

***Proposed Wairarapa Combined District Plan***

**Decision Report pursuant to Clause 10 of the First  
Schedule**

**of the Resource Management Act 1991**

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**Subject: Chapter 19 - General Amenity**

***In reference to:***

- ***General Amenity Provisions 19.1 – 19.4***
- ***District Wide Rules 21.1.7, 21.1.9 – 21.1.14, 21.4 and 21.4(h)***
- ***Assessment Criteria 22.1.17***

## **19.0 General**

### **Submission Summary**

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Further Submitter Name and Number</b>	<b>Further Submission Support/Oppose</b>
220.2	Stonehenge Aotearoa	FS44 Java Trust Ltd	Support
219.2	T & V Vallance	-	-
526.86	Greater Wellington Regional Council	-	-

### **Discussion**

**Stonehenge Aotearoa** (220.2) seeks that Section 19 be amended to recognise the value of the night sky, including the adoption of the IAU (International Astronomical Union) guidelines for “minimising urban sky glow near astronomical observatories” and shields to ensure outside lighting is directed down. **Java Trust Ltd** supports this submission.

**T & V Vallance** (219.2) seeks that measures are put in place to ensure that future development does not jeopardise the dark night sky, and that shields should be required to be installed above new outdoor lights.

**Greater Wellington Regional Council** (526.86) requests that criteria be adopted to manage the impacts of change on landscape and amenity values, and appropriate cross referencing between parts of the Plan.

### **Evidence Heard**

**Stonehenge Aotearoa** (220.2) and **T & V Vallance** spoke in support of their submissions.

**Greater Wellington Regional Council** (526.86) noted acceptance of the Section 42A report recommendation for the rejection of their submission.

## Commissioners' Deliberations

The Commissioners recognise the value of the night sky to astronomical observatories and to the amenity values of the Wairarapa generally. We concur with the comments provided in the Section 42A Report that given the rural location of Stonehenge Aotearoa, and having regard to the relatively small size of the urban settlements in the Wairarapa and the low density of rural development, it is considered that the effects of night glow on the night sky are minor at this time. Further, we note Rule 21.1.9 Glare and Artificial Light limits the artificial light level to a maximum of 8 lux (lumens per square metre) measured at 1.5m above ground level at the site boundary. In addition to this rule, in order to maintain the ability to view the night sky, the Commissioners support the insertion of a method relating to light shielding and amending the corresponding policy.

It is noted that a rule regarding shielding of street lights within road reserve would not be applicable as road reserves are designated and therefore compliance with the District Plan rules is not required. However, the new method provides for the Councils to promote the appropriate standard of street lighting to protect the night sky. The Commissioners note that in new subdivisions, one of the assessment criteria refers to lighting, which would include possible shielding.

The Commissioners note the acceptance of Greater Wellington Regional Council for the rejection of their submission in the Section 42A report. The Commissioners concur with the Section 42A report recommendation to not make amendments to the Plan as the matter of landscape and amenity is effectively managed in the Plan.

## Decision: 19.0 General

Submission Reference:

220.2	Accept in part
FS44	Accept in part
526.86	Reject
219.2	Reject

## Consequential Amendment: 19.3.4 Methods to Implement General Amenity Policies

Make the following consequential amendment by adding a new clause (g) to Methods 19.3.4:

- (g) ***Liaison with Road Controlling Authorities to promote the use of shields and other devices on streetlights to direct light downwards.***

## Consequential Amendment: 19.3.2 GAV1 Policies

Make the following consequential amendment by adding the following insertion to Policy (e):

- (e) ***Manage the intensity, location and direction of artificial lighting to avoid light spill and glare onto adjoining sites and roads, and to protect the clarity and brightness of the night sky.***

## Reasons

This decision is made for the following reasons:

- The insertion of a method and amending the policy relating to shielding and effect on night sky are considered the most efficient and effective methods of managing artificial lighting.

### 19.3.2 GAV1 Policies: Policy (f)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.25	Mighty River Power Ltd	FS84 Meridian Energy Limited FS16 Transpower NZ Limited	Support Support

#### Discussion

**Mighty River Power Ltd** (520.25) seeks that Policy (f) be amended to add that consideration will be given to other policies relevant to an activity or Environmental Zone to assist in determining whether or not an activity has unacceptable visual effects. **Meridian Energy Limited** and **Transpower NZ Ltd** support this submission.

