planning
 - v. Mark Newdick – Landscape design

2.3 Site visit

10. I have visited the application site, most recently on 6 August 2019. During my most recent visit to the application site I walked around the internal perimeter of full application site, and also walked through several internal areas including the area of orchard.
11. I am also generally familiar with Greytown, including the residential area near the application site.

3 Proposal

12. My evidence relates to an application to change provisions in the Combined Wairarapa District Plan to provide for the establishment and operation of a retirement village and associated residential care facility on the application site (which is described in Section 2.1.4 of the application).

13. In conjunction with the plan change application, resource consents are sought to construct and operate the retirement village (but not the residential care facility, which will be the subject of a future resource consent application).
14. The resource consent application and plan change applications were applied for concurrently for the following reasons:
 - a. It allows for a comprehensive retirement development to be allowed in principle (via the plan change introducing a specifically focused character area) while also obtaining resource consent to construct and operate the first stages of the development, thereby providing certainty for future investment and planning decisions;
 - b. The proposed plan change allows evaluation of the appropriateness of using the land for residential purposes, which is relevant when the resource consent application is for a significant additional area of residential land use.
 - c. While the current objectives and policies of the District Plan provide a policy pathway for the proposed development, it is more consistent with the District Plan's zone-based framework that the zoning should reflect the anticipated land use.
15. As noted in the s42A report, it has been determined that an additional controlled activity consent (which was not sought with the original application) is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC). I understand the Commissioner is able to assess and issue the additional resource consent (assuming the other resource consents are granted) required under the NESC as part of this process without the need for a separate application to be made¹.

¹ A comprehensive site contamination assessment report prepared by EQONZ is included with the application.

16. I will not provide a comprehensive summary of the proposal again here, but refer the Commissioner to the application documentation.

4 Statutory and policy context

17. The statutory and policy context that must be applied when evaluating and determining the proposed plan change and resource consent applications is comprehensively set out in the application documentation and in Ms Clark's s42A Report. I agree that those are the relevant matters to be considered.
18. In relation to the proposed plan change, the application included an evaluation against s32 of the Act. I provide a further assessment of recommended changes to the proposed provisions in accordance with s32AA at the end of my evidence.

5 Issues in contention

19. I have considered the evaluation and recommendations in the s42A report and have set out the following section of my evidence to address the issues in contention generally in the same order as they are dealt with in the s42A report. However I have, where possible, separated matters that are limited only to the resource consent application and addressed those separately from matters that relate only to the plan change application. In several cases, issues relate to both applications and I have dealt with those issues in a single place.

5.1 Rezoning requests beyond the proposed plan change area

20. Ms Clark considers² that the submissions requesting that other areas of land outside the application site should be re-zoned to Residential are

² At para 5.3

outside the scope of the Plan Change. I agree with that assessment and agree that those submission points should not be accepted, and that the further submissions opposing that relief should be accepted.

5.2 Appropriateness of use of land for a retirement village

5.2.1 Demand for retirement village as a land use

21. The application documentation sets out a summary of the demand for retirement accommodation and care facilities. In my opinion, there is a good evidential basis demonstrating that the type of development proposed is required to meet community needs.

5.2.2 Economic and community effects

22. I agree with the summary of this matter in the s42A Report and in the application material.

5.2.3 Use of productive soils

23. The proposal involved the proposed re-zoning of land that is currently zoned Rural – Primary Production to Residential Zone. The land proposed to be rezoned encompasses versatile soils that are, at a national scale, relatively rare. In the local context, much of the Greytown urban area and surrounding land is comprised of these soils. Ms Clark provides a summary of the mapped soil characteristics in her report³, and information on those soils is included in the Application.
24. Expansion of the urban boundary of Greytown is likely to involve encroachment onto areas where high-class soils are present. There are some areas of less versatile soils adjoining the existing urban boundary, however these are located at the south end of the town. From an

³ At paras 5.9 to 5.11

efficient urban form perspective, extending the residential zone for Greytown to the south would not be consistent with:

- a. Enabling active transport (walking and cycling) between residential areas and the town centre;
- b. Minimising the need for cars to be used for short local trips;
- c. Maximising utilisation of existing infrastructure within the existing urban area;
- d. Avoiding ribbon development

5.3 Traffic and roading

5.3.1 Effects on SH2

- 25. The submission from the New Zealand Transport Agency raises concerns around the effect of development of the land proposed to be re-zoned in terms of effects on the safe and efficient operation of the state highway. In particular, NZTA raises concerns about the safety of the existing intersections onto SH2 with an increase in vehicle usage likely to arise from the development of the site.
- 26. The evidence of Mr de Kock, traffic engineer for the Applicant, provides a summary of additional analysis that has been undertaken in response to the concerns raised by NZTA. A summary of Mr de Kock's findings and recommendations are included in his evidence.
- 27. My understanding of Mr de Kock's evidence is that the potential adverse effects on SH2 as a result of the proposed development will be no more than minor, and that no upgrades to SH2 or intersections with it are necessary.

5.3.2 Accesses onto Reading Street

28. Ms Clark addresses the concern raised by submitters in relation to vehicle accesses from the proposed development onto Reading Street at paragraphs 5.15 and 5.16.
29. Mr Roberts and Mr de Kock both address the indicative Reading Street upgrades in their evidence⁴. Mr C Percy provides an explanation of the intention for the proposed development to be integrated with the existing urban environment rather than being designed as an exclusionary gated facility⁵.
30. I understand from the submissions that the primary concern is the limitation additional entranceways may place on the ability for vehicles to park to drop and collect children from Greytown School. I agree with submitters that the proposed development should not create an adverse effect on the safe and efficient collection and drop-off of school students.
31. Based on the s42A report analysis and the evidence of Mr de Kock and Mr Roberts, I consider that the additional parking area proposed on the school side of Reading Street, the proposed widening of the carriageway, the proposed extension of footpaths and the proposed installation of a raised crossing area to slow traffic, will all contribute to an improved drop-off and collection area along Reading Street, and improve the safety and level of service of this section of the street.
32. As has been noted by Mr de Kock, the existing carriageway dimensions of Reading Street already limit the ability for on-street stopping and parking. I understand the indicative upgrades would provide sufficient space for vehicles to stop safely on the south side of Reading Street if required, but would establish more parking on the school side of

⁴ Statement of Evidence of Jacobus de Kock, Section 2.3.2, p. 7; Statement of Evidence of Derek Roberts, Section 2.3.1, p. 5

⁵ Statement of evidence of Craig Percy, paragraph 15(e)

Reading Street to minimise the need for drop-offs and collections to occur on the south side of the road.

33. I agree with the conclusions of Ms Clark, that the potential adverse effects arising from additional access points from the application site onto Reading Street can be resolved through the upgrading of Reading Street generally in accordance with the indicative design appended to the s42A report. I support her conclusion that *'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, [...], will enhance the kerbside parking available to the school'*.⁶ It is relevant to note that the recommended upgrades will provide benefits to Greytown School and the wider community as well as to the proposed development.
34. I also agree that the details of the upgrades need to be discussed and agreed with Greytown School prior to designs being finalised and constructed. At present, the recommended conditions do not include a requirement for that consultation to happen. I therefore recommend that a condition is added which requires a consultation process to occur between the Council, Greytown School and the Applicant as part of the design of existing road upgrades being finalised, and that the Council is made aware of the views of Greytown School in relation to the final design when it is submitted to the Council.

5.3.3 Street and intersection upgrades

35. Further to the discussion above, I agree with Ms Clark's assessment and conclusions at paragraph 5.17 of the s42A Report. The evidence from Mr de Kock, and the observations made by submitters, support the need for upgrades to Reading Street and the associated intersections with McMaster and Church Streets. Those upgrades are necessary both

⁶ Para 5.16

to address the anticipated additional demand from the proposed development and to alleviate existing limitations with the roading in the area⁷. This approach is consistent with achieving Objective TT1 of the District Plan (and its associated policies), which is *'To maintain the safe and efficient operation and development of the road network from the adverse effects of land use while maintaining the network's ability to service the current and future needs of the Wairarapa.'*

36. In terms of timing of the roading upgrades, I agree with Ms Clark's view that the timing of upgrades to Reading Street is important, as the upgrades, at least along the application site boundary, will need to occur around the same time that the entranceways into the site are completed. My understanding is that the potential effects of residents' vehicle movements is that they will begin when residential units begin to be completed and residents move in. During the construction period, a specifically designed and located construction entrance will be used. Therefore, in terms of timing of the Reading Street upgrades, they will not need to be completed until the first residential units in Stage 1 are completed.
37. As a result of the discussion above, in my opinion, the timing of the upgrades to Reading Street should be confirmed by way of a condition on the resource consent. Because the upgrades may be achieved either by the Applicant undertaking the work directly, or making a financial contribution to the Council, the timing of the upgrades is not entirely within the Applicant's control. Therefore, I recommend a condition be added to the consent to the effect that, where the upgrade works are to be undertaken by the Applicant, they shall be completed prior to the first 5 residential units of Stage 1 being completed and occupied. Where the works are to be undertaken by a third party (such as the Council), the Applicant shall advise the Council at least 2 months prior to anticipated

⁷ See discussion in Mr de Kock's evidence at para 12

completion of the first 5 residential units of Stage 1, of the anticipated completion date.

