

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application to Masterton District Council by Welhom Developments Limited ("**Welhom**") for a private plan change to the combined Wairarapa District Plan ("**Plan Change**")

**JOINT STATEMENT OF PLANNING EXPERTS - S32 ASSESSMENT OF DIFFERENT  
ACTIVITY STATUSES**

**1. INTRODUCTION**

1.1 This joint witness statement relates to expert conferencing on the topic of planning. Participants in the conferencing were:

- (a) Mitch Lewandowski engaged by Summerset;
- (b) Megan Barr engaged by the Masterton District Council; and
- (c) Kathryn St Amand engaged by Waka Kotahi.

1.2 We confirm that we have read the Environment Court's Code of Conduct set out in the Environment Court's Practice Note 2023. We have complied with the Code of Conduct in preparing this joint statement. Except where we state that we are relying on the evidence of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed in this evidence.

## 2. PURPOSE

2.1 The purpose of the expert conferencing related to a narrow set of issues directed by the Hearing Panel. Specifically, the Hearing Panel asked that this statement address:

- (a) Discuss (and agree if possible) the matters of control relating to a proposed retirement village (proposed Rule 5.5.3(e)), or alternatively matters of discretion for a restricted discretionary activity rule;
- (b) A section 32 evaluation of potential activity status options, specifically:
  - (i) Controlled activity status;
  - (ii) Restricted discretionary activity status (non-notified);
  - (iii) Restricted discretionary activity status (notified to Waka Kotahi);  
and
  - (iv) Discretionary activity status.
- (c) Consideration of whether a structure plan is required and what such a structure plan would contain and how it would operate.

2.2 The base provisions utilised to inform this statement are those proposed as part of the summary statement of Mitch Lewandowski. They are attached as **Appendix 1** to this statement. The proposed matters for control are also reviewed as potential matters of discretion in section 4.

### 3. ASSESSMENT OF PROPOSED MATTERS OF CONTROL (APPENDIX 1)

#### 3.1 In use with a controlled activity rule.

**Table 1**

Matters of control	Agree adequacy	Disagree adequacy	Reason
Mitch Lewandowski	Y	N	<ol style="list-style-type: none"> <li>1. I consider that the matters of control are suitable to address the range of effects that will be generated by a future retirement village. I consider the matters to be sufficiently clear to enable their appropriate application. I do not consider that 'preconditions' are required for the proposal, and note that standards relating to the rule are those contained in standard 5.5.2(o) as proposed.</li> <li>2. I disagree with Ms St Amand that the proposed rule cannot respond to district-wide objectives and policies relating to other topic areas, including transport. There is nothing that precludes their consideration.</li> <li>3. I disagree with Ms St Amand (4 below) that the rule is limited to within the site. The matters of control are clear that they apply to other existing roads.</li> <li>4. In respect of Ms St Amand's comment at (6), I consider that the introductory statement to (iv) covers traffic generation in broad terms. Nevertheless, I have no concern with traffic generation being added to matter (iv).</li> <li>5. I do not agree with Ms St Amand that conditions relating to traffic matters could alter the proposal. Any conditions of consent would need to be within the matters of control proposed by the rule. That an applicant may not agree with conditions ultimately imposed does not mean that the proposal is changed in a way that makes a controlled activity status inappropriate.</li> <li>6. Conditions of consent can be objected to and/or appealed. Ms Barr highlights this at her points (2) and (3). I note that the same situation can arise for any other activity status.</li> </ol>
Kathryn St Amand	N	Y	<ol style="list-style-type: none"> <li>1. I comment in relation to traffic issues only as my evidence has been restricted to this issue.</li> <li>2. The proposed controlled activity rule has no standards or preconditions under 5.5.2(o) relating to traffic generation. I consider this problematic because traffic generation is what will cause traffic safety and efficiency effects in the transport network downstream and off site, the quantum of which determined by the scale of an activity and the mitigation of which also determined by scale of an activity. The effects from traffic</li> </ol>

			<p>generation in each resource consent application may be varied and the controlled activity matters are general and ambiguous relative to scale of a proposal, in particular they are not linked to traffic generation.</p> <ol style="list-style-type: none"> <li>3. The proposed control rule links to policy Res1(k), and Objective Res 1 which deal with residential amenity and character and not traffic issues. Whilst a controlled activity approach in both the Rangiora case (provided by Welhom) and the Orchards plan change may have been appropriate with this residential focus, these examples do not have the same kinds of offsite (or downstream) traffic generation effects that the Welhom plan change site does; these other examples front and access local roads in amongst a web of streets rather than having a one point in and out of the area like the Welhom site. In my view it could be difficult to decide on traffic issues related to a proposal when the policy framework related to the rule does not provide any guidance on the traffic issues the matters of control seek to manage.</li> <li>4. The matters of control relate to a rule that applies 'within the land' of Appendix 16. In my view it is problematic to have matters of control extending to an off-site location, adding ambiguity of the extent of the control. The matters of control do not align well with the issues raised in the transport and urban growth chapters.</li> <li>5. Matters of control should cover all anticipated effects of an activity. Because there are many variations or iterations on what might ultimately be proposed in a resource consent application over an approximate 14Ha zone, in particular the scale of an activity, it is not clear to me that the matters of control will cover all potential effects. For example, resource consent applications might be staged with few dwellings in each application, and each minor application having limited effects thus ignoring the cumulative effects of traffic from the overall development of the 14ha site.</li> <li>6. Other limits and ambiguities with matters of control are: <ul style="list-style-type: none"> <li>• (iv) relates to roading only and does not extend to traffic generation and its effects on the overall safety and efficiency of the transport network. Objectives and policies dealing with transport issues require consideration of 'the safe and efficient operation and development of the road network', therefore the control is too narrow.</li> <li>• (iv)(b) only relates to road safety effects and is too narrow to cover transport efficiency effects; and may only relate to the scale of a proposal for which consent is sought, which may be very small and have in itself limited effects without being able to consider cumulative effects.</li> <li>• (iv)(b) relates to traffic safety improvements only, which is a problem given that traffic evidence indicates that both traffic safety and efficiency at this intersection will decline under the vehicle generation of full development.</li> <li>• (iv)(b) only considers the intersection, which is too narrow. The length of road either side of the intersection, for sight distances and gap selections for people needing to turn right out, are critically important and the interrelated safety of these road lengths is excluded for all modes of transport.</li> </ul> </li> </ol>
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			<ul style="list-style-type: none"> <li>(iv)(d) relates to multimodal transport options but only where these are within the site and will access and connect to existing transport infrastructure. Notably there are no 'connections' with the state highway, so this matter is ambiguous.</li> </ul> <p>7. For the foregoing reasons the matters of control, in my opinion, will be ineffectual in controlling the traffic and transportation effects of traffic generation and people movements from a retirement village or residential development across the plan change site, and conditions of consent could not be used to alter or amend a proposal for which consent is sought to deal with effects. By this I mean that if inadequate mitigation is proposed (either because of the scale of an activity or due to cumulative effects), conditions of consent could not be imposed to require a more significant 'fix' to the to the transport network than is proposed in an application as that would change the proposal for which consent is sought and there would be a scope issue. As a controlled activity cannot be declined this is a significant issue.</p>
Megan Barr	N	Y	<ol style="list-style-type: none"> <li>The proposed matters of control are, with the exception of water for firefighting, general and subjective. The proposed matters of control lack specificity and, as such, do not provide certainty that adverse effects could be appropriately addressed or controlled through conditions of consent.</li> <li>Controlled activity status limits Council to imposing conditions with respect to the matters of control<sup>1</sup> and these conditions can be objected to and appealed. I note that, in the Rangiora example provided by Welhom, Summerset objected to 25 of the conditions of the controlled activity resource consent that followed approval of the Plan Change.</li> <li>Objections and appeals relating to conditions of consent have financial and time implications for both the applicant and Council. In a protracted appeal situation where parties cannot reach agreement, development could effectively be stymied.</li> <li>Conditions amended through objection and appeal processes may become "watered down" and not deliver the intended result or mitigation that they were imposed to.</li> <li>The proposed provisions (as currently drafted) are broad and permissive. These provisions do not limit the number of residential units within the retirement village and allow for multiple buildings within the approximately 6,000m<sup>2</sup> area of the site with a 14m maximum height. As such, the nature and scale of adverse effects is uncertain.</li> <li>Neither the provisions of new Rule 5.5.3(e) or new standard 5.5.2(o) give me any confidence that range, nature and scale of effects generated by a future retirement village can be adequately controlled through conditions of consent alone.</li> <li>As a controlled activity Council would have no ability to notify the application (either publicly or on a limited basis<sup>2</sup>) and must grant the consent<sup>3</sup>.</li> </ol>