#### Evidence Heard

**Mighty River Power Ltd** (520.25) spoke in support of their submission and the recommended Section 42A report amendment.

#### Commissioners' Deliberations

The Commissioners concur with the Section 42A report recommendation that the requested amendment will assist Plan users in the application of Policy (f). The support from submitters is noted.

#### Decision: 19.3.2 GAV1 Policies: Policy (f)

Submission Reference:

520.25	Accept
FS84	Accept
FS16	Accept

#### Decision Amendment: 19.3.2 GAV1 Policies: Policy (f)

Amend Policy (f) as follows:

- (f) Manage activities with unacceptable visual effects on amenity values, in accordance with the qualities of each environmental zone. **As a guide to determining if an activity has unacceptable visual effects, consideration will be given to other policies relevant to a particular activity or environmental zone.***

## Reasons

This decision is made for the following reasons:

- The amended policy clarifies the intent of the policy and will assist Plan users and administrators in the application and interpretation of the policy.

### 19.3.3 Explanation

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.29	Wairarapa Inc trading as Go Wairarapa	-	-

## Discussion

**Wairarapa Inc trading as Go Wairarapa** (398.29) seeks that '19.3.3 Explanation' be amended to include filming as one of the temporary activities referred to.

## Evidence Heard

No specific evidence was presented on this matter.

## Commissioners' Deliberations

The Commissioners concur with the Section 42A Report recommendation for the inclusion of temporary filming as a temporary activity. Filming activities are of a temporary duration and can bring economic benefits to local communities and the Commissioners consider it appropriate it be provided as a temporary activity. The consequential change to Rule 21.1.14 is supported.

## Decision:

Submission Reference:

398.29      Accept

## Decision Amendment: 19.3.3 Explanation

Amend the first sentence of paragraph 2 as follows:

*Temporary activities that only have minor effects should be permitted activities: for example, galas and fairs, construction works and sports events, **and temporary filming**. The impact....*

## Consequential Amendment: 21.1.14 Temporary Activities

Make the following consequential amendment by adding a new clause (h) to Rule 21.1.14:

**(h) Temporary filming activities on a site for a duration of up to 3 months.**

## Reasons

This decision is made for the following reasons:

- Providing for temporary filming activities as a temporary activity is considered the most efficient and effective method of providing for this activity, while achieving the Plan objective of maintaining the amenity values of the Wairarapa.

## 21: District Wide Land Use Rules - General

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
436.5	The Energy Efficiency and Conservation Authority	FS84 Meridian Energy Ltd FS67 Mighty River Power Ltd	Support Support
503.5	Wairarapa Organics	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)  FS52 Horticulture New Zealand	Oppose Oppose  Oppose
526.3	Greater Wellington Regional Council	FS106 S & S Barton FS52 Horticulture New Zealand	Oppose Oppose
511.1	R Calvert	-	-

## Discussion

**The Energy Efficiency and Conservation Authority** (436.5) supports the initiatives for energy efficiency and renewable energy but seeks provision of a separate Energy Chapter in the Plan. **Meridian Energy Ltd** and **Mighty River Power Ltd** support this submission.

**Wairarapa Organics** (503.5) seeks that the Plan be amended to make genetically modified organism activities in the open environment a Prohibited Activity. **D Riddiford**, **Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose this submission.

**Greater Wellington Regional Council** (526.3) seeks that the earthworks provisions of the Plan be amended to control earthworks on non-erosion prone land that is potentially unstable (seismically or from slope aspect); or is less than 5 metres from water bodies and the coastal marine area; or is likely to result in accelerated erosion. **S & S Barton** and **Horticulture NZ** oppose this submission.

**R Calvert** (511.1) seeks that the existing rural activities within and surrounding the proposed rezoning of land from rural to urban for properties bounded by West Street, Wood Street, Mole Street and Kuratawhiti Street, Greytown, be protected by attaching to each new Title provisions for "The Right to Farm" and protection from "Reverse Sensitivity", so as to protect existing legal activities/commercial operations that new residents may object to.

## Evidence Heard

**The Energy Efficiency and Conservation Authority** (436.5) spoke in support of their request for a separate energy chapter in the Plan. **Meridian Energy Ltd** (FS84) spoke in support of their submission requesting a separate chapter approach.