5.3.4 On-site carparking

38. In relation to the concerns from submitters about a lack of on-site car parking spaces within the development, I agree with Ms Clark's assessment of the sufficiency of parking spaces within the proposed development. The only unit type that does not include a garage and associated on-site parking are Type A villas, of which there are currently proposed to be 34.
39. As described in Section 5.1 of the Stantec 5 March 2019 traffic assessment⁸ included in the application documentation, there are two levels of internal roading proposed. The 'primary roads' are to have a movement lane width of 5.5m with parking to be provided adjacent to the movement lane. The 'secondary lanes' will have a movement lane width of 3m, but without carriageway parking. The report goes on to state '*All villa units will have at least one garaged parking space and potentially one visitor parking space on the driveway. The Villa A units are proposed with 53 dedicated on-street parking spaces for residents and visitors. Visitor parking and any overflow staff carparking for the main building would be accommodated by 64 on-street parking bays.*'⁹
40. Given that the roads within the proposed development are to remain private roads and therefore will continue to be part of 'the site', it is my interpretation of Rule 21.1.25(c)(i) of the District Plan that by providing for all parking requirements for the development within the application site (rather than relying on on-street parking on public roads), condition (i) of that rule is met. I therefore agree with Ms Clark's recommendation at paragraph 5.19.

⁸ Appendix 22 of the Application

⁹ Section 5.1, page 9

5.3.5 Internal road widths

41. At paragraph 5.20, Ms Clark address the submissions from Fire and Emergency New Zealand (FENZ) in relation to internal road widths. This matter is dealt with by Mr de Kock in his evidence. While Mr de Kock's recommendations will be for FENZ to consider in terms of whether their concerns are addressed, in my opinion his response provides reassurance that there is sufficient provision made for fire appliances to access all residential units within the site. I therefore do not agree with Ms Clark's recommendation that all internal roads should be formed to at least 4.0 metres wide, and therefore do not agree with her recommended amendment to the controlled activity standard in the proposed plan change.

5.3.6 Provision for pedestrian and cyclists

42. Ms Clark addresses this issue at paragraph 5.21 of the s42A report. I agree with her assessment that provision should be made for cyclists and pedestrians within the proposed development.
43. As described in the Stantec traffic report accompanying the application, *'Footpaths are proposed on one side of the road alongside primary roads through the site. There are also several off-street paths along key desire lines through the development. These are located through open spaces, orchards and alongside the waterway on-site. The pedestrians are expected to share the movement lanes on the secondary roads. Cyclists are expected to share the internal roads with other road users'*.¹⁰
44. The Stantec report also notes that the design environment of the internal roading is expected to result in an operating speed of 20 km/h on primary roads, and 10 km/h on secondary roads¹¹. Mr de Kock has

¹⁰ Section 5.2.2, page 10

¹¹ Section 5.1, page 9

confirmed in his evidence¹² that these speeds are appropriate for mixed mode roads and will not create a barrier to cycling or walking within the development.

45. Ms Clark recommends that a condition be added to the resource consent requiring provision for cyclists and pedestrians be shown in detailed design¹³ (although there is no condition provided in the set of conditions appended to the s42A report). While I agree that provision should be made for cyclists and pedestrians, in my opinion the information in the application informing the detailed design, in particular the Stantec report, is sufficient to ensure this outcome is achieved without the need for a further condition. I do not understand it to be intended that cycleways separate to the internal road carriageways are necessary or required.

5.4 Rural character and amenity

5.4.1 Rural character

46. Several submitters raised concerns about the loss of rural character as a result of changing the land use to an urban activity. This is addressed at paragraph 5.24 of Ms Clark's s42A Report.
47. The implications of the proposed change of use of the site is addressed in the application documentation, in Ms Annan's expert evidence, and in Ms Clark's s42A report. My reading of those documents and statements is that they are generally consistent in the following conclusions:
- a. The site is adjacent to the existing urban area
 - b. A significant portion of the site is within a 'pocket' of rural land that is surrounded on three sides by urban or per-urban development

¹² Statement of Evidence of Cobus de Kock, Paragraph 26

¹³ Para 5.21

- c. The site is in close proximity to the town centre of Greytown
 - d. The existing shelter belt planting and boundary planting generally do not allow for expansive or open rural views.
48. While the application site does contribute to the rural character of the area, much of that character is defined by what immediate neighbours can experience from their properties. As is explained in the landscape assessment in the application, views into the site from most neighbouring properties are limited as a result of boundary planting either on neighbouring properties or within the application site. The tall wind breaks further limit the views of the wider rural environment.
49. In most cases, residential properties adjoining the site are surrounded on other boundaries by other residential properties, so the character of the area from those vantage points is perceived as peri-urban – a mixture of short rural views alongside an urban landscape. In my view, there will be a change to the existing character of the site but, as observed by Ms Clark, that will not undermine the objectives of the District Plan as they relate to the character outcomes for the wider rural environment.
50. I agree with Ms Clark that the change in character resulting from the proposed development is not justification for extending the proposed residential zoning over land outside the application site boundaries (which has been requested by some submitters).

5.4.2 Neighbour privacy

51. Several submitters raised concerns that the development may result in a loss of privacy for their properties. I understand the submitters' concerns in this regard, particularly where the existing site has people (such as pickers and pruners or cropping contractors) present close to the boundaries infrequently (as compared with a permanently occupied dwelling close to the boundary).

52. This potential effect on privacy of neighbours has been addressed in the application documents. It is further discussed in Ms Annan's evidence¹⁴. The conclusion that Ms Annan reaches is that the existing and proposed boundary planting will provide for views both into and out of the application site to be broken up and in some cases fully screened.
53. Ms Annan considers that total screening along the boundaries of the site is not required either for privacy or amenity reasons. I agree with her opinion.
54. The existing dwellings on properties that adjoin the site are predominantly set back some way from the boundary. The permitted activity boundary setbacks in the District Plan for the Residential Zone are 1.5m or 3.0m¹⁵. Coupled with the boundary setbacks proposed in the application adjoining the submitters who have raised this concern (7.5m on Boundaries 8 and 9, and 5m on Boundary 2), in most cases the minimum distances between residences will be at least 6.5m for Boundary 2 and 9.0m¹⁶ for Boundaries 8 and 9.
55. While I have not taken actual measurements of the distances of existing dwellings from the boundaries, I have obtained the approximate distances using an online mapping software. These approximate existing distances for the properties associated with the submitters raising the privacy and boundary setback concerns are:

Table 1: Submitter boundary setbacks

Submitter and property address	Relevant site boundary and proposed setback	Approximate distance from boundary to existing dwelling	Total distance of existing dwelling to potential

¹⁴ Statement of evidence, Rachael Annan, paragraph 18-20

¹⁵ See permitted activity standard 5.5.2(c)

¹⁶ This calculation assumes that dwellings on adjoining properties will at least meet the lowest minim permitted activity setback standard of 1.5m in the District Plan.

			Orchards unit
#6 Sija Spaak (81A Reading Street)	Boundary 8 (7.5m)	27m (distance to existing yurt) 56m (distance to dwelling)	34.5m 63.5m
#11 G and S Dennison (73A Reading Street)	Boundary 8 (7.5m) Boundary 9 (7.5m)	10m 40m	17.5m 47.5m
#15 S and E Norman (81B Reading Street)	Boundary 9 (7.5m)	10m	17.5m
#18 S Sowman (38B McMaster Street)	Boundary 2 (5.0m)	5m	10m

56. From approximate measurements in Table 1 above, the separating distance between existing dwellings and proposed villas will be significant. By comparison, within the Residential Zone, dwellings meeting the permitted activity standards can be as close as 4.5m to each other. The permitted activity standards for building setbacks in the Residential Zone are assumed to be sufficient to avoid adverse privacy effects for neighbouring residential properties, and I am unclear why substantially greater building separations are recommended by submitters and Ms Clark.
57. Furthermore, in the case of permitted activity residential development within the Residential Zone, there is no requirement for boundary planting or screening to be put in place. Neighbours are able to provide as little or as much screening as they prefer by planting or establishing fences or walls. The same ability is available for neighbours adjoining

the application site if their preference is for greater privacy than what is provided by the proposed boundary setbacks and boundary planting.