<sup>1</sup> s87A(2)(b) RMA 1991

<sup>2</sup> s95A(5)(b)(i) & s95B(6)(b) RMA 1991

<sup>3</sup> s87A(2) RMA 1991

			8. Council's position is that controlled activity status would not be effective, efficient or appropriate because the nature and scale of adverse effects is uncertain.
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3.2 In use with a restricted discretionary activity rule:

Table 2

Matters of discretion	Agree	Disagree	Reason
Mitch Lewandowski	N	Y	<ol style="list-style-type: none"> <li>1. I consider that the proposed matters of control would readily transfer to a restricted discretionary rule, should that option be preferred by the Hearing Panel. The range of potential effects remain the same and I consider the existing matters to cover the relevant bases.</li> <li>2. I do not consider that there is any risk associated with the 'piecemeal' development of a retirement village and accordingly do not consider a standard to be necessary in that regard.</li> <li>3. As I noted above in respect of a controlled activity, while I consider the matter already addressed, I would have no objection to a specific reference to traffic generation as a matter of discretion.</li> <li>4. As discussed below, and as addressed in my evidence, I do not agree with the need for a structure plan as suggested by Ms St Amand, and the resulting necessity for a linkage to a restricted discretionary rule.</li> <li>5. With reference to the matters suggested by Ms Barr at (7) below, I do not consider matters (i) and (iii) to be required. The other matters are existing matters of control that have been re-framed by Ms Barr and would otherwise be addressed by the existing matters of control as presently drafted.</li> </ol>
Kathryn St Amand	Y	N	<ol style="list-style-type: none"> <li>1. The proposed matters for control would not neatly transfer to matters of discretion (for the reasons raised above) and I consider changes to these matters would be required for all traffic and transport safety and efficiency effects to be considered in a resource consent pathway with restricted discretion.</li> <li>2. A restricted discretionary activity rule for residential activity or a retirement village should have a standard or precondition linked to alignment with a structure plan for the plan change area, see Appendix 2 and commentary in section 5.1 for extent of matters the structure plan should include.</li> <li>3. Another standard or precondition should include a comprehensive development requirement so that cumulative effects from traffic generation can be considered, i.e., piecemeal, or small staged applications should not be entertained. This would not preclude staging of development as a matter of discretion.</li> <li>4. Matters for discretion should include:</li> </ol>

			<ul style="list-style-type: none"> <li>○ A comprehensive development and staging requirement, considering the cumulative effects from traffic generation of full development.</li> <li>○ Safety and efficiency on State Highway 2 in the vicinity of the intersection with Cashmere Oaks Drive in relation to vehicle generation<sup>4</sup>, including what improvements and alterations are proposed to the state highway and the intersection to remedy or mitigate effects.</li> <li>○ The extent to which the safety and efficiency mitigations proposed are in accordance with the structure plan requirements.</li> <li>○ The extent to which the safety and efficiency mitigation proposed provides for multi-modal transport options along the state highway road corridor.</li> <li>○ The timing for occupation of dwellings and/or opening of the retirement village and the timing for construction of safety and efficiency mitigation along State Highway 2 and at the intersection.</li> <li>○ The management of construction traffic effects.</li> <li>○ The design and layout of the retirement village/residential area to suit public transport routes and provision of public transport facilities and infrastructure</li> </ul>
Megan Barr	Y	N	<ol style="list-style-type: none"> <li>1. Proposed matters of control form a useful starting point for matters of discretion to be used with a restricted discretionary rule but are not comprehensive enough and lack sufficient specificity.</li> <li>2. Council's position is that restricted discretionary activity status is the least restrictive activity classification that would be appropriate for a land use rule providing for a retirement village on the Plan Change site.</li> <li>3. Council's position has, in part, been informed by a brief survey of district plan rules for retirement villages in residential zones. This survey concluded that the majority of district plans classify retirement villages as either restricted discretionary or discretionary (unrestricted) activities. I note specifically that the Palmerston North, Napier, Rotorua Lakes and Waitaki District Plans classify retirement villages as discretionary activities. The Auckland Unitary Plan classifies retirement villages as a restricted discretionary activity in higher density residential zones and a discretionary activity in lower density residential zones.</li> <li>4. A restricted discretionary activity rule with an associated structure plan, a comprehensive list of matters of discretion, and a clause requiring notification of Waka Kotahi (New Zealand Transport Agency) would be more appropriate, effective and efficient.</li> <li>5. This approach would provide certainty and clear direction to all parties. It would ensure that the rule is interpreted correctly and consistently.</li> <li>6. The proposed information requirement for an ITA including the outcomes of consultation with Waka Kotahi/New Zealand Transport Agency is considered insufficient. This requirement falls short of notifying or obtaining the written approval of Waka Kotahi and does not require any agreement to be reached with Waka Kotahi.</li> <li>7. State Highway 2 in the vicinity of the SH2/Cashmere Oaks Drive intersection will be directly affected by the increased traffic generated by residential development of the Plan Change site, which will more than double the</li> </ol>

<sup>4</sup> It may be necessary to set vehicle generation rates applicable to the development by way of a standard or matter for discretion, as determined by expert conferencing undertaken between traffic engineers.

			<p>number of residential units that are reliant on access via this intersection. As the road controlling authority for SH2, Waka Kotahi is an affected party and should be notified.</p> <p>8. Matters for discretion should include:</p> <ul style="list-style-type: none"> <li>(i) Whether the activity provides for the roading and street layout shown on the structure plan.</li> <li>(ii) The impact of additional traffic generated by the activity on the safe and efficient operation of the roading network, with specific reference to: <ul style="list-style-type: none"> <li>a. The internal roading network within Cashmere Oaks;</li> <li>b. The intersection of State Highway 2 and Cashmere Oaks Drive; and</li> <li>c. The section of State Highway 2 located between Opaki Meadows Drive and the 50km/h speed limit sign to the north of Fourth Street.</li> </ul> </li> <li>(iii) Whether the activity will have an adverse cumulative effect on the safe and efficient operation of the roading network.</li> <li>(iv) The extent to which the proposal will avoid, remedy, or mitigate effects on the safe and efficient operation of the roading network, including: <ul style="list-style-type: none"> <li>a. Improvements and alterations to existing roads;</li> <li>b. Safety improvements to the intersection of State Highway 2 and Cashmere Oaks Drive; and</li> <li>c. The management of construction traffic effects.</li> </ul> </li> <li>(v) The provision of access and on-site car parking.</li> <li>(vi) Whether the activity provides appropriate opportunities for people to use non-vehicular modes of transport, including: <ul style="list-style-type: none"> <li>a. The provision of public transport facilities and infrastructure; and</li> <li>b. The provision of safe pedestrian and cycle access and connections to existing transport corridors and within the site.</li> </ul> </li> </ul>
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4. SECTION 32 EVALUATION OF ACTIVITY STATUS OPTIONS

4.1 Option 1 – Controlled activity.

- Controlled activity status is appropriate where the effects of an activity are well-understood and anticipated within the relevant zone.
- A controlled activity status is effective in its ability to address the effects arising from the matters over which control is maintained. It therefore requires a degree of certainty that the matters identified address the range of effects associated with the activity.
- A condition on a controlled activity consent cannot change the proposal for which consent is sought.
- Controlled activities cannot be declined by council.