**Wairarapa Organics** (503.5) spoke in support of their submission and provided evidence on the matter of genetically modified organisms.

**Horticulture New Zealand** (FS52) spoke in support of the Section 42A report recommending the rejection of submissions 503.5 and 526.3. The hearing evidence noted that it is the role of EMRA under HSNO to assess the release of genetically modified organisms and it would be inappropriate to include the restrictions sought by the submitter.

**Greater Wellington Regional Council** (526.3) spoke in support of their submission requesting that the district plan include standards to protect waterbodies and the coastal environment from inappropriate earthwork activities. They do not support the Section 42A report recommendation.

## Commissioners' Deliberations

In respect of submissions requesting a separate Energy Chapter, the Commissioners note this matter has already been commented on under 'Chapter 16 Network Utilities & Energy' where it is decided to retain the current structure of the Plan.

The testing and commercial release of genetically modified organisms is the responsibility of the Environmental Risk Management Authority (ERMA). The Commissioners consider it is most appropriate that regulatory controls in relation to genetically modified organisms be left to ERMA, and that the District Plan should not duplicate this responsibility.

In respect of earthworks, the Commissioners note the comments and concern raised by the submitter. In respect of the coastal and freshwater environments, the Commissioners consider it appropriate that there be controls on earthworks given the sensitive nature of these receiving environments. Consequential amendments are therefore made to Rule 21.4 relating to the coastal and freshwater environments. In respect of amenity issues, while the Commissioners recognise there is the potential for effects on amenity from earthworks in some situations, we do not consider it appropriate or reasonable to impose earthwork restrictions for amenity reasons alone. Introducing an overall standard for non-erosion prone land is not considered the most effective approach, as the costs of complying with this standard outweigh the limited environmental benefits. We consider a more targeted approach is the most effective, focusing on particular environment which are sensitive to earthworks. The Commissioners also note that earthworks are addressed through the subdivision process, from which many land development activities commence.

The Commissioners concur with comments made in the Section 42A report that the Regional Council can address any issues in relation to its soil conservation responsibilities under the Regional Soil Plan. Earthworks undertaken as part of land development and subdivision are generally managed under the subdivision consent process.

In respect of the submission relating to the rezoning of parts of Greytown, the Commissioners note that existing primary production activities could continue to operate under "existing use rights". These existing use rights are provided for in the Act, therefore, no specific reference is to be added to the Plan.

## Decision: 21: District Wide Land Use Rules - General

Submission Reference:

436.5      Reject

FS84	Reject
FS67	Reject
503.5	Reject
FS112	Accept
FS85	Accept
FS52	Accept
526.3	Accept in part
FS106	Reject
FS52	Reject
511.1	Reject

### Consequential Amendments: 21.4 Discretionary Activities

Make the following consequential amendment by adding a new clause (p) to Rule 21.4

***21.4 (n) Earthworks of more than 50m<sup>3</sup> within any twelve month period within the Coastal Environment Management Area and Foreshore Protection Area.***

Make the following consequential amendment by adding a new clause (o) to Rule 21.4

***21.4 (q) Earthworks of more than 50m<sup>3</sup> within 25m of a Significant Waterbody listed in Appendix 1.9.***

Make the following consequential amendment by adding a new clause (p) to Rule 21.4

***21.4 (r) Earthworks of more than 50m<sup>3</sup> within any 5m of any other waterbody.***

### Reasons

This decision is made for the following reasons:

- The amendments relating to earthworks within the Coastal and Freshwater environments are considered appropriate and the most efficient and effective methods of protecting the amenity, qualities and resources of the receiving environments.
- The existing provisions are considered the most efficient and effective means of achieving the Plan objective of maintaining and enhancing the general amenity values in the Wairarapa.

### 21.1.7: District Wide Land Use Rules - Reserves

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.56	The Planning Departments of Masterton,	FS102 Windy Peak Trust	Oppose

	Carterton and South Wairarapa District Councils		
264.29	D Riddiford	-	-

## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.56) seeks that Rule 21.1.7(a) be amended by including crown owned land in the rule. **Windy Peak Trust** opposes this submission.

**D Riddiford** (264.29) commented he will submit in further detail on reserves.

## Evidence Heard

No specific evidence was presented on this matter.

## Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the amendment captures all publicly owned land for reserve purposes and provides for them as a Permitted Activity. It is considered that a reserve, whether owned by Council or by the crown, should be managed on the same basis by the Plan.

As no specific relief sought is requested by D Riddiford, and as no reasons were provided or relief sought stated in respect of Rule 21.1.17, the Commissioners had no reasons or information on which to support an amendment to Rule 21.1.7.

## Decision: 21.1.7(a) Reserves

Submission Reference:

522.56	Accept
FS102	Reject
264.29	Reject

## Decision Amendment: 21.1.7(a) Reserves

Amend clause (a) as follows:

*(a) The use and development of any Council **or crown** owned land for reserve purposes, recreational activities and facilities.*

## Reasons

This decision is made for the following reasons:

- The amendment clarifies the application of the rule and is considered the most efficient and effective method of managing for publicly owned land for reserves.



## 21.1.9 District Wide Land Use Rules – Glare and Artificial Light

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
220.3	Stonehenge Aotearoa	-	-
219.3	T & V Vallance	-	-
74.1	A Johnson	-	-
368.3	Oops !! Ltd	-	-
526.86	Greater Wellington Regional Council	-	-
467.1	Java Trust Limited	-	-
478.1	D & R Broadmore	-	-

### Discussion

**Stonehenge Aotearoa** (220.3) seek that Rule 21.1.9 be amended to recognise the value of the night sky, including the adoption of the IAU (International Astronomical Union) guidelines for “minimising urban sky glow near astronomical observatories” and shields to ensure outside lighting is directed down. **Java Trust Ltd** supports this submission.

**T & V Vallance** (219.3) seek that measures are put in place to ensure that future development does not jeopardise the dark night sky, and that shields should be required to be installed above new outdoor lights. **A Johnson** (74.1) and **Oops !! Ltd** (368.3) also seek that controls are added to the Plan to require shields on lights to protect the night sky.

**Java Trust Ltd** (467.1) and **D & R Broadmore** (478.1) request glare and artificial light to exclude any light which is directed above 10 degrees below horizontal; provisions to protect the night sky from glare; and amendment of assessment criteria.

**Greater Wellington Regional Council** (526.86) seek that the plan adopt criteria suggested elsewhere in its submission for managing change and the impact of change on landscape and amenity values, and appropriate cross referencing between parts of the plan.

### Evidence Heard

**Stonehenge Aotearoa** (220.3) and **T & V Vallance** (219.3) spoke in support of their submissions.

**A Johnson** (74.1) spoke in support of his submission regarding protection of skylines in the rural area.

**Greater Wellington Regional Council** (526.86) noted acceptance of the Section 42A report recommendation for the rejection of their submission.

## Commissioners' Deliberations

The Commissioners note the existing Rule 21.1.9 Glare and Artificial Light which limits the artificial light level to a maximum of 8 lux (lumens per square metre) measured at 1.5m above ground level at the site boundary.

The Commissioners concur with the Section 42A report that given the wide range of light sources and the functional need of lighting (e.g. for safety and security) it is considered difficult to practically introduce and enforce such controls. In new subdivisions, one of the assessment criteria refers to lighting which requires compliance with NZS4404:2004. This standard includes minimum performance standards for street lighting, which includes shielding. Therefore, it is not recommended to add any additional standards.

## Decision: 21.1.9 District Wide Land Use Rules – Glare and Artificial Light

Submission Reference:

220.3	Reject
219.3	Reject
74.1	Reject
368.3	Reject
526.86	Reject
467.1	Reject
478.1	Reject

## Reasons

This decision is made for the following reasons:

- The existing provisions are considered the most efficient and effective for managing glare and artificial light.

## 21.1.10: Dust and Odour

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.68	Federated Farmers of NZ (Inc)	FS52 Horticulture NZ	Support
285.13	Forestry Wairarapa Cluster Group	-	-
515.14	Juken NZ Ltd, Forestry Wairarapa	FS52 Horticulture NZ FS103 Waipine	Support Support
398.33	Wairarapa Inc trading as Go Wairarapa	-	-

526.97	Greater Wellington Regional Council	FS52 Horticulture NZ	Oppose
523.28	K & M Williams	-	-

## Discussion

**Federated Farmers of New Zealand (Inc)** (524.68) seek that Rule 21.1.10(a) be amended by adding words so that any 'nuisance' caused by airborne contaminants is considered a nuisance 'to the extent that it causes an adverse effect'. **Horticulture NZ** supports this submission.