58. Recognising that the proposed development will be residential in nature and will involve activities adjacent to external site boundaries that are typical of a residential zone (dwellings and residential curtilage), and that boundary planting to provide a degree of screening is proposed, I do not consider there is any evidential basis to require greater building setbacks for boundaries 2, 8 and 9 than those already proposed in the application (which are, in the case of boundaries 8 and 9, over twice the larger of the two Residential Zone permitted activity setbacks specified in the District Plan).
59. In my opinion, the boundary setbacks proposed in the application, in combination with the proposed boundary landscape planting, mitigate any minor or more than minor adverse effects on existing neighbour privacy and residential amenity. I therefore disagree with Ms Clark's recommendation that larger setbacks should be required for those boundaries.

5.4.3 Noise

60. The concerns raised by submitters Sija Spaak (#6), Gordon and Sue Dinnison (#11)(F4), Shaun and Vicky Westhead (#12) and] in relation to a change in noise environment from rural to urban is a relevant consideration. While the noise associated with the completed development will be consistent with a typical residential environment, there will be a change in the types of noises that might be experienced under the current Rural zoning.
61. While much of the time, activities on the site may generate little or no noise, the permitted activity rules in the District Plan allow for a wide range of primary production and other activities in the Rural Zone, some

of which Ms Clark notes¹⁷. Under the current zoning, activities involving machinery such as cultivation and harvesting, grazing animals (including cattle), and operation of frost protection and bird-scaring devices are all possible noise-generating activities that can occur on the site as a permitted activity. In my opinion, it is unlikely that the operational noise associated with the completed development will create significant levels of noise that would diminish the noise-related character and amenity of the area.

62. In relation to the construction phase of the proposed development, there will be a period of noise-generating activities associated with site preparation (such as earthmoving machinery) and building and infrastructure construction (such as earthmoving and road-making machinery, heavy vehicle deliveries and building construction tools (hammers, nail guns, saws, etc). The duration of these construction activities in proximity to individual neighbouring properties will be limited to a relative short construction period. As site works are completed, construction noise will cease. Mr C Percy provides a summary of the anticipated construction phasing and the rate of construction in his evidence¹⁸.

63. I also note that the District Plan provides for construction activity and land disturbance activities as a permitted activity in the Rural Zone. For example, it is a permitted activity to construct a building up to 15 metres high within 5 metres of the site boundary. There is no restriction on the floor area of buildings. There is also no restriction, other than in specific circumstances, in the District Plan on earthworks and site preparation works such as constructing hard standing areas and tracks. The potential for noise-generating activities akin to construction activities

¹⁷ Para 5.26

¹⁸ Statement of Evidence, Craig Percy; section 3.6

proposed as part of the development is already enabled by the rules in the District Plan.

64. Notwithstanding the discussion above, the following noise effect mitigation measures are already incorporated into the proposed activity:
- a. Building setbacks to external site boundaries that are in excess of what would otherwise be required in the Residential Zone
 - b. A Construction Environmental Management Plan that relates to site preparation works requires development and incorporation of a Construction Noise Management Plan
 - c. A Construction Management Plan that relates to the construction of the development requires:
 - i. Construction Noise Management Plan
 - ii. Limiting days and hours of construction
 - d. A Traffic Management Plan that is designed to manage construction traffic, including construction traffic routes
 - e. Activity standards in the District Plan that will apply to the future residential activities within the development once completed.
65. In my opinion, the nature of the activity and the proposed mitigation measures proposed will result in the potential adverse effects of noise on neighbouring residents being no more than minor.

5.4.4 Reverse sensitivity

5.4.4.1 Schubert Wines property

66. The Applicant and Schubert Wines have actively worked to address the concerns raised by Schubert Wines in their submission.

67. The permitted activity standards for noise emissions for activities in the Rural Zone are set out in Rule 4.5.2(f). The specified noise standards are measured differently for receiving sites located in the Rural Zone compared with receiving sites in the Residential Zone. For the Rural Zone, the measurement point is '*within the notional boundary of any dwelling on any site within the Rural Zone*'. In the Residential Zone, the measurement is to be '*at any point within the boundary of any site within the Residential Zone.*'
68. The following diagram shows the approximate distances between Schubert Wines existing buildings and the nearest Residential Zone boundaries.



69. As can be seen from the approximate measurements in the image above, the nearest property boundary in the Residential Zone is approximately 4 metres from the edge of the nearest Schubert Wines building. The closest building to the application site boundary is approximately 50 metres away.
70. As specified in the District Plan, the permitted activity noise standards will need to be met at those closer boundaries, being the properties within the Residential Zone to the north of the existing buildings. It is my understanding that if the permitted activity noise standards are to be met at the nearer boundary (being as close as 4m and up to approximately 20m from the noise-generating activities), then it is likely that the noise received beyond the application site boundary, being at least 50m from the nearest existing building, will be somewhat lower than the permitted activity levels.
71. Having seen the Schubert Wines buildings from the application site, and based on the description of the activity included in their submission, there is potential for noise coming from the open doors of the buildings and from the manoeuvring of vehicles in the yard area to be directed towards that section of the Applicant's Boundary 3 close to the Boundary 2/Boundary 3 corner. As a result of discussions between Schubert Wines and the Applicant, an acoustic fence of an agreed design is proposed to be installed for the first 39 metres of Boundary 3 to mitigate noise received at the villas nearest to that boundary.
72. Furthermore, the Applicant proposes that any villa located adjacent to Boundary 3 in that corner shall be designed and built so that living and sleeping rooms are orientated to the north-west and away from Boundary 3. The intention is that this will allow the non-living areas of the villa to insulate the living and sleeping areas from noise generated from the Schubert Wines site.
73. On the basis that the permitted activity noise standards will need to be met by the winery activities occurring on the Schubert Wines site, and

the agreed acoustic mitigation measures described above, I consider that it is unnecessary to impose additional restrictions and implications on the Applicant in relation to noise effects mitigation for the future residential care facility. While reverse sensitivity is a legitimate consideration in this case, I consider that it would be unreasonable to impose obligations on the Applicant to address noise that will be at least, but most likely below, the permitted activity standards in the District Plan for the rest of the application site.

74. I do consider that it is appropriate for the resource consent to require an acknowledgement of the legitimate winery activities occurring on the Schubert Wines property and that they do generate noise and other effects as a normal consequence. For that reason, I support the intent of Ms Clark's recommendation that a consent notice be required. However, given that the proposed development will be owned and operated by the consent-holder (rather than being subdivided and held in different ownerships), a consent notice is unnecessary. A condition on the land use consent that the consent holder must comply with is sufficient.
75. It is also, in my opinion, appropriate that the requirement to alert future tenants to the presence of the winery activities need only apply to the residential unit most likely to be affected, being the unit in the Boundary 2/3 corner.
76. The wording suggested by Ms Clark in her Condition 23 has been framed in the form of a covenant rather than a requirement for the consent holder to advise the residents of the relevant units of the presence of the winery activity and that they may experience associated effects. I have recommended alternative wording for the relevant condition.
77. During discussions between the Applicant and Schubert Wines, it was proposed that a covenant would be entered into between the parties-, which prescribes the expectations around allowing the on-going lawful winery activities on the Schubert Wines property and preventing the

Applicant from making complaints to the relevant regulatory authorities in relation to those lawful activities. A condition reflecting this proposed covenant, which has been the subject of discussions between the parties, is included in the draft conditions attached to my evidence.

78. In summary, the following amendments to reflect discussions with Schubert Wines are addressed in the amended conditions and plan change provisions:
- a. Amending the building setback along Boundary 3 from 5 metres to 7.5 metres
 - b. Restricting the nearest residential unit closest to the Boundary 2/3 corner to a standalone unit with bedrooms and living areas orientated to the north-west away from Boundary 3
 - c. Installation of a 1.8m high acoustic fence along the first 39 metres of Boundary 3, starting from the intersection with Boundary 2
 - d. Requiring boundary planting to be planted within the first planting season once construction begins
 - e. Requiring that the Applicant advise the tenants of the residential unit closest to Boundary 3 of the presence of the winery operation
 - f. Requiring that a covenant be entered into between the parties with regards to not making complaints about lawful operation of the winery
 - g. Amending 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

5.4.5 Building setbacks

79. At paragraphs 5.29 to 5.35, Ms Clark provides her analysis and recommendations in relation to submissions that sought greater

setbacks from the site boundaries than what were proposed in the application.