Table 3

Controlled	Effectiveness	Efficiency	Overall Appropriateness	Agree	Disagree
Mitch Lewandowski	<p>1.1 In my assessment, the suite of controls proposed by the Plan Change cover the effects that a retirement village proposal on this site would generate. There is no uncertainty about the effects anticipated from future development of the site, based on the expert evidence before the Hearing Panel.</p> <p>1.2 As a predominantly residential activity (with reference to the definition of retirement village in the National Planning Standards), a retirement village is considered to be an appropriate activity in the residential zone.</p> <p>1.3 Environmental effects from retirement villages are well understood, are not complex, and are consistent across the</p>	<p>2.1 A controlled activity status is efficient in providing for certainty in a resource consent process.</p> <p>2.2 By ensuring that the nature of potential future effects are appropriately covered by the matters of control proposed, and therefore able to be addressed by condition, a controlled activity is an efficient means to provide for the retirement village activity.</p> <p>2.3 A controlled activity status is also efficient in providing a high level of certainty to an Applicant for a subsequent resource consent process. It therefore requires that at a plan change stage, careful consideration is given to ensuring that the matters of control appropriately</p>	<p>3.1 A controlled activity status is in my view an appropriate means to address the issues arising from a retirement village proposal on this Site.</p> <p>3.2 The proposed approach provides a high level of certainty, while ensuring some third party input, and the ability to address potential effects through resource consent conditions. It is therefore the most appropriate with reference to the specific objective of the plan change, and existing objectives of the District Plan.</p>	<p>KSA agree points 1.2 &amp; 1.3 to the extent that retirement villages belong in residential areas.</p>	<p>KSA disagree all other points</p> <p>KSA disagree points 1.2 and 1.3 that for <i>this site</i> a controlled activity will be effective in managing all effects.</p> <p>MB disagrees with all points.</p> <p>With respect to point 1.3, I do</p>

	<p>country. These effects can be readily managed through consent conditions. This is in line with the approach taken by Masterton District Council in respect of The Orchards, and in comparable districts such as Waimakariri. As a retirement village is a residential activity, it follows that it is an appropriate activity on the site should it be rezoned to residential.</p>	<p>address the potential issues arising.</p> <p>2.4 The certainty that is provided also results from the exclusion of third party participation, whether from the broader public or specific parties. Where effects are well understood, it is neither necessary, nor efficient, for third party involvement to occur at the resource consent stage in order to ensure effects are appropriately managed.</p>		<p>not consider it appropriate to compare the Plan Change to The Orchards. The Orchards is in a different roading environment. A more detailed Indicative Concept Plan was included in the District Plan for The Orchards. There are considerably more permitted activity standards for The Orchards, including limits on the number of dwellings and beds.</p>
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					There are also more matters of control in the District Plan for The Orchards.
Kath St Amand	<p>1.1 Ineffective as the traffic generation effects are unlikely to be well-understood.</p> <p>1.2 Ineffective as the traffic generation effects are not anticipated at this location consequentially the transport network infrastructure is not designed to accommodate it safely or efficiently.</p> <p>1.3 Ineffective in addressing relevant resource management issues of the district as the controlled activity rule relates to residential objectives and policies for character and amenity and does not respond to transport or urban growth objectives and policies.</p> <p>1.4 Matters of control are too narrow, do not include transport network safety <i>and</i> efficiency and do not pertain to traffic generation.</p>	<p>2.1 Not efficient because road controlling authorities responsible for state highway 2 and local roads, may not agree or provide approval for the mitigation proposed. This would frustrate any consent granted as a controlled activity, noting council must grant controlled activity applications.</p> <p>2.2 Noting state highway 2 is designated, a separate approval under s176(1)(b) RMA would be required. That approval may not be provided if the requiring authority is not satisfied with the mitigations proposed, further frustrating any controlled activity consent approval, i.e. the mitigations offered and any related conditions imposed could not be given effect to.</p>	<p>3.1 The issue in this case is the ability to avoid, remedy or mitigation traffic generation effects off-site or downstream of an application site.</p> <p>3.2 For the reasons outlined under effectiveness and efficiency I find a controlled activity status inappropriate in being able to address traffic safety and efficiency on the transport network, a significant hurdle to addressing this regionally significant resource management issue and the objectives and policies of the district plan.</p>	<p>MB agrees with all points.</p> <p>ML acknowledges the risk identified at 2.1 and 2.2 in respect of the State Highway. ML notes that the s176 approval process is a separate process, that, together with the need for a consent holder to obtain necessary property approvals from road controlling authorities in order to</p>	ML disagrees with all other points.

	<p>1.5 The Orchards site in Greytown or the Summerset Rangiora site do not offer good effective comparisons because both these locations front and access local roads with several options and no notable downstream traffic generation effects on a key intersection with a regionally significant state highway.</p> <p>1.6 Matters of control do not consider the timing of development relative to mitigation of downstream traffic effects.</p> <p>1.7 Matters of control are overly narrow in singling out the Intersection.</p> <p>1.8 Mitigations proposed under matters for control may be inadequate and may not be able to be substantially changed through consent conditions (i.e., any significant mitigation sought through conditions could be out of scope with a proposal for which consent is sought).</p> <p>1.9 Cumulative effects could not be taken into consideration.</p> <p>1.10 Consent conditions can be challenged.</p>	<p>2.3 Conditions cannot be reliant on the achievement of other approvals, an approval 'chain' should not be created due to the inherent difficulties in aligning regulatory approvals.</p>		<p>implement any relevant roading upgrade measures imposed under the consent, should provide more than enough comfort to the Hearing Panel that a controlled activity status would not result in a roading outcome that does not appropriately manage traffic and road safety effects, and that is unacceptable to Waka Kotahi.</p> <p>Whether s176 approval might be required or not is a separate consideration and not relevant to the</p>	
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				appropriateness of a particular activity status.	
Megan Barr	<p>1.1 Proposed matters of control are, with the exception of water for firefighting, general and subjective. The proposed matters of control lack specificity and, as such, do not provide certainty that adverse effects would be appropriately addressed.</p> <p>1.2 Council has no ability to notify the application (either publicly or on a limited basis<sup>5</sup>) and must grant the consent<sup>6</sup></p>	<p>2.1 Controlled activity status limits Council to imposing conditions with respect to the matters of control<sup>7</sup> and these conditions can be objected to and appealed.</p> <p>2.2 I note that, in the Rangiora example provided by Welhom, Summerset objected to 25 of the conditions of the controlled activity resource consent that followed approval of the Plan Change.</p> <p>2.3 Objections and appeals relating to conditions of consent have financial and time implications for both the applicant and Council. In a protracted appeal situation where parties cannot reach agreement, development could effectively be stymied.</p>	<p>3.1 Council's position is that controlled activity status would not be appropriate because the nature and scale of adverse effects is not certain, noting the proposed provisions (as currently drafted) do not limit the number of residential units within the retirement village and allow for multiple buildings within the approximately 6,000m<sup>2</sup> area of the site with a 14m maximum height.</p> <p>3.2 The numbers the Traffic Assessment prepared by Stantec is based on are an estimate only and should not be relied on. There is nothing in the proposed provisions to prevent a more intense development with greater effects occurring.</p>	<p>KSA agrees with all points</p> <p>ML agrees with 1.2, 2.1, 2.2, and 2.3, and notes that objections and appeals can arise from any activity status.</p>	ML disagrees with all other points.

<sup>5</sup> s95A(5)(b)(i) & s95B(6)(b) RMA 1991

<sup>6</sup> s87A(2) RMA 1991

<sup>7</sup> s87A(2)(b) RMA 1991

4.2 Option 2 - Restricted Discretionary activity:

- A restricted discretionary activity narrows the range of issues to be considered through a resource consent process and can narrow the identification of affected parties and requirements for notification (s77D RMA).
- Care needs to be taken in specifying the matters over which council restricts its discretion. These should not be too narrow or too wide.
- Restricted Discretionary activities may be associated with restrictions, conditions and permissions.
- There is the ability to impose conditions or decline consent on a matter of discretion.
- Council can consider RMA Part 2 matters in granting consent.