**Forestry Wairarapa Cluster Group** (285.13) and **Juken NZ Ltd, Forestry Wairarapa** (515.14) seeks that temporary or intermittent activities which result in the generation of dust be specifically excluded from Rule 21.1.10. Forestry Wairarapa Cluster Group (285.13) also request a reconsideration of the need to deal with odour and dust nuisances as they consider that these issues are already adequately covered by the Regional Council's Air Quality Management Plan. **Horticulture NZ** and **Waipine** support the submission of Juken NZ Ltd, Forestry Wairarapa.

**Wairarapa Inc trading as Go Wairarapa** (398.33) seek that 'dust' should be removed from this provision.

**Greater Wellington Regional Council** (526.97) seek that the provision be amended to include smoke. **Horticulture NZ** oppose this submission.

**K & M Williams** (523.28) seeks that the provision be amended so that it only relates to significant or excessive adverse effects.

## Evidence Heard

**Greater Wellington Regional Council** noted their acceptance of the Section 42A report which recommended their submission be rejected.

**Juken NZ Ltd, Forestry Wairarapa** spoke in support of their submission and although they respected the the changes made, they remain concerned about the inclusion of the terms dust and contaminants.

**K & M Williams** noted their acceptance of the Section 42A report amending Rule 21.1.10.

## Commissioners' Deliberations

The Commissioners support the control on dust and odour and support the concept of Rule 21.1.10(a) which controls the generation of airborne contaminants in order to avoid adverse effects on the environment, and to maintain amenity values.

For the reasons outlined in the Section 42A report, we do not consider that dust should be removed from the provision because dust can be an effect of land use activities that can cause nuisance e.g. dust from an unsealed off-street car park. The adverse effects from dust and odour need to be managed regardless of whether or not the activity generating them is temporary, intermittent, or on-going. The meaning of effect under section 3 of the Act includes any temporary or permanent effect, and any cumulative effect regardless of the scale, intensity, duration or frequency of the effect.

The effects of airborne contaminants on amenity values is a function of territorial local authorities, not the Regional Council, and therefore the Commissioners consider it appropriate a rule remain in the plan.

In respect of the submission by Greater Wellington Regional Council seeking that the Rule be amended to include smoke, the Commissioners note that smoke is a matter that falls within an overlap of functions between District and Regional Councils. The Commissioners have not amended the rule to include smoke as it currently covers the generation of airborne contaminants, which would include smoke.

The Commissioners concur with the recommended amendment in the Section 42A report as the insertion clarifies the application and intention of the rule, and the rule remains consistent with the duty of the act to avoid, remedy or mitigate the adverse effects of activities. The term “nuisance” is an accepted and widely understood term, by which the effects on amenity values are determined, taking into account factors such as frequency, scale and reasonableness.

## Decision:

### Submission Reference:

524.68	Accept
FS52	Accept
285.13	Reject
515.14	Reject
FS52	Reject
FS103	Reject
398.33	Reject
526.97	Reject
FS52	Accept
23.28	Reject

## Decision Amendment: 21.1.10 Dust and Odour

Amend Rule 21.1.10(a)(i) as follows:

*(a) The generation of airborne contaminants meets the following standard:*

*(i) No nuisance at or beyond the boundary of the site **to the extent it causes an adverse effect**. This standard applies to contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature, including:*

*(1) Dust;*

*(2) Offensive or objectionable odour.*

## Reasons

This decision is made for the following reasons:

- The amended rule clarifies its application, and is considered the most efficient and effective means of controlling and assessing the effects associated with dust and odour.

## 21.1.11: Noise

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.27	Mighty River Power Ltd	FS84 Meridian Energy Ltd	Support

### Discussion

**Mighty River Power Ltd** (520.27) seek that an advisory Note be added to Rule 21.1.11 as set out in the above Table. **Meridian Energy Ltd** supports this submission.

### Evidence Heard

**Mighty River Power Ltd** spoke in support of their submission.

### Commissioners' Deliberations

The Commissioners concur with the Section 42A report and consider the requested amendment will assist in measuring noise emissions. It is decided to add the advisory note to the rule as requested by the submitters.