80. As discussed above, additional boundary setbacks are not, in my view, required for privacy or amenity purposes. Ms Clark has recommended that Boundaries 3, 4, 5, 6, 8 and 9 should all have 10m setbacks for the following reasons:
- a. The existing Rural Zone permitted activity setback for dwellings on the site is 10m¹⁹
 - b. Relying on the Landscape and Visual Assessment in the application (Appendix 20), greater setbacks adjacent to the rural zone of up to 10 metres provide an appropriate response to the more open space character of the zone²⁰
 - c. A 10m setback would enable additional planting to minimise visual effects and also go some way to addressing potential reverse sensitivity effects such as odour, noise and dust²¹
 - d. Setbacks on Boundaries 8 and 9 should be increased to be consistent with the other boundaries facing the Rural Zone²²
 - e. A 10m setback on Boundary 7 along Market Road would form a 'front yard' onto Market Road²³
 - f. The 10m setback along all Rural Zone boundaries would make it easier to implement the plan change on an on-going basis²⁴

¹⁹ Para 5.30

²⁰ Para 5.31

²¹ Para 5.32

²² *ibid*

²³ Para 5.33

²⁴ *ibid*

- g. The 10m setback along all Rural Zone boundaries is consistent with the permitted baseline under the current zoning, thereby providing continuity and certainty to those landowners within the Rural Zone²⁵

81. Ms Clark does not recommend changing the proposed boundary setback on Boundary 2, as requested by Sarah Sowman (#18), because the proposed setback is considered to be appropriate for the adjoining Residential Zone²⁶. I agree.
82. In my opinion, Ms Clark's recommendations create an inconsistent approach within the District Plan which, for all other properties within the Residential Zone that adjoin the Rural Zone, require either a 3.0m or 1.5m setback. At the time the District Plan was prepared, the Councils determined that it was appropriate that the standard Residential Zone setback standards apply to the Rural Zone interface. As discussed above, this accepted residential development proximity to the Rural Zone has been consistently applied to the Residential Zone properties surrounding the site. See for example the dwellings built on sites accessed off McMaster Street and which adjoin the application site, some of which are only metres from the application site boundary. Ms Clark does not offer reasons as to why the rural-urban interface in this location should be treated differently to the rural-urban interface for all other residential areas within the Wairarapa.
83. In my opinion, a change to the outlook from adjoining properties does not automatically equate to an adverse effect. The outlook from properties can change at any time under the current zoning. As previously mentioned, it would be a permitted activity for the Applicant to erect a large building, provided it was associated with primary production, as close as 5 metres from the site boundary. That building

²⁵ *ibid*

²⁶ Para 5.35

could be up to 15 metres high provided it met the height to boundary ratio specified in the Plan. Alternatively (or as well as), the Applicant could plant the application site boundaries in a pine hedges which could completely screen views out of neighbouring sites. Those activities would cause changes, but the District Plan presumes that the adverse effects will be no more than minor and permits those activities. Those permitted activities in effect establish a permitted baseline for change.

84. Ms Clark has suggested that the permitted baseline is relevant in relation to existing boundary setbacks required while the site is zoned Rural. My understanding of the concept of a permitted baseline (in this particular context) is that it relates to effects that could be generated as of right in reliance on the permitted activity rules in the current District Plan (or in the case of land use activities that are not regulated by the relevant plan, s9 of the Act). The permitted activity standards in the Plan do not themselves provide a permitted baseline – they describe the parameters in which the permitted baseline is established. In other words, it is the effects of the activities that the provisions in the Plan allow that create the baseline, not the provisions themselves.

85. Section 104(2) of the Act describes the permitted baseline consideration (emphasis added):

When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

86. My understanding of the District Plan rules for the Rural Zone is that they permit a wide range of activities with a wide range of effects. The boundary setbacks in the Plan only constrain the location and extent of those effects.

87. I do not agree with Ms Clark's opinion that it is necessary to maintain consistency with the existing boundary setback standards when the proposed new zoning is put in place. One of the reasons for amending

the zoning is so that more appropriate boundary setbacks can be applied – those that more closely reflect the boundary setbacks for the Residential Zone elsewhere. It is therefore contrary to that logic to retain the boundary setbacks of the original zone on the basis that the setbacks should be consistent over time irrespective of the change in zoning. In my opinion, it would be incongruous with maintaining the integrity of the District Plan and consistency of the planning approach the Councils have been applying to date to urban-rural boundaries to impose different setbacks in this situation.

88. I do not agree with Ms Clark that increasing the setbacks on boundaries adjoining the Rural Zone would make it easier to implement the plan change on an on-going basis. In my opinion, it is the clarity and certainty of the drafting of the provisions of the proposed plan change that primarily influences the ease with which the plan change will be implemented over time. That ease of implementation with lesser setbacks than those proposed in the application or recommended by Ms Clark is apparent in their on-going application in the Residential Zone elsewhere in the Wairarapa.
89. The Landscape and Visual Assessment report included in the application described the relationship between boundary setbacks for buildings, boundary planting, and landscape treatment within the site. The setback of buildings from the boundaries contributes to the transition of the intensive residential activity proposed on the development site and the less intensive residential and rural-residential activities on adjoining properties. The boundary planting is described as having the primary purpose of breaking up the bulk and appearance of buildings, rather than completely screening them from view.
90. As is shown by the cross-sections included in Mr Newdick's evidence, there is sufficient space within the proposed boundary setbacks to provide for the level of landscape planting considered appropriate by the landscape experts to achieve its purpose. Contrary to Ms Clark's

suggestion, additional setbacks are not required to provide for additional planting because the appropriate level of planting is comfortably provided for within the originally proposed setbacks.

91. It is also relevant that neighbouring property owners, particularly those on the Rural Zone sections with substantial space available, are able to plant or otherwise screen sections of their boundaries to achieve the level of screening they would prefer. As is evident from the boundary photographs included in the application documentation [Figure 1 Site Location Map, p. 16], the majority of Boundaries 8 and 9 are already well planted with a variety of species both on the application site side of the boundary and within the neighbours' properties. The combination of planting proposed as part of the application and any additional planting neighbours may wish to add can be comfortably accommodated without the need to for additional boundary setbacks on the application site.
92. In relation to Ms Clark's suggestion that an increased setback (from 5m to 10m) is required along Market Road (Boundary 7) to provide a 'front yard' onto Market Road, I consider that similar arguments to those I discuss above in relation to how other parts of the Residential Zone are managed within the District Plan apply. Market Road is a no exit road which, beyond the application site, serves only four properties. The properties it serves are mostly rural-residential/lifestyle in size (lot areas range between 1.75 ha and 2.0 ha, with a single allotment accessed of the end of Market Road of approximately 17 ha).
93. The front yard/building setback standard for dwellings in the Residential Zone is 5 metres (Rule 5.5.2(c)), including where the road also adjoins

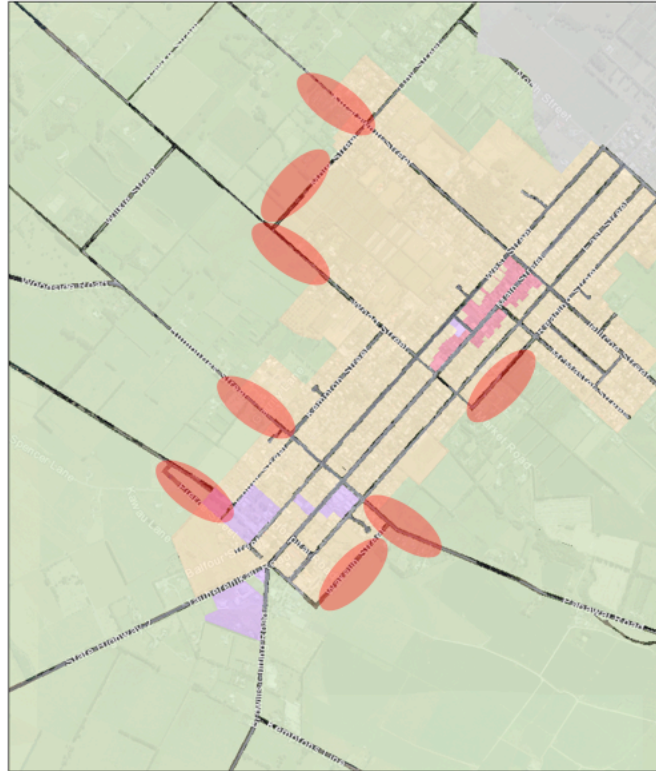


Figure 1: Urban/Rural boundary roads

the Rural Zone. There are numerous examples within the South Wairarapa District where Residential Zone lots have frontage to roads that also adjoin the Rural Zone. Figure 1 shows some examples on the periphery of Greytown (red ovals).

94. In the examples shown in Figure 1, the standard Residential Zone road boundary setback applies to dwellings.
95. Ms Annan discusses the design intent of the boundary setback on Boundary 7 in her evidence²⁷. The relationship of the proposed villas fronting Market Road is important to maintain the intent of the proposed development to not be gated and therefore isolated from the surrounding area and therefore the community. The Proposed Site Plan shows villas directly fronting Market Road, with buildings setback at least 5 metres from the boundary plus the distance from the carriageway to the boundary. Indicative landscape planting on the Proposed Site Plan also

²⁷ Statement of evidence; Rachael Annan, paras 11-12.

shows trees planted adjacent to the boundary at intervals. Ms Annan's opinion is that this arrangement of building setbacks and landscape treatment provides an appropriate relationship with Market Road recognising its existing peri-urban characteristics. It is not clear in the s42A report why an additional 5 metres of front yard is necessary along Market Road, or what adverse effect is intended to be addressed.