**Table 4:**

<b>Restricted Discretionary (notification Waka Kotahi)</b>	Effectiveness	Efficiency	Overall Appropriateness	Agree	Disagree
Mitch Lewandowski	<p>1.1 As for a restricted discretionary activity (non-notified) below, except that this option would require the notification of Waka Kotahi.</p> <p>1.2 Notification should be considered where it would result in information coming before a decision-maker that would aid in decision making to understand and manage effects, including any appropriate measures to be implemented to manage those effects.</p> <p>1.3 The matters of control require an ITA to be submitted with a future resource consent application (as provided for through the information requirements relating to a retirement village). As part of this</p>	<p>2.1 The distinction between this option and a non-notified restricted discretionary option relates to the ability to notify Waka Kotahi of a future proposal.</p> <p>2.2 Given the matters of control already provide a process for Waka Kotahi's position on effects on the State Highway, including Waka Kotahi's view on the measures required to manage those effects, notification to Waka Kotahi results in a significantly less efficient outcome as it will result in the re-litigation of</p>	<p>3.1 For equivalent reasons to a non-notified restricted discretionary activity, I do not consider this option to be the most appropriate option. The distinction between the two is the ability to provide for Waka Kotahi involvement.</p> <p>3.2 Providing for this option would serve to allow for re-litigation of matters addressed at this plan change stage. Rather, the plan change provisions propose to seek Waka Kotahi input in the preparation of an ITA.</p>	KSA disagree all points, notification is likely to result in the aiding of a decision, noting that doubling (or more) of traffic generation at the	MB disagrees with all other points. Council does not agree that consulting Waka Kotahi as part of an ITA is appropriate or sufficient in the

	<p>process the applicant would be required to consult with Waka Kotahi and record Waka Kotahi's feedback. This process would allow the Council as consent authority to understand any effects generated on State Highway 2 without the need for Waka Kotahi to be a notified party.</p> <p>1.4 Given the information requirements proposed as part of the preparation of the ITA, I do not consider this option to be any more effective option as a result, and I do not consider that this activity status (with provision for notification) is any more effective than a controlled activity status, based on the proposed matters of control.</p>	<p>the matters already in dispute as part of this plan change process, including the potential for Environment Court appeals. This approach provides no certainty to an Applicant that future development could be achieved, and could potentially delay development of the Site for a number of years, or prevent it proceeding altogether, neither of which is an efficient outcome.</p>	<p>3.3 I do not consider this option to be warranted, and therefore do not consider it to be the most appropriate option.</p>	<p>intersection is not insignificant.</p> <p>MB agrees with points 1.2 and 2.1 only</p>	<p>context of the direct impact of residential development on the safety and efficiency of the intersection of State Highway 2 and Cashmere Oaks Drive.</p>
<p>Kathryn St Amand</p>	<p>1.1 Effective in being able to respond to a wide range of issues, objectives and policies identified in the district plan, including transport, urban growth, and residential chapters.</p> <p>1.2 Effective if resource consent is required to be achieved on a comprehensive basis so that cumulative traffic generation effects can be addressed. This should be a standard or precondition.</p> <p>1.3 Effective if development proposals follow a structure plan for transport network issues providing</p>	<p>2.1 Potentially inefficient if future applicants are unable to offer the level of mitigation required to manage (remedy or mitigate) traffic generation effects of development on the wider transport network.</p> <p>2.2 If third party written approval is not forthcoming, a hearing may still be required, and Council can determine to decline the application. An appeal may follow, relitigating traffic and transport issues in this way would not be efficient.</p>	<p>3.1 This consenting pathway is appropriate because it will provide certainty for the process. This view is premised on there being very clear expectations outlined by restricted discretionary rule conditions, standards or preconditions linked to a detailed structure plan comprehensive development.</p> <p>3.2 It is also appropriate that a rule structure responds to all relevant objectives and policies of a district plan, in this case transport and urban growth objectives and</p>	<p>MB agrees with all points</p> <p>ML agrees with 1.1 but disagrees that a controlled activity status does not achieve</p>	<p>ML disagrees with all other points.</p>

	<p>a 'no surprises' approach for future applicants. The structure plan should be a standard or precondition.</p> <p>1.4 Effective as the scope of discretion can address all traffic effects. See 3.2 above for a proposed framework on matters of discretion.</p> <p>1.5 Effective in being able to include affected parties in the process.</p> <p>1.6 Effective in that applications can be approved or declined if insufficient mitigation is proposed.</p>	<p>2.3 To avoid relitigating these issues and ensure efficiency, it would be beneficial to include a rule precondition or standard linked to a detailed structure plan that identifies the likely interventions required, and a need to achieve resource consent for a comprehensive development of the site (albeit staging could be a matter of discretion). Such early indications will ensure a no surprises approach to transport network effects and resource management thereof.</p> <p>2.4 Direct notification provisions could be an efficient way of dealing with effects relating to the state highway given that there are unlikely to be other parties directly affected and Waka Kotahi acts on behalf of the general public on state highway matters.</p>	<p>policies are relevant along with residential zone objectives and policies. A restricted discretionary status can do that.</p>	<p>the same outcome.</p> <p>ML agrees with 2.2.</p>	
Megan Barr	<p>1.1 A restricted discretionary activity rule with an associated structure plan, a comprehensive list of matters of discretion, and a clause requiring notification of Waka Kotahi (New Zealand Transport Agency) would be effective.</p>	<p>2.1 A restricted discretionary activity rule with an associated structure plan, a comprehensive list of matters of discretion, and a clause requiring notification of Waka Kotahi (New</p>	<p>3.1 Council's position is that restricted discretionary activity status is the least restrictive activity classification that would be appropriate for a land use rule providing for a</p>	<p>KSA agrees with all points</p>	<p>ML disagrees with all other points.</p>



	<p>1.2 State Highway 2 in the vicinity of the SH2/Cashmere Oaks Drive intersection will be directly affected by the increased traffic generated by residential development of the Plan Change site, which will more than double the number of residential units that are reliant on access via this intersection.</p> <p>1.3 As the road controlling authority for SH2, Waka Kotahi is an affected party and should be notified.</p>	<p>Zealand Transport Agency) would be efficient.</p> <p>2.2 The notification clause would be limited to Waka Kotahi and thereby not draw other parties and complicating factors in</p> <p>2.3 This approach would provide certainty and clear direction to all parties, including processing planners.</p> <p>2.4 It would ensure that the rule is interpreted correctly and consistently.</p> <p>2.5 It would also give Council the ability to impose conditions or decline consent on a matter of discretion.</p>	retirement village on the Plan Change site.	ML agrees with 1.2.	
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**Table 5:**

<b>Restricted Discretionary (non-notified)</b>	Effectiveness	Efficiency	Overall Appropriateness	Agree	Disagree
Mitch Lewandowski	<p>1.1 Similar to a controlled activity, a restricted discretionary activity narrows the range of issues to be considered through a resource consent process. There is a strong similarity in the way matters of control for a controlled activity, and</p>	<p>2.1 A restricted discretionary status (with a notification restriction) is less efficient in providing for certainty in a resource consent process as compared to a controlled activity status. This is due to</p>	<p>3.1 A restricted discretionary (non-notified) activity status would only be appropriate where an activity could give rise to effects that are not capable of being managed through conditions such</p>	MB agrees with points 1.1 and 2.2 only	KSA disagree all points noting that whilst all transport and

	<p>matters of discretion, are framed and operate.</p> <p>1.2 The key distinction is the ability to decline consent, with reference to the matters of discretion. If there were a situation where there were some uncertainty, and therefore the potential for decline, then this would be more effective than a controlled activity status. The ability for consent to be declined is only relevant where the Hearing Panel does not have comfort that the effects of a retirement village are not capable of being appropriately managed through consent conditions. However, I do not consider that to be the case here.</p> <p>1.3 I consider that the range of potential effects that may arise from a retirement village scenario do not necessitate an ability to decline consent. Rather, I consider that the activity is appropriate in the context of the site, and that the matters over which Council would retain control are sufficient to effectively address potential effects.</p> <p>1.4 Given that I consider that a controlled activity can appropriately address the range of potential effects through conditions, a restricted discretionary (non-notified) activity</p>	<p>the potential for an activity to be declined.</p> <p>2.2 A restricted discretionary activity status can be precluded from public and limited notification, providing comparable certainty on notification as a controlled activity. In a non-notified scenario, it's key distinction is in the ability to decline resource consent.</p> <p>2.3 While both this option and a controlled activity option narrow the potential effects to be considered, I consider that this option is less efficient than a controlled activity overall as it gives less certainty to an Applicant in a resource consent process. The distinction between this option and a controlled activity option, and therefore is overall efficiency, turns on the ability to decline consent.</p>	<p>that declining a future resource consent might be warranted. I do not consider that such a situation arises in this case.</p> <p>3.2 If this option were to be pursued, Waka Kotahi input would still be achieved through consultation informing the preparation of an ITA, akin to the controlled activity option.</p> <p>3.3 In my view of the current context, the matters of control proposed are equivalent to what would be required as matters of discretion. Thereby the distinction between this option and a controlled activity option turns on the ability to decline consent which I do not consider is a necessary option.</p> <p>3.4 Resultingly, I do not consider this the most appropriate option to achieve the objective of the plan change and other existing objectives of the District Plan.</p>		<p>traffic effects can be mitigated, any applicant may not propose or agree to do so in a way that achieves relevant district plan objectives and policies, or higher order policy documents</p> <p>MB disagrees with all other points. With reference to point 3.1, Council's position remains that the Plan</p>
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	status is not considered to be more effective than a controlled activity status.				Change provisions (as currently drafted) could give rise to far greater adverse effects than those contemplated based on the estimated number of units used in the Stantec ITA.
Kathryn St Amand	<p>1.1 See the foregoing table on effectiveness of a restricted discretionary pathway. Below are comments on non-notification option only.</p> <p>1.2 Not as effective considering effects on the state highway should be able to be managed with Waka Kotahi's involvement, but more effective than a controlled activity.</p>	<p>2.1 See above comments for restricted discretionary (notified to Waka Kotahi). Efficiency is premised on how a restricted discretionary activity rule is structured, including use of a structure plan and requirement for comprehensive development consents.</p> <p>2.2 Not as efficient as providing direct notification to Waka Kotahi given the need to</p>	3.1 This consenting pathway is appropriate however does not provide the level of certainty that direct notification to Waka Kotahi does. This view is premised on there being very clear expectations outlined by restricted discretionary rule conditions, standards or preconditions linked to a detailed structure plan and comprehensive development.	MB agrees with all points	ML disagrees with all points.