96. At paragraph 5.33, Ms Clark discusses the area of land that would be affected by increasing the setbacks as she recommends. Using the boundary distances shown on Drawing 3.1 of The Orchards Greytown Design Statement²⁸ included in the application documents, the recommended increases in boundary setbacks would affect approximately 3,741m² of land. Applying the minimum average lot area subdivision standard for the residential zone, this equates to approximately 7 residential allotments.
97. As is evident from the application documentation, a significant amount of consideration from a team of experts has contributed to a concept design that both achieves the Applicant's design aspirations for the development (which are set out in Mr C Percy's statement²⁹ and in Mr Newdick's evidence), achieve the Applicant's requirements in terms of development economics, and address the actual and potential adverse effects of the proposed development on the surrounding area. Mr Newdick explains in his evidence the implications on the overall design if the location of a significant number of villas adjacent to external site boundaries need to be moved even by a few metres. The proposed increased boundary setbacks would affect the following numbers of villas:

²⁸ Appendix 18xx

²⁹ Statement of evidence, Craig Percy, Paras 5,15 and 19; Statement of evidence, Mark Newdick, Paras

Boundary	Number of villas affected ³⁰
3	1
4	13
7	9
8	7
9	11
Total	41

98. In my opinion, the increased boundary setbacks recommended by Ms Clark would have a significant implication for the overall design of the project with the potential for significant compromises in open space and natural feature treatments in order to accommodate the desired number of villas. An alternative response is to reduce the number of villas in order to retain the open space characteristics of the existing design, however Mr C Percy explains in his statement what the financial implications of that approach are.
99. Notwithstanding the above discussion, there is also a land use efficiency aspect to consider. As I discussed earlier in my evidence, the land surrounding the Greytown urban area is predominantly high class soils. Therefore, to maintain an efficient urban growth pattern, the urban area necessarily needs to expand onto those soils. In my opinion, it is inherent that productive soils that are used for urban activities should be used in the most efficient way possible while still maintaining an appropriate urban character and amenity. Excluding areas along the urban zone periphery from being able to be used for residential development without a clear evidential justification does not support that

³⁰ Numbers are based on the villas being at or very close to the existing setbacks shown on the Concept Plan included in the application.

necessary urban land use efficiency. As discussed above, the additional recommended setbacks:

- a. have no apparent benefit in terms of addressing potential adverse effects on neighbours (those effects have already been considered and accounted for in the design)
 - b. have the effect of excluding dwellings from an area equivalent to approximately 7 residential lots (based on an average lot area of 500m²)
 - c. will result in a significant alteration to the Concept Plan to accommodate the greater setbacks, affecting at least 41 villas and potentially compromising open space aspects of the development
 - d. Are incongruous with the boundary setbacks that apply in the rest of the Residential Zone throughout the Wairarapa
 - e. Reflect the current zone setbacks rather than setbacks appropriate for the proposed zoning
100. Based on the discussion above, I do not agree with the additional setbacks recommended for Boundaries 4, 7, 8 and 9 as requested by submitters and as recommended by Ms Clark. In relation to Boundary 3, an increase in the boundary setback from the originally proposed 5m to 7.5m as a result of discussions between the Applicant and Schubert Wines.

5.5 Building height

101. Submitters, including Schubert Wines (#17), seek to reduce the permitted activity building height standard from 10m to 6m for the proposed development. In the case of Schubert Wines' submission, the request for a reduced building height is explained in the submission as necessary to minimise potential reverse sensitivity effects where two-

storey buildings are located near the boundary shared with the submitter³¹. This is understood to be primarily in relation to the potential for people occupying rooms to be exposed to noise emanating from the winery activities on the Schubert Wines property.

102. As a result of discussions between the Applicant and Mr Schubert prior to the hearing, the Applicant proposes a number of amendments to the proposed resource consent conditions and to the proposed plan change provisions to address Mr Schubert's concerns in relation to reverse sensitivity. Part of that package of solutions is a 'stepped' maximum building height standard that would apply to development within the vicinity of the Schubert Wines boundary (Boundary 3). That standard is that maximum building height shall be 5 metres within 25 metres of Boundary 3, and thereafter the maximum building height shall be 10 metres (which is the standard Residential Zone permitted activity standard).
103. In relation to the concerns raised by other submitters in relation to building height, I understand the preference for consistency with the existing building characteristics within Greytown. However the permitted activity standards in the District Plan apply throughout Greytown and it is landowner preference as to the design and number of levels they wish to build (provided the permitted activity standards are met). There are already examples of two-storey dwellings in the immediate area, such as:
 - a. 56 McMaster Street
 - b. 40 McMaster Street
 - c. 34 McMaster Street

³¹ See paragraph 18 of the Schubert Wines submission

d. 53a Reading Street

e. 8 Jellicoe Street

f. 15 Jellicoe Street

104. The town centre of Greytown also has a significant number of two-storey buildings.

105. In terms of development of the residential villas that are part of the current resource consent application, the Design Statement included with the application describes the local neighbourhood characteristics that informed the design. That includes that 'houses most commonly single storey with some 2 storey dwellings'³². All of the indicated residential unit/villa design types are shown as being single storey. Ms Clark has recommend adding a condition to require that the activity is undertaken in general accordance with the application documentation. My understanding of the application of the condition would be that if single storey buildings were proposed as part of the application, then building 2-storey buildings would not be 'in general accordance' with the application.

106. Assuming the resource consent application is granted, should the Applicant wish to build one or more 2-storey units, it is likely that either a separate resource consent application (for a Controlled Activity) would be made, or an application to change the conditions of the existing consent would be made. In either circumstance, the Council is able to consider the actual and potential effects of that proposed development and can impose conditions, including on the design, scale and appearance of buildings (see matter of control (i) in proposed Rule 5.5.3(c)).

³² Drawing 3.3 of the Design Statement

107. Given that the intention is for the site to be developed in a manner that is compatible with the existing urban fabric, I consider that it is appropriate that the same maximum building height standard should also apply to the site. Given that 2-storey dwellings are provided for within the surrounding residential, I consider that there is no reason for the same to apply, as appropriate, within the proposed Orchards character area. The controlled activity status, as compared to the permitted activity status in the general Residential Zone, is appropriate in my view given the higher density of development and the intended character outcomes within the area.
108. I also note that should 2-storey buildings be constructed internally within the application site, the potential effects of such buildings will primarily be experienced within the site. The potential for over-looking and shading from taller buildings would primarily be of concern where such buildings were located adjacent to external site boundaries. As discussed above, should such buildings be proposed, a resource consent or change of consent conditions would need to first be sought from the Council, at which point potential adverse effects on neighbours could be mitigated.
109. In relation to the potential for restricting the height of the anticipated residential care facility, that building is surrounded on all sides by the residential villas that are the subject of the current resource consent application, with the exception of the boundary shared with Schubert Wines. As discussed above, the Applicant proposes a reduced building height close to the Schubert Wines boundary. Other than for the area close to Schubert Wines' boundary, I do not consider there is an effects basis for lowering the maximum building height for this building to below the proposed 10m. As Mr C Percy explains in his statement, the design of this building has not yet occurred, and the flexibility to be able to build to two storeys for at least part of this facility may be necessary both from a functional perspective and also from a design perspective.

110. Based on the discussion above, I do not agree with Ms Clark's recommendation to lower the maximum building height in the proposed plan change to 6 metres. In my opinion, the 10m building height standard is appropriate, particularly given that the construction of buildings within the Orchards character area must first be approved through a controlled activity resource consent process.

5.6 Density

111. I largely agree with Ms Clark's analysis and recommendation at paragraph 5.38 in relation to submitter concerns regarding development density, and I agree with her conclusion that the density is appropriate. I do not agree that Ms Clark's recommended reduction in maximum building height is necessary, and I consider that the density of development proposed is consistent with the efficient use of land for the purposes of a retirement village. The significant areas of open spaces, retention of existing mature trees to break up the appearance of built form and the diversity in the treatment of different areas, contribute to an appropriate density for the site.

5.7 Potential for standard residential development

112. Ms Clark addresses the concern of NZTA (#7) and GWRC (#20) at paragraph 5.40. I agree with Ms Clark's analysis and conclusions on this matter, specifically that it is appropriate that 'standard' residential development within the proposed Orchards character area should be discouraged and therefore Non-complying activity status is appropriate.

5.8 Retention of trees

113. A relevant aspect of the proposed development is the intention to retain a substantial number of the existing trees on the site. This is described in the Design Statement, and in Craig Percy's statement and Mr Newdick's evidence.