		address impacts on the state highway.	3.2 It is also appropriate that a rule structure responds to all relevant objectives and policies of a district plan, in this case transport and urban growth objectives and policies are relevant along with residential zone objectives and policies.		
Megan Barr	<p>1.1 A restricted discretionary activity rule with an associated structure plan and a comprehensive list of matters of discretion would be more effective than a controlled activity rule.</p> <p>1.2 However, without a clause requiring notification of Waka Kotahi (New Zealand Transport Agency) the rule would not be as effective as possible.</p> <p>1.3 State Highway 2 in the vicinity of the SH2/Cashmere Oaks Drive intersection will be directly affected by the increased traffic generated by residential development of the Plan Change site, which will more than double the number of residential units that are reliant on access via this intersection.</p> <p>1.4 As the road controlling authority for SH2, Waka Kotahi is an affected party and should be notified.</p>	<p>2.1 A restricted discretionary activity rule with an associated structure plan and a comprehensive list of matters of discretion would be more efficient than a controlled activity rule.</p> <p>2.2 However, without a clause requiring notification of Waka Kotahi (New Zealand Transport Agency) the rule would not be as efficient as possible.</p> <p>2.3 This approach would provide certainty and clear direction to all parties, including processing planners.</p> <p>2.4 It would ensure that the rule is interpreted correctly and consistently.</p> <p>2.5 It would also give Council the ability to impose conditions or decline consent on a matter of discretion.</p>	3.1 Council's position is that restricted discretionary activity status is the least restrictive activity classification that would be appropriate for a land use rule providing for a retirement village on the Plan Change site.	<p>KSA agrees with all points.</p> <p>ML agrees with 1.3.</p>	ML disagrees with all other points.

4.3 Option 3 – Discretionary Activity

- Discretionary activities can be declined or granted (with or without conditions).
- A rule can state if applications need to be notified or non-notified (s77D RMA).
- There is no limit on the matters that may be considered, but in assessing applications the gateway test in s104 RMA does not need to be satisfied.
- Discretionary activities may be associated with restrictions, conditions and permissions.

**Table 6**

Discretionary	Effectiveness	Efficiency	Overall Appropriateness	Agree	Disagree
Mitch Lewandowski	<p>1.1 The effectiveness of a discretionary activity lies in its catch all consideration of effects. This allows it to provide for activities that could be appropriate in some instances, but that are not an ordinarily expected, or potentially compatible, activity within a given zoning. Resultingly, the associated discretion is unlimited in its consideration of all effects.</p> <p>1.2 do not consider that a discretionary activity would be effective in this case. The issues arising from a retirement village proposal are well understood and readily manageable through conditions. A discretionary activity status is therefore no more effective than the other options considered (and risks</p>	<p>2.1 I do not consider a discretionary activity status to be efficient. The nature of potential effects is sufficiently narrow to make this the least efficient option of those considered.</p> <p>2.2 A discretionary activity status will not achieve any additional outcome as compared to either restricted discretionary option.</p> <p>2.3 I do not consider that public or wider limited notification of a future proposal is required, and therefore a discretionary activity status does not provide for any greater efficiency in notification terms.</p>	<p>3.1 I do not consider this option to be appropriate, and consider this option to be the least appropriate option of those considered.</p>	<p>KSA agree to the extent that Discretionary would not be any more effective and not as efficient as restricted discretion.</p> <p>MB agrees with point 1.1.</p>	<p>KSA 1.1 &amp; 3.1 to the extent this site has downstream transportation and traffic effects that are not contemplated by the design &amp; build of existing infrastructure. Discretionary activity status may still be appropriate.</p>

	<p>distracting the consent authority from focussing its assessment on resource management issues that are relevant and are required to be addressed).</p> <p>1.3 The nature of the effects of the activity are known and can be suitably narrowed as a result. In terms of the consideration of the range of effects that may result, it would be no more efficient than a controlled activity.</p> <p>1.4 I note that the existing District Plan uses a discretionary activity status as a 'catch-all' rule (Rule 5.5.5) for any activities not otherwise provided for. This existing approach supports the consideration that a discretionary activity is not an effective means of providing for an activity that is compatible with the proposed residential zoning.</p>				<p>While Council is not recommending a discretionary activity status, MB does not agree with the reasoning and opinions advanced in points 1.2, 1.3, 1.4, 2.1, 2.2, 2.3 and 3.1.</p>
<p>Kathryn St Amand</p>	<p>1.1 This activity status may be effective where there is no structure plan or requirement to comprehensively develop a retirement village.</p> <p>1.2 All district plan objectives and policies could be effectively considered.</p>	<p>2.1 May not be as efficient as restricting discretion as all matters can be considered.</p> <p>2.2 Restricting matters would also focus issues compared to full discretion which may not be as efficient.</p>	<p>3.1 An appropriate activity status given this would allow all matters to be considered and addressed relative to district plan objectives and policies.</p>	<p>MB agrees with all points</p> <p>ML agrees with 1.2 but does not</p>	<p>ML disagrees with all other points.</p>

	<p>1.3 As discretion is not limited, any piecemeal approach to development and related resource consent applications could be effectively considered along with cumulative effects.</p>		<p>3.2 This would not be as efficient a status considering how a restricted discretionary activity framework could be applied.</p>	<p>agree that a controlled activity status would ignore other objectives and policies.</p> <p>ML agrees with 2.2.</p>	
Megan Barr	<p>1.1 A discretionary activity rule would be effective in that it would allow Council to consider all effects of an application, notify the application if necessary, and decline the application if necessary.</p>	<p>2.1 A discretionary activity rule may be less efficient than a restricted discretionary activity rule as it would broaden the scope of matters to be considered.</p> <p>2.2 A discretionary activity rule would be less directive for processing planners as it wouldn't specify matters of distinction.</p>	<p>3.1 Overall, a discretionary activity rule would be effective but is likely to be less efficient than a restricted discretionary rule.</p>	<p>ML agrees with 2.1.</p>	<p>ML disagrees with all other points.</p>

## 5. CONSIDERATION OF THE NEED FOR A STRUCTURE PLAN

5.1 A potential structure plan outline and the related objectives and policies of the district plan are provided for the Commissioners benefit in Appendix 2. The opinions in the following tables pertain to this Appendix.

**Table 7:**

Structure Plan inclusions	Agree	Disagree	Reason
Mitch Lewandowski		Y	<ol style="list-style-type: none"> <li>1. I do not consider that a structure plan is required. The proposed Outline Development Plan clearly identifies the portion of a site available to a retirement village, entry into the site, provision for additional height associated with a retirement village, landscape buffer requirements, and potential future connections through the site.</li> <li>2. I consider that other potential effects and roading interventions can appropriately be considered and imposed through consent conditions as a controlled activity (or restricted discretionary activity if that is preferred by the Hearing Panel).</li> </ol>
Kathryn St Amand	Y		<ol style="list-style-type: none"> <li>1. Relates specifically to all relevant objectives and policies of the district plan.</li> <li>2. Has scope to address effects identified by transport chapter objectives and policies</li> <li>3. Relates to timing of other key regulatory processes affecting changes in the road transport network</li> <li>4. Considers effects for the length of state highway impacted by any intersection transformation / upgrade</li> <li>5. Considers multi-modal transport options</li> <li>6. Considers all local road connections</li> </ol>
Megan Barr	Y		<ol style="list-style-type: none"> <li>1. Council agrees with Waka Kotahi's position and considers that, if the Hearing Panel recommends the Plan Change be approved, a structure plan and associated restricted discretionary activity rule would be effective, efficient and appropriate.</li> <li>2. A structure plan would ensure necessary infrastructure improvements and interventions required to facilitate residential development of the Plan Change site are delivered when and where they are necessary and in a coordinated fashion.</li> </ol>



			<p>3. A structure plan would also allow for the inclusion of a clearer, more comprehensive plan in the District Plan than the currently proposed Outline Development Plan. It would enable the plan to be amended to more accurately reflect the proposed area of land to be used for a retirement village, noting that the preparatory subdivision consent created a 10ha allotment and not a 9ha allotment. It would also enable the plan to be amended to show that the only legal access to the site is from Cashmere Oaks Drive to the south and clarify that the access to the north is a possible future access only.</p>
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5.2 Inclusion of a requirement to comply with a structure plan as a permission or precondition to a controlled or restricted discretionary activity rule.

**Table 8**

Structure Plan as rule precondition	Required	Not required	Reasons	Agree	Disagree
Mitch Lewandowski		Y	<p>1. If a Structure Plan was deemed necessary by the Hearing Panel, then I agree that consistency with the Structure Plan would need to be a point of assessment. In this respect, the proposed assessment criteria already specifies consistency with the Outline Development Plan as a matter of assessment.</p>	<p>KSA disagrees</p> <p>MB agrees that consistency with the structure plan would need to be a point of assessment.</p>	<p>MB does not agree that requiring consistency with the Outline Development Plan is an effective or useful assessment criteria because of the limited</p>

					information in the Outline Development Plan.
Kathryn St Amand	Y		<ol style="list-style-type: none"> <li>1. Infrastructure upgrades are necessary to align with district plan objectives and policies. Identifying the likely upgrades in a structure plan provides future applicants with some certainty over what is to be achieved within the transport network in relation to either subdivision or land use.</li> <li>2. It is my opinion this is best done under a restricted discretionary rule framework, for the reasons given above in 4.2 and 4.3.</li> <li>3. As the intersection threshold (for vehicle generation and development) has been reached by existing consented development within the Cashmere Oaks subdivision area<sup>8</sup>, all further development relying on the intersection and associated roading network must respond directly to the increase in demand placed on the roading infrastructure and the upgrades required to support that.</li> <li>4. Identification of alignment with other regulatory processes, including timing, is key. Misaligned or poor timing may result in a failure to achieve mitigation, so it is appropriate that timing is clearly identified, otherwise the mitigating infrastructure may not be able to be built, thus mitigation will not be available.</li> <li>5. A restricted discretionary rule permission or precondition for both residential subdivision and retirement village development should require both a) roading upgrades in-line with the structure plan, and b) timing for those upgrades in-line with other regulatory processes.</li> <li>6. Whether or not timing for upgrades aligns with occupation of future land uses can be determined via consent conditions and does not need to form part of a permission or precondition to an activity status rule.</li> <li>7. Failure of future development proposals to achieve the structure plan in any way should trigger a higher order rule status, such as Discretionary, so the road safety and efficiency effects on the transport network can be fully examined.</li> </ol>	MB agrees with all points	ML disagrees.

<sup>8</sup> Waka Kotahi letter dated 22 December 2009

Megan Barr	Y		<p>1.1 Council considers that, if the Hearing Panel recommends the Plan Change be approved, a structure plan and associated restricted discretionary activity rule would be the most effective, efficient and appropriate option.</p> <p>1.2 A structure plan would ensure necessary infrastructure improvements and interventions required to facilitate residential development of the Plan Change site are delivered when and where they are necessary and in a coordinated fashion.</p>		ML disagrees.
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5.3 Inclusion of a structure plan as a matter of control or discretion:

**Table 9**

Structure plan as matter of control or discretion	Required	Not required	Reasons	Agree	Disagree
Mitch Lewandowski		Y	1. I do not consider that a structure plan is required. The proposed Outline Development Plan clearly identifies the portion of a site available to a retirement village, entry into the site, provision for additional height associated with a retirement village, landscape buffer requirements, and potential future connections through the site.		MB disagrees
Kathryn St Amand	Y		<p>1. Potentially required to assist with the identification of affected parties and notification parameters for a rule, and required to enable the consent authority to impose appropriate conditions in line with effects mitigation, including timing of infrastructure provision, timing of occupancy of the land/buildings proposed, and financial contributions.</p> <p>2. Also required because the quantum of traffic effects from future land use or subdivision proposals can only be fully understood at the point in time when a resource consent is lodged.</p>	MB agrees with all points	ML disagrees

			3. The structure plan could assist with quantifying the financial contributions payable if that is to be different from the standard 2% provided for in the district plan rules, particularly where works (in keeping with the structure plan) are required to be carried out by the consent holder.		
Megan Barr	Y		<ol style="list-style-type: none"> <li>1. Council considers that, if the Hearing Panel recommends the Plan Change be approved, a structure plan and associated restricted discretionary activity rule would be the most effective, efficient and appropriate option.</li> <li>2. A structure plan would ensure necessary infrastructure improvements and interventions required to facilitate residential development of the Plan Change site are delivered when and where they are necessary and in a coordinated fashion.</li> </ol>		

24 March 2023

\_\_\_\_\_  
Mitch Lewandowski

\_\_\_\_\_  
Kathryn St Amand

\_\_\_\_\_  
Megan Barr

## APPENDIX 1 – PROVISIONS INFORMING THE JWS

## APPENDIX 2 – CHANGES TO THE DISTRICT PLAN

### Guide

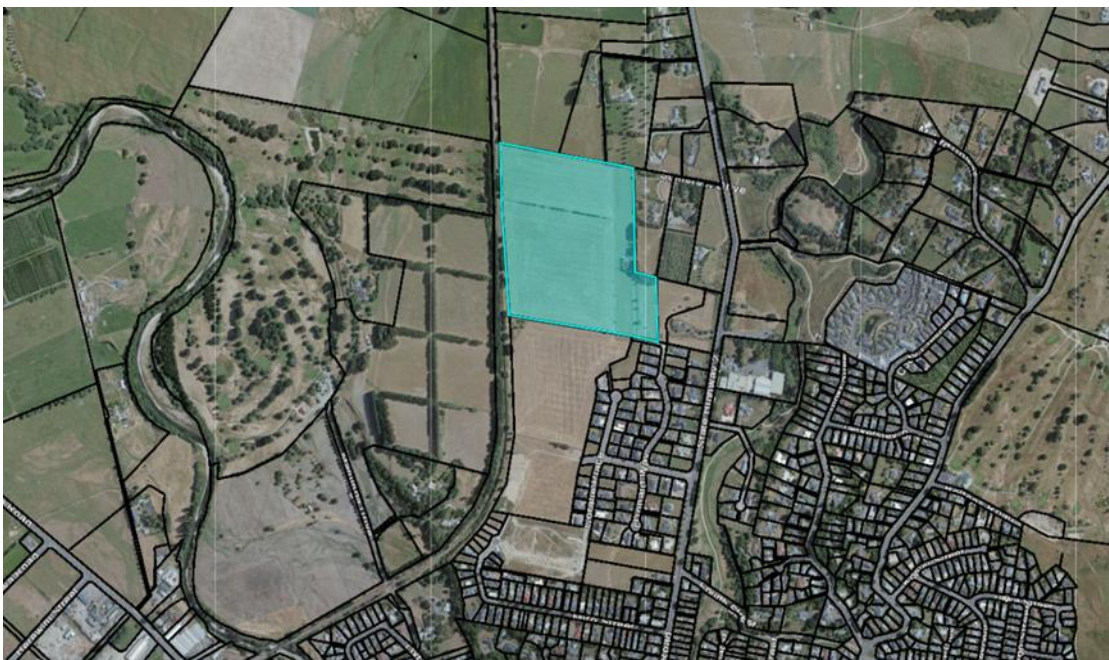
- Existing District Plan text is in normal font.
- Changes originally proposed by Welhom Developments Ltd as part of the Request are shown underline and ~~strikethrough~~.
- Changes proposed by officer recommendations are red underline and ~~red strikethrough~~.
- Further changes proposed by Welhom Developments Ltd in response to Council section 42A report and submissions are shown in blue underline and ~~blue strikethrough~~.
- Further changes proposed by Welhom Developments Ltd in response to Waka Kotahi evidence are shown in green underline.