114. As part of the project design process, arboricultural consultants Treecology Consulting were engaged to identify and assess the existing vegetation on site and to provide recommendations on specimens that should be retained or removed. As part of that report, 21 'significant' trees were identified, predominantly in the vicinity of the existing packhouse. Those trees are shown in Appendix 2 of that report (an amended report has been circulated with this evidence to reflect a correction to the tree identification map). The Treecology Report recommendation is to *'Retain Significant Trees T1 to T20 if possible, with particular focus on retention of Significant Trees T8 to T20 as these trees have the best landscape and intrinsic value.'*³³
115. To implement this recommendation, the Concept Plan for the development shows an area referred to a 'Murphy's Garden' has been identified, which is to be an open-space area that integrates Significant Trees T8 to T18. Trees T19 and T20 were not included in the original Murphy's Garden extent, but are shown in the updated drawings introduced by Mr Newdick. Dwelling units are not proposed for the Murphy's Garden area.
116. In discussions with Ms Easter (#3), it was agreed that the conditions of consent should be specific that the Trees T19 and T20 should also be protected seeing as they may not fall within Murphy's Garden. I have therefore recommended conditions to provide for this protection.
117. Ms Easter also sought to retain, if possible, Tree T13, which may need to be relocated to allow for building development. I have therefore recommended a condition that provides for that tree to be relocated where it cannot be practicably retained.
118. In relation to Trees T1 to T9, and T21, the intention of the Applicant is for as many of those trees to be retained, but that retention is not

³³ Section 2.2 of the Treecology Report

mandatory. This is consistent with the Treecology report, that recommends that the trees be retained *if possible*. At paragraph 5.41, Ms Clark addresses submissions that seek the retention of the existing mature trees identified in the Treecology report. Her recommendation is that all of Trees T1 to T21 should be protected.

119. It is relevant that it is a permitted activity to remove trees. None are listed as protected trees in District Plan. Retention of trees is therefore at landowner's discretion.
120. I agree with the desire of submitters to retain as many mature trees as possible as part of the development, and it is clear that this is also the intention of the Applicant. While not all identified trees may be able to be retained, in my opinion, the approach of requiring the retention and protection of the most significant trees (T8 to T20) is appropriate. I consider that it is appropriate to reinforce the intent expressed in the application with a condition to reflect that the other identified trees should be retained where practicable. I do not agree with Ms Clark's recommendation that all of the identified trees should be protected. This is consistent with the recommendations of Ms Annan.

5.9 Construction effects

5.9.1 Construction noise

121. In addition to the discussion above in relation to boundary screening in relation to construction effects, I generally agree with the analysis of Ms Clark at paragraph 5.43 of the s42A report. Having reviewed the application documentation and the recommended conditions, I agree with Ms Clark that the proposed approach to identifying and proactively addressing potential construction noise effects is appropriate. In particular, I consider that the requirement for noise management plans for both the site preparation stage (to be included in the CEMP) and the development construction phase (to be included in the CMP) is an appropriate approach to identifying noise effect risk areas and activities,

and putting in place mitigations to minimise noise effects. The noise management plan approach will allow particularly sensitive areas and neighbouring activities to be identified in advance so that the timing and methods of works can be managed appropriately.

5.9.2 Construction hours and timeframes

122. In relation to the concerns raised by submitters regarding the hours of operation for construction activities, I agree with Ms Clark that it is important to give particular consideration to the potentially disruptive effects a prolonged period of construction may have on residential amenity. I do consider that there are a number of mitigating factors that are likely to reduce the potential construction effects on individuals:
- a. Once site preparation works have been completed, construction works will occur mainly in smaller sections of the site rather than over the entire site. The evidence of Mr C Percy summarise the construction phasing anticipated.
 - b. The CEMP and CMPs that are required to be prepared will support proactive management of construction activities that may cause adverse effects beyond the site boundaries.
 - c. Early establishment of boundary planting is proposed so that vegetation has several years to establish prior to the main construction activities beginning in many areas. Further discussion on this point is included below.
 - d. Construction of villas will occur in batches of up to three villas at a time, as described in Mr C Percy's evidence. This will mean that there is a period of construction activity associated with that building work and then construction activities will move to another part of the site.
 - e. With the development being constructed over a number of years, village residents in areas of the development already completed

will be potentially affected by construction activity. It will be in the interests of the Applicant to ensure that construction activities do not unduly disturb those village residents, which is likely to result in consequential construction effects mitigation certainty for neighbours.

123. I agree with the submitters and Ms Clark that construction time should be limited on Saturdays. However, in my opinion it is reasonable to limit the construction start time on Saturdays to 8.30am, recognising that while it is a weekend day it is still in practice a working day for many people and there is likely to be general activity occurring within the area by that time. Mr Roberts notes there are practical and financial issues with limiting construction hours to 3 hours on Saturdays in his statement. To minimise the overall construction timeframes and to ensure efficient work periods occur on the site, a minimum of 4 hours of working time is appropriate. This would make a Saturday work finish time of 12.30pm, which I consider is reasonable as it provides the remaining half of Saturday free of construction activities for neighbours.
124. Therefore, I recommend that the construction times for Saturdays as recommended in the s42A Report should be amended to 8.30am to 12.30pm.
125. I also agree with Ms Clark that the specific measures requested by submitters for individual property boundaries is not necessary given the measures already proposed.

5.9.3 Construction traffic

126. I agree with the analysis of the potential effects and mitigation approach for addressing construction traffic. However I consider that the current condition relating to the development and submission of a Traffic Management Plan is not specific about the need to consult with Greytown School as part of developing the TMP. In my opinion, this

should be expressed explicitly in the condition and I have therefore recommended an amendment to the relevant condition.

127. Further, I consider that the location of the construction vehicle crossings should be determined as part of the TMP process, including consulting with the Greytown School on an appropriate location for any construction vehicle crossing onto Reading Street. I have therefore recommended that the condition relating to the construction vehicle crossing be amended to ensure that the vehicle crossing is located and designed in accordance with the TMP.

5.10 Earthworks and soil disturbance

5.10.1 Soil disturbance affecting contaminated land

128. I agree with Ms Clark's analysis and recommendations at paragraphs 5.49 to 5.51 of the s42A report. I do however note that the NES applies to 'a piece of land' rather than all land contained within an allotment or title. If clause 5(9) of the NES applies (i.e. '[...] *a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations*'), then the 'piece of land' is not a piece of land for the purposes of the NES.
129. The 2018 assessment undertaken by EQO^{NZ} as part of the NES application for change of use to residential and soil disturbance associated with remediation of identified areas of contamination found that the balance of the site had contamination levels well below recommended levels for residential use. Despite the low levels of contaminants detected, the report does not expressly state that those levels are 'at or below background levels' such that clause 5(9) applies to those areas.
130. In any event, I agree with Ms Clark's assessment of the low risk to human health associated with soil disturbance activities within the site, provided that measures to suppress dust are in place. I agree that the

CEMP and CMP required in the recommended conditions are appropriate for managing activities that may cause dust. I therefore consider that it is appropriate for consent is granted for a Controlled Activity under the NESCS for the soil disturbance associated with general earthworks involved in the construction of the proposed development. If the decision is to grant resource consent, I recommend including this additional consent in the description of the consented activities.

5.11 Stormwater and water race

131. I agree with the analysis and recommendations in the s42A report at paragraphs 5.52 to 5.55.
132. I note that some submitters, for example Greytown School Board of Trustees (#13), requested that the existing culvert carrying the Moroa Water Race under Reading Street does not have sufficient capacity and should be upgraded. While that may be the case, I do not consider that such upgrades should be the responsibility of, or be paid for by, the Applicant given that the culvert is upstream of the application site and the proposed development will not alter flows above the culvert. The upgrade may however be efficiently done at the same time as other upgrades are made to Reading Street, however that would need to be commissioned and funded by the Council.
133. Appendix 1 to the s42A report includes as a recommendation 'upgrade to pipe to occur as part of Reading St upgrade', however there is no corresponding condition proposed. I assume that the recommendation was referring to Council intentions and I agree that it is not necessary to include a condition to that end.

5.12 Signs

134. The application includes signs that are associated with the main entrances of the site onto the Market Road and Reading Street, as well as signs within the site. I agree with Ms Clark's assessment of the potential effects of the proposed signs at paragraph 6.9 of the s42A Report.

5.13 Service provision

5.13.1 Provision for fire fighting

135. The s42A Report addresses this matter at paragraph 5.56. Mr Roberts also provides some guidance on this matter in his evidence³⁴.
136. I understand the proposed conditions in relation to provision for firefighting requires that water supply infrastructure is provided within the development so that fire appliances are able to access a supply of water of sufficient pressure and volumes in accordance with the relevant standard. Mr Roberts has summarised the proposed engineering response intended to meet these requirements.
137. I do not interpret the recommended condition to require sprinkler systems to be installed in the independent dwelling units. That is an option to the Applicant (which is referred to in the recommended advice note), but is not mandatory.