### Amendment 1

#### Amend Masterton Edition Volume 2 Maps of the District Plan as follows:

Change the zoning of the Site from Rural (Primary Production) to Residential.

Move the Rural-Urban Boundary notation to include the Site.



### Amendment 2

#### Amend Masterton Edition Volume 1 Text – Part C – Consent Process and General Provisions - Section 27 Definitions of the District Plan as follows:

Delete the existing definition of retirement village:

~~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.~~

Insert a new definition of retirement village as follows:

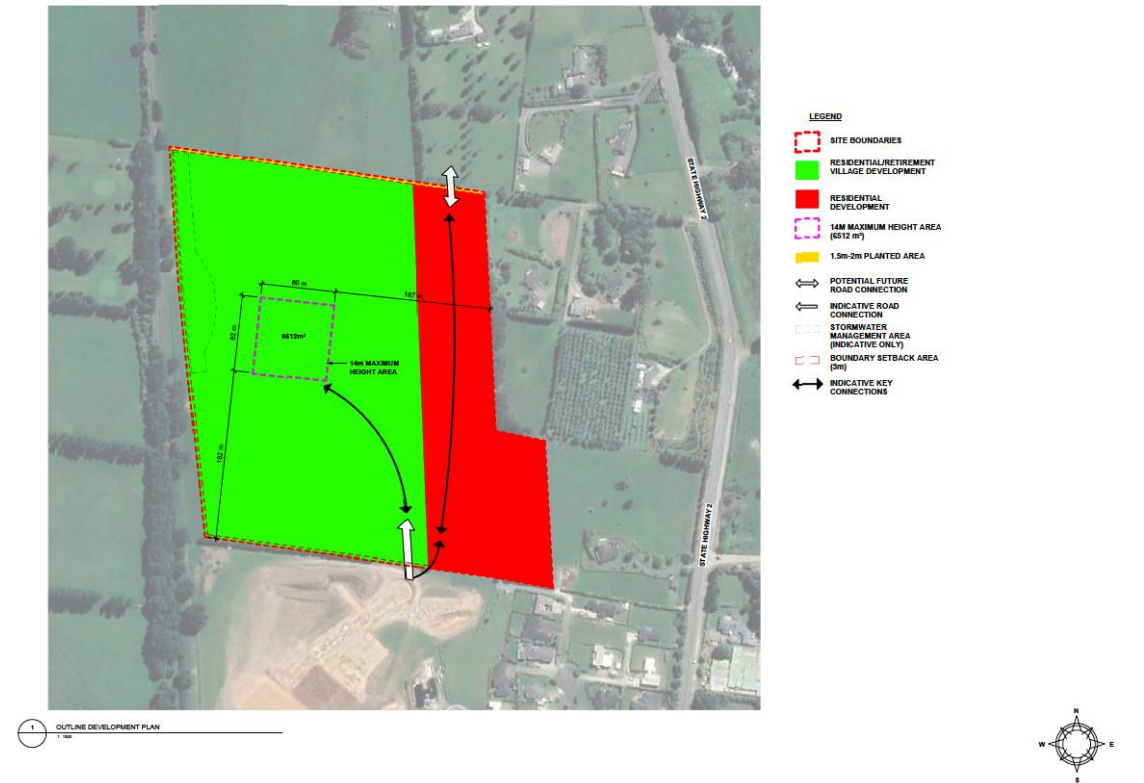
Retirement village – means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

### Amendment 3

Amend Masterton Edition Volume 1 Text – Part D – Appendices of the District Plan as follows:

Insert new Appendix 16:

#### Outline Development Plan



~~Modified by: extending the 1.5m-2m planted buffer around all external site boundaries.~~

### Amendment 4

Amend Masterton Edition Volume 1 Text - Part A – Environmental Zones – 5 Residential Zones of the District Plan as follows:

Amend Policy 5.3.2(k) as follows:

- (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) and on the land identified as **'RESIDENTIAL/RETIREMENT VILLAGE DEVELOPMENT'** in Appendix 16 subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.



Amend standard 5.5.2(f):

**(f) Number of dwellings**

- (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)).
- (ii) For the land identified in Appendix 16, the total number of dwellings per site, not associated with a retirement village, is limited to 1.

Insert new standard 5.5.2(n):

**Mitigation of noise and vibration on land identified in Appendix 16**

(1) Indoor railway noise

Within 100m of the legal boundary of a railway network:

- (a) any new building or alteration to an existing building that contains ~~an activity sensitive to noise~~ a noise sensitive activity where the building or alteration:
  - (i) is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table; ~~or~~

<u>Building Type</u>	<u>Occupation/Activity</u>	<u>Maximum railway noise level LAeq(1h)</u>
<u>Residential</u>	<u>Sleeping spaces</u>	<u>35dB</u>
	<u>All other habitable rooms</u>	<u>40dB</u>
<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40dB</u>
	<u>Clinic, consulting rooms, theatres, nurses stations</u>	<u>45dB</u>

or

- (b) is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to all points 3.8 metres above railway tracks, or
  - (c) is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule 1.
- (2) Mechanical ventilation

If a building is constructed in accordance with 1(c), or if windows must be closed to achieve the design noise levels in 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that:

- (a) For habitable rooms for a residential activity, achieves the following requirements:
  - (i) Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
  - (ii) Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
  - (iii) Provides relief for equivalent volumes of spill air;
  - (iv) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
  - (v) Does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.
- (b) For other spaces, is as determined by a suitably qualified and experienced person.

(3) Indoor railway vibration

Any new buildings or alterations to existing buildings containing ~~an activity sensitive to noise~~ a noise sensitive activity, closer than 60 metres from the boundary of a railway network:

- (a) Is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.6 mm/s vw,95 or
- (b) Is a single-storey framed residential building with:
  - (i) A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and
  - (ii) Vibration isolation separating the sides of the floor slab from the ground; and
  - (iii) No rigid connections between the building and the ground.

(4) A report is submitted to the Council demonstrating compliance with (1) to (3) above (as relevant) prior to the construction or alteration of any building containing ~~an activity sensitive to noise~~ a noise sensitive activity. In the design:

- (a) Railway noise is assumed to be 64dB LAeq(1h) at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.

Schedule 1. Construction schedule for indoor noise control

<u>Elements</u>	<u>Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</u>	
<u>External walls</u>	<u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 km/m<sup>3</sup>)</u>	
	<u>Cladding and internal wall lining complying with either Options A, B or C below:</u>	
	<u>Option A – Light cladding: timber weatherboard or sheet materials with surface mass between 8kg/m<sup>2</sup> and 30kg/m<sup>2</sup> of wall cladding</u>	<u>Internal lining of minimum 17kg/m<sup>2</sup> plasterboard, such as two layers of 10mm thick high density plasterboard, on resilient/isolating mountings</u>
	<u>Option B - Medium cladding: surface mass between 30 kg/m<sup>2</sup> and 80 kg/m<sup>2</sup> of wall cladding</u>	<u>Internal lining of minimum 17 kg/m<sup>2</sup> plasterboard, such as two layers of 10 mm thick high density plasterboard</u>
	<u>Option C - Heavy cladding: surface mass between 80 kg/m<sup>2</sup> and 220 kg/m<sup>2</sup> of wall cladding</u>	<u>No requirements additional to New Zealand Building Code</u>
<u>Roof/ceiling</u>	<u>Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m<sup>3</sup>)</u>	
	<u>Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in</u>	
	<u>Roof type and internal ceiling lining complying with either Options A, B or C below:</u>	
	<u>Option A - Skillion roof with light cladding: surface mass up to 20 kg/m<sup>2</sup> of roof cladding</u>	<u>Internal lining of minimum 25 kg/m<sup>2</sup> plasterboard, such as two layers of 13 mm thick high density plasterboard</u>

	<u>Option B - Pitched roof with light cladding: surface mass up to 20 kg/m<sup>2</sup> of roof cladding</u>	<u>Internal lining of minimum 17 kg/m<sup>2</sup> plasterboard, such as two layers of 10 mm thick high density plasterboard</u>
	<u>Option C - Roof with heavy cladding: surface mass between 20 kg/m<sup>2</sup> and 60 kg/m<sup>2</sup> of roof cladding</u>	<u>No requirements additional to New Zealand Building Code</u>
<u>Glazed areas</u>	<u>Aluminium frames with full compression seals on opening panes</u>	
	<u>Glazed areas shall be less than 35% of each room floor area</u>	
	<u>Either, double-glazing with:</u> <ul style="list-style-type: none"> <li>• <u>a laminated pane of glass at least 6 mm thick; and</u></li> <li>• <u>a cavity between the two panes of glass at least 12 mm deep; and</u></li> <li>• <u>a second pane of glass at least 4 mm thick</u></li> </ul> <u>Or, any other glazing with a minimum performance of Rw 33 dB</u>	
<u>Exterior doors</u>	<u>Exterior door with line-of-sight, to any part of the state highway road surface or to any point 3.8 metres above railway tracks</u>	<u>Solid core exterior door, minimum surface mass 24 kg/m<sup>2</sup>, with edge and threshold compression seals; or other doorset with minimum performance of Rw 30 dB</u>
	<u>Exterior door shielded by the building so there is no line-of-sight to any parts of the state highway road surface or any points 3.8 metres above railway tracks</u>	<u>Exterior door with edge and threshold compression seals</u>

Insert new standard 5.5.2(o):

**Land identified as 'RESIDENTIAL/RETIREMENT VILLAGE DEVELOPMENT' in Appendix 16**

All buildings and activities associated with the development and operation of a retirement village within the land identified as 'RESIDENTIAL/RETIREMENT VILLAGE DEVELOPMENT' in Appendix 16 shall comply with all Residential Zone and District-wide permitted activity standards, except where the following apply:

- (1) The maximum height of ~~buildings~~ ~~the hospital care building~~ ~~a building or buildings comprising the main building used for retirement village or aged care uses~~ shall be 14 metres in the area identified as '14M MAXIMUM HEIGHT AREA' in the Outline Development Plan in Appendix 16
- (2) Minimum building setbacks shall be 3m from all external boundaries
- (3) Stormwater from buildings and hard surfaces from within the retirement village area identified in Appendix 16 shall be managed and attenuated on-site using low impact urban design measures such that post-development peak flow and total discharge from the site does not exceed a pre-development scenario, and all stormwater from the site shall be managed and disposed of in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure
- (4) 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 4m<sup>2</sup>
  - (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 requirement 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, be flashing or moving.

Insert new Rule 5.5.3(e):

### 5.5.3 Controlled Activities

The following are Controlled Activities:

[...]

**(e) Within the land identified as 'RESIDENTIAL/RETIREMENT VILLAGE DEVELOPMENT' at Appendix 16, the construction and operation of a retirement village.**

The matters over which control is reserved are:

- (i) The design, scale and appearance of all buildings
- (ii) The provision of adequate supply of water for firefighting in accordance with the Code of Practice SNZ PAS 4509:2008
- (iii) The provision of water supply, wastewater disposal and for stormwater collection and disposal
- (iv) Roading, road safety, and the provision of access and parking spaces, specifically including:
  - (a) Improvements and alterations to existing roads
  - (b) Safety improvements to the intersection of State Highway 2 and Cashmere Oaks Drive
  - (c) The provision for public transport facilities and infrastructure
  - (d) The provision of safe pedestrian and cycle access and connections to existing transport corridors and within the site
  - (e) The management of construction traffic effects.
- ~~(v) The provision for safe pedestrian and cycle access throughout the site~~
- (v) The provision of landscaping, screening and open spaces.
- (vi) Signage
- (vii) Earthworks, sediment and dust management.
- (viii) Financial contributions

## Amendment 5

Amend Masterton Edition Volume 1 Text - Part C – Consent Process and General Provisions – 22 Assessment Criteria of the District Plan as follows:

Insert new assessment criteria at 22.2.25.

**22.2.25 Retirement Village on land identified as 'RESIDENTIAL/RETIREMENT VILLAGE DEVELOPMENT' in Appendix 16**

- (i) The ability of the proposal to integrate with surrounding land uses, with regard to:

- (1) fencing and boundary treatments;
- (2) connectivity, including the configuration and location of pedestrian and vehicle accesses.
- (ii) Creation of visual quality and variety as assessed from the public realm through the separation of buildings, building orientation, and in the use of architectural design, detailing, glazing, materials, colour and landscaping.
- (iii) The extent to which the development is consistent with the indicative Outline Development Plan contained in Appendix 16.
- (iv) The safety, effectiveness and efficiency of [transport infrastructure](#), utilities and services.
- (v) The proposed stormwater management within the site.

## **Amendment 6**

**Amend Masterton Edition Volume 1 Text - Part C – Consent Process and General Provisions – 26 Information to be Supplied with Resource Consent Applications of the District Plan as follows:**

Insert the following into 26.3.5 'Information Schedule 5: Controlled Activities' at 26.3.5(i)

**(i) Retirement Village on land identified as 'RESIDENTIAL/RETIREMENT VILLAGE DEVELOPMENT' in Appendix 16**

- (i) A landscape plan showing the proposed landscaping and screening treatment for the proposal. [The landscape plan should include the following:](#)
  - [Street tree and amenity planting, including proposed buffer planting along the northern external boundaries of the Site;](#)
  - [Reserves/open space design;](#)
  - [Transport network \(roads, pedestrian and cycle links\); and](#)
  - [Stormwater basin and swale design.](#)
- (ii) [An Integrated Transportation Assessment, which shall address but is not limited to:](#)
  - (a) Improvements and alterations to existing roads;
  - (b) Safety improvements to the intersection of State Highway 2 and Cashmere Oaks Drive;
  - (c) The provision for public transport facilities and infrastructure;
  - (d) The provision of safe pedestrian and cycle access and connections to existing transport corridors and within the site;
  - (e) The management of construction traffic effects; and

(f) The outcomes of consultation with Waka Kotahi/New Zealand Transport Agency.

~~(iii) The first resource consent application (either subdivision or land use) for a retirement village within this land shall include a Structure Plan to be added to Appendix 16 of the District Plan that includes:~~

~~(a) Infrastructure interventions at the intersection of Cashmere Oaks Drive and SH2 to address traffic safety effects;~~

~~(b) The internal transport network (roads, footpaths and cycleways) and external connections;~~

~~(c) Where higher and lower density residential development will occur; and~~

~~(d) A 1.5-2.0m wide planted buffer zone around external site boundaries.~~



## APPENDIX 2 – Potential extent of a Road Network structure plan information the JWS



### Structure Plan<sup>1</sup> elements:

- Timing for required upgrades/works relative to land uses
- Extent of state highway includes
  - the Intersection
  - gap selection / sight distance either side of the intersection
  - 50/100 threshold
- The extent of local roads affected
- Local roads within the site and connections with local roads
- Footpath and cycle lanes within the site and connections with local roads, lanes & footpaths
- Infrastructure interventions required<sup>2</sup>
- Identification and timing of planning and investment cycles including<sup>3</sup>
  - RLTP
  - Speed management<sup>9</sup>
  - NLTP 2024/27 & 2027/30
  - Asset Management Plan
  - LTCCP

<sup>1</sup>Links to Objective SLD4 Managing Urban Growth, and policies SLD4(a), (b), and (c); and implementation method 18.3.6 (c), (d), and (p). Consider a new policy SLD4 (g) that talks to this structure plan.

<sup>2</sup>To be informed by traffic engineers and provided by way of a description or list of the extent of interventions required to meet a land use and a subdivision rule permission, condition, or standard (including intersection interventions, cycle lane requirements, pedestrian links, road carriageway and behind the kerb treatments, all interventions being suitable for the posted road speed anticipated) This links to resource management issue 18.2, and objective SLD4 Managing Urban Growth, policies SLD4(a), (b), (c); and implementation method 18.3.6 (a), (b), (c), (d) and (f).

<sup>3</sup>This links to resource management issue 18.2, and objective OBJ SLD3 Sustainable Infrastructure, and policy SLD3(b) and implementation methods 18.3.16(h), (i), (j).

<sup>9</sup> Noting the supplementary evidence on speed management timing and approvals from Ms Emma Speight for Waka Kotahi