5.14 Controlled activity standards

138. In relation to the concerns about the proposed activity status for activities within the proposed Orchards Retirement Village Character Area raised by Schubert Wines (#17), I agree with the analysis and recommendations included in the s42A Report³⁵.

³⁴ Statement of Evidence of Derek Roberts, Section 2.3.2, p. 5

³⁵ Paragraphs 5.58 and 5.59

139. In relation to the proposed land use standards, the activity standards matters of control in relation to buildings are comprehensive. Where those standards are not met, an application would become a restricted discretionary activity, which gives the Council sufficient opportunity to decline an application if the adverse effects are significant. Any residential or other land use that is not provided for within the Orchards Character Area would be a non-complying activity. In my opinion, that provides sufficient regulatory direction to potential applicants that typical fee simple residential subdivision is strongly discouraged on this site.
140. In relation to the proposed subdivision rules, I consider that a controlled activity standard is appropriate to allow for appropriate legal arrangements for the different ownership or operational requirements of the various components of the development. As discussed above, any associated land use that is not consistent with the outcomes specified for the Orchards would be either a restricted discretionary activity or a non-complying activity, which would have a direct influence on the merits of a subdivision consent application intended to allow such development. In my opinion, the proposed subdivision rules are appropriate.

5.15 Infrastructure provision

141. The recommended conditions appended to the s42A report introduce Condition 16, which I understand is a standard condition the Council imposes on all resource consents involved engineering works.
142. As currently drafted, the condition is unclear as to what the Council is to approve and what information the consent holder is to submit. I have therefore recommended some amendments to the conditions to make it clear what is required of both the consent holder and the Council. I have recommended replacing 'approval' with 'certification', as requiring the approval of a third party is, as I understand it, *ultra vires*. I consider that

the requirement in recommended conditions 17 and 18 in relation to who is to undertake the design and the need to include a design certificate, reduce the need for the Council to 'approve' the design before it proceeds.

5.16 Financial contributions

143. In relation to the recommended financial contributions set out in the s42A Report, the Applicant is currently working with the Council with the aim of reaching an agreed position on financial contributions prior to the hearing. Therefore, I will not address the matter here, but wish to reserve the right to provide an addendum to my evidence should the matter remain unresolved after the current discussions.
144. I consider that there are a number of interpretation and application errors in the Council's application of the financial contributions policies to the proposed development. It also does not appear that the provisions have been applied correctly in terms of determining the reasonable share of upgrade costs.

5.17 Section 104 assessment matters

145. I have read Section 6.0 of Ms Clark's s42A report and I agree with her assessment and summary. Ms Clark relies in part on the analysis of the issues undertaken earlier in her report in drawing conclusions in relation to the s104 matters. As discussed above in my evidence, there are some areas where I do not agree with Ms Clark's assessment. However I consider that the assessment and alternative conclusions I reach on those matters reflects an evaluation consistent with the assessment requirements of s104.

5.18 Consideration of Part 2 of the Act

146. I agree with the summary of the degree to which the proposal is consistent with achieving the Purpose of the Act. Overall, the proposal enables a significant demand for appropriate retirement living and care

to be provided for individuals and the community. The proposal does require the use of productive soils, however the impact on the community from loss of access to these soils for productive use is offset by the contribution the development makes to maintaining an efficient compact urban form, efficiently using existing infrastructure, and providing for elderly people to remain actively integrated in the Greytown community.

147. I consider that, over all, the proposed development, subject to the recommend conditions (as amended by my recommendations) can be constructed and operated to avoid, remedy and mitigate adverse effects on the environment, including potential reverse sensitivity effects. The effects on the natural environment, include ecosystems, will be avoided or mitigated through measures to minimise discharges into waterbodies, retention of significant trees, and the addition of further planting. The development is intended to provide for retirement accommodation over time, thereby serving elderly of future generations.

5.19 Section 32AA evaluation

148. Within my evidence, I have recommended some amendments to the proposed plan change provisions. I have therefore provided a brief evaluation of those changes consistent with s32AA of the Act.

Amendment recommended	Evaluation of amendment (S32AA assessment)
Rule 5.5.2(m)(3) – Standards for Permitted Activities	

<p><u>3) Buildings within the Orchards Retirement Village Character Area shall be subject to the following building setbacks, as shown on the Indicative Concept Plan (Appendix X):</u></p> <p>a) <u>Boundaries 1, 2-3 and 7 – 5m</u></p> <p>b) <u>Boundaries 3, 4, 8 and 9 – 7.5m</u></p> <p>c) <u>Boundaries 3, 4, 5, and 6, 8 and 9 – 10m</u></p> <p>4) <u>Maximum Building Height</u> <u>€10m, except within 25m of Boundary 3 as shown on the Indicative Concept Plan (Appendix X) where the maximum building height shall be 5m</u> <i>Note, this plan will need an annotation for 'Boundary 3' added.</i></p>	<p>Other reasonably practicable options</p> <p>Options available other than changing the maximum building height standard adjacent to Boundary 3 to help mitigate potential reverse sensitivity effects on the neighbouring winery operation could include:</p> <ol style="list-style-type: none"> 1. acoustic insulation on parts of the building, 2. construction of an acoustic barrier at the boundary, or 3. doing nothing. <p>Effectiveness and Efficiency</p> <p>The control on building height adjacent to the boundary will be effective in reducing the potential for spaces at a second storey of future buildings sensitive to noise being constructed close to the boundary where they are potential receptors of noise. A similar outcome could be achieved with acoustic insulation in those rooms but that would involve the additional installation and ongoing running costs of adding mechanical ventilation. Construction of an acoustic barrier is unlikely to be as effective, and would require separate resource consent to exceed a height of 1.8m.</p>
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	<p>Costs (Environmental, Economic, Social, Cultural)</p> <p>There is an additional cost on the landowner through reduced building capacity.</p> <p>As noted above, the costs associated with the alternatives are potentially significant as they require additional capital costs for structures and/or ventilation systems.</p> <p>The do nothing approach has no cost to the affected landowner, however may have a small potential cost should noise levels experienced by residents result in the neighbouring winery owner having to respond.</p>
	<p>Benefits (Environmental, Economic, Social, Cultural)</p> <p>Potentially reduces the potential for reverse sensitivity impacts on the legitimate activities occurring on the neighbouring property.</p>
	<p>Risk of acting/not acting</p> <p>The risk of not acting is low because the noise emitter is required to meet the permitted activity standards in the District Plan at the boundary of the site, thereby minimising the potential for adverse effects. There is little technical evidence to demonstrate that the building height reductions (or other active options) are necessary given modern building standards (e.g double-glazing and insulation)</p>
	<p>Most appropriate way to achieve the objectives?</p> <p>It is not necessarily the most appropriate way to achieve the objectives of the Plan, however it will contribute to achieving them.</p>



Phillip H. Percy

Perception Planning Limited

14 August 2019

Appendices

14 August 2019

Appendix 2: 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

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 2019 included in Appendix 18 to the application.
 - 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. Others?
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, Sheet A1.

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.

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 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 [drawing reference and date].
13. Except as provided for in [condition below], trees T19 and T20, as shown on [drawing], and the trees incorporated into Murphy's Garden in accordance with [condition 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 [drawing reference], shall be retained where practicable, but may be removed at the Consent Holder's discretion.
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 be:
- ~~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
 - provide details of proposed transport routes, and look to disperse construction traffic through various routes; and
 - 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 X 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).

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 10 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 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 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 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.

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 10 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.
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 [what?] 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.

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

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) [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 \[bag size\]](#)

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 plan **XXXX** that are shown as boundary setbacks or shared green space areas.
- 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 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 - \$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 work.
- d. Additional Infrastructure contributions of 0.5% 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.

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. Roading contribution 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.

Before the Independent Hearing Commissioner
South Wairarapa District Council
At Greytown

UNDER THE RESOURCE MANAGEMENT ACT 1991

AND

**IN THE MATTER OF PRIVATE PLAN CHANGE REQUEST AND
RESOURCE CONSENT FOR THE ORCHARDS RETIREMENT VILLAGE,
GREYTOWN**

BY THE ORCHARDS PARTNERSHIP LIMITED (APPLICANT)

STATEMENT OF EVIDENCE OF RACHAEL ANNAN

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EXPERIENCE AND QUALIFICATIONS

1. My full name is Rachael Annan. I am a registered landscape architect (RNZLA) and hold a Bachelor of Landscape Architecture Degree (Hons.) from Lincoln University. I am employed by Perception Planning Limited as a Senior Landscape Planner.
2. My relevant experience involves 17 years of professional practice across the areas of landscape architecture, landscape planning and urban design. My experience is largely based in resource management design review; with involvement in resource consents and private plan change applications. I have been employed in both the private and public sector and presented evidence at council hearings and the environment court.

Expert witness code of conduct

3. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that except where I state I am relying on information provided by another party, the content of this evidence is within my area of expertise.

SCOPE AND STRUCTURE OF EVIDENCE

4. Throughout the master plan design development, I provided landscape and urban design review of the 'The Orchards at Greytown' proposal; with landscape and visual amenity matters in mind. I also carried out the landscape and visual assessment of the application which was included as Appendix 20 with the lodged consent documents.
5. I have been engaged by the Orchards Limited Partnership to provide evidence on the landscape and visual effects of the proposal.
6. I have considered the potential landscape and visual effects of the application within its setting adjacent the urban edge of Greytown. My evidence is based on a visit to the application site and its surrounds on 6 December 2018.
7. My evidence addresses the proposal as illustrated by:
 - 'The Orchards Greytown Design Statement', March 2019, by the architectural firm Design Group Stapleton Elliott (DGSE),
 - 'The Orchards at Greytown Master Plan', March 2019, by the landscape architectural firm Local, Landscape Architecture Collective (LOCAL).
8. I have based my landscape and visual effects evidence on the application as put forward by these design documents, while acknowledging a level of flexibility is sought, and the conditions of consent provided.
9. I have reviewed the Section 42A report and submissions summaries, to inform my evidence and provide a response on relevant topics.

SUBMISSIONS

Response to S42A Report

10. I comment as follows, on relevant matters raised by submitters. These issues are set out here in the order they are addressed in the Section 42A officer's report.

Reading Street Frontage

11. I support the provision of street facing villas with driveways and access directly from both Reading Street and Market Road. This provides a very positive urban design outcome by strengthening the relationship between the proposal and its neighbourhood.
12. For a dwelling to address the street promotes both visual interest and passive surveillance of the streetscape. This is a far better outcome than a more insular or gated retirement development. I concur with the Section 42A officer's comments in this regard.

Effects on Rural character and Amenity

13. I consider that it is appropriate for the application site to be rezoned from rural to residential zoning.
14. With regards to a 'compact urban form' the proximity of the application site to Greytown's town centre provides an accessible development location, suited to retirement village development; providing ease of access for future occupants. Although the site is located at the town's 'built edge', it is only a short distance from the town centre. Therefore, I consider that the development will be in no way ad-hoc or urban sprawl.

15. In the site's setting, I consider that the loss of rural character onsite is appropriate. The mixed use and density landscape character in the vicinity of the application site affords the capacity to absorb the proposed '*shift in landscape character from rural to residential zoning*', as set out by the application.

16. I consider that the application will provide for an effective level of landscape amenity which will derive from its proposed residential use. Landscape amenity, as defined below, will be provided for with a palette of design and mitigation measures (site layout, built form and landscape design). I addressed this in more detail in my assessment¹.

'Landscape amenity is the natural and physical quality and character of an area (landscape) that contributes to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'.²

17. Design and mitigation measures are set out to address the increased density of the proposal alongside neighbouring residential development, and to address the overall scale of the development across the site.

18. A sense of privacy is established between adjacent properties by factors including distance, orientation of dwellings, and intervening planting and or fencing. This is illustrated by **LOCAL Boundary Sections 'LA2.10-LA2.03'**. In addressing this issue, it is important to note that achieving a positive level of residential amenity is not reliant here on the proposed retirement villas being totally screened by boundary planting.

¹ Section 6, Mitigation and Design Measures, from page 16.

² Section 2 of the Resource Management Act defines amenity values.

19. Neighbours will have varying levels of visibility towards these future dwellings. It is not simply the availability of views which denotes a negative visual effect, but the level of visual prominence and the extent to which the subject detracts from amenity. I consider that the design and setback of the proposed dwellings themselves contributes to residential character and amenity.
20. Design mitigation does not, and should not, rely purely on 'vegetative screening'. I note the dynamic lifecycle of vegetation as one reason to avoid this approach. Intervening planting is proposed to *soften* the appearance of proposed buildings. This is typical of what would be achieved by residential gardens and boundary planting.

Protection of Existing Trees

21. The retention of existing specimen trees, such as at 'Murphy's Garden' and appropriate structural planting is of benefit both within and for those adjacent the site. While none of the trees onsite are protected by the district plan, the application intent is to keep trees where practical (and of good health and form). Protection and monitoring of the health of trees to retain is sought by the arborist report (with regards to construction practice).
22. In my view, care needs to be taken with any extension of the 'Murphy's Garden' area (from that as per lodged consent drawings). There is a good level of vegetative amenity already proposed to be retained in this location. Extension of this space may have consequential effects on other green space provision through the site. The relationship between built form and vegetative amenity is finely balanced. If this garden area is to be extended, it would need to be demonstrated that it isn't overtly at the expense of open space amenity elsewhere onsite.
23. The revised Treecology arborist's report (July 2019)³ focuses on the value of trees T1-T20, and more so T8-T20. I support the relevant proposed conditions of consent⁴ (appended to Mr Percy's planning evidence) protecting and retaining T10-T20. Trees T1-T9 will be retained where reasonable and practical. I note the broader landscape approach which will include future tree planting across the site.
24. Dispersed green space areas throughout the site are an important component of retirement villages and to help 'visually break up' the

³ Section 4, Landscaping Recommendations Summary, page 5

⁴ Section 11, Protection of Existing Trees, page 3

pattern of built form development, providing equitable green space amenity.

25. Enough open space needs to be dispersed throughout the site, to also allow for the establishment of trees taller than the proposed single storey buildings. This 'midblock' planting is key to providing for residential amenity for the benefit of neighbours, and also for future occupants of the retirement village.

Boundary setbacks

26. I disagree with the section 42A writer's proposed increased boundary setbacks to a standard 10m setback along rural boundaries. The varying boundary setbacks have been proposed in response to the range of existing landscape character surrounding the site. As stated in my assessment:

'Greater setbacks adjacent rural zoning of up to 10m provide an appropriate response to the more open space character of this zone'.⁵

27. The design approach of boundary setbacks of between 5m to 10m involves setbacks that differ along distinct site boundaries. This is a responsive design approach, noting the variable immediate site context. The approach being, that the more open the nature of adjacent land, the greater the proposed building setback adjacent this site boundary.
28. I am concerned at a more blanket approach to boundary setbacks, where all rural boundary setbacks are at 10m. The outcome would be a much less equitable distribution of green space through the site. Given the complexity of the site design, the flow on effects would see an increased

⁵ Section 6.1, Proposed Site Layout, page 16

loss of internal open space for larger trees, and for the amenity of future residents (and neighbours) that this provides. I consider that a sufficient and effective level of boundary setback is already proposed.

29. The layout of the application's varying building typologies involves staggered boundary setbacks (of not less than minimum requirements). Larger planting will be interspersed along these spaces created near the boundaries. This is illustrated by **LOCAL Boundary Sections 'LA2.10-LA2.03'**.
30. A minimum setback of 5m is proposed adjacent existing residential zoning, exceeding the minimum 3m setback required by the district plan. The proposed greater setback of 5m, acknowledges the greater scale (of the wider development) and development density (in comparison to adjacent single dwelling allotments), as does the variable building setback afforded by the staggered setbacks of proposed villas.
31. Rural boundary setbacks of 7.5m reflect adjacent areas of more built development, such as at boundaries 8 and 9. I note the s42a comments that:

'Furthermore, although the properties at 73 to 83 Reading Street have rural zoning, they are somewhat residential in character, containing dwellings on sites varying in size from approximately 1,200m² to 7,700m²'. (para. 5.24)
32. In relation to property at 81a Reading Street, the officer's report notes, regarding their yurt accommodation business that:

'The submitters site is large enough to offer a sense of space'. (para 5.26)
33. Adjacent Market Road, at boundary 7, the proposed building setback on site is 5m. This reflects consideration of the intervening road reserve

between the site and neighbours across Market Road. While not 'rural residential' properties, there are a loose cluster of dwellings (on lifestyle block scale properties) opposite the site down Market Road. Some residents here have also sought residential rezoning of their own properties.

CONCLUSION

34. I support the balanced approach of the application design and layout with regards to landscape and visual effects.
35. This approach involves the balancing of effective boundary setback treatment and setbacks, with the ability to provide an equitable disbursement of greenspace and larger tree planting throughout the site.
36. Also balanced is the use of a palette of mitigation and enhancement measures, whereby design mitigation is not solely reliant on vegetative screening.
37. I believe that the application effectively and appropriately provides for residential amenity and privacy.
38. I consider that the retention and protection of the Murphy's Garden area and trees T10 - T20 illustrate a considered and balanced approach to retaining existing trees and providing for vegetative amenity. This is one part of the extent of landscape planting retained and proposed across the site which will contribute to amenity for years to come.
39. I confirm that I disagree with a standard 10m setback requirement to all rural boundaries.
40. I consider the application to be appropriate in this landscape setting, regarding landscape and visual effects, with mitigation and design

measures referenced from my assessment in place. I consider the proposal will be consistent with the landscape character and visual amenity provisions of the district plan.

Rachael Annan

Date: 14 August 2019