### Decision: 21.1.11 Noise

Submission Reference:

520.27	Accept
FS84	Accept

### Decision Amendment: 21.1.11 Noise

Amend 21.1.11 by adding a Note following the note on vibration as follows:

*"Note:*

*Vibration.....under Section 16 of the Act.*

***Where NZS 6802:1991 does not include assessment of the type of noise in question, other appropriate Standards may be used as specified in the definition for "Noise Emission Level."***

### Reasons

This decision is made for the following reasons:

- The addition of a note to Rule 21.1.11 is appropriate as it assists in the interpretation and application of the Plan.

## 21.1.12: Derelict Vehicles

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
238.8	R Scott	-	-
239.8	S Scott	-	-

### Discussion

**R Scott** (238.8) and **S Scott** (239.8) support Rule 21.1.12(a).

### Evidence Heard

No specific evidence was presented on this matter.

### Commissioners' Deliberations

The Commissioners note the support of the submitters for retaining the existing rule, and consider the existing rule to be the most appropriate method of mitigating the amenity effects associated with derelict vehicles.

### Decision: 21.1.12 Derelict Vehicles

Submission Reference:

238.8	Accept
239.8	Accept

### Reasons

This decision is made for the following reasons:

- The existing rule is the most appropriate method of mitigating the amenity effects associated with derelict vehicles.

## 21.1.13: Access to Premises

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
285.14	Forestry Wairarapa Cluster Group	-	-
515.15	Juken NZ Ltd, Forestry Wairarapa	FS103 Waipine	Support
398.34	Wairarapa Inc	-	-

	trading as Go Wairarapa		
264.31	D Riddiford	FS157 J & G Diederich FS155 K Reedy	Support Support

## Discussion

**Forestry Wairarapa Cluster Group** (285.14) and **Juken NZ Ltd, Forestry Wairarapa** (515.15) seek that Rule 21.1.13 either be deleted, or amended to capture the assumed intended nuisance, namely barricades of the nature erected by gangs etc. **Transpower NZ Ltd** supports the submission of Forestry Wairarapa Cluster Group and **Waipine** supports the submission of Juken NZ Ltd, Forestry Wairarapa.

**Wairarapa Inc trading as Go Wairarapa** (398.34) seeks that Rule 21.1.13 be deleted.

**D Riddiford** (264.31) seeks that Rule 21.1.13 be amended so that it does not apply to farmers. **J & G Diederich** and **K Reedy** support this submission.

## Evidence Heard

No specific evidence was presented on this matter.

## Commissioners' Deliberations

The Commissioners concur with submitters and the Section 42A report that the current wording is problematic in so far that *no barricade or structure* would include locked gates, doors, fences and so forth. The Commissioners concur that the intent of the rule is to prevent fortifications and, therefore, it is decided that the words "barricade or structure" be replaced with the word "fortifications". The Commissioners consider this better achieves the intent of the rule.

## Decision: 21.1.13 Access to Premises

Submission Reference:

285.14	Accept in part
515.15	Accept in part
FS103	Accept in part
398.34	Reject
264.31	Accept in part
FS157	Accept in part
FS155	Accept in part

## Decision Amendment: 21.1.13 Access to Premises

Amend Rule 21.1.13 as follows:

- (a) ~~No barricade or structure~~ **fortifications** shall be placed on any property so as to preclude or inhibit entry by the Police or any authorised officer.

## Reasons

This decision is made for the following reasons:

- The amended provision clarifies the intent and application of the rule.

## 21.1.14: Temporary Activities

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.69	Federated Farmers of NZ (Inc)	FS157 J & G Diederich FS155 K Reedy	Support Support
398.35	Wairarapa Inc trading as Go Wairarapa	-	-
496.9	Wellington Fish and Game Council	-	-
526.98	Greater Wellington Regional Council	FS54 NZ Winegrowers	Support
48.4	S Butcher	-	-
264.32	D Riddiford	-	-
34.8	J & M McGuinness	-	-

### Discussion

**Federated Farmers of NZ (Inc)** (524.69) and **J & M McGuinness** (34.8) seek that Rule 21.1.14(d) be deleted. **J & G Diederich** and **K Reedy** support the submission from Federated Farmers of NZ (Inc).

**Wairarapa Inc trading as Go Wairarapa** (398.35) seeks that Rule 21.1.14(b) be amended so that filming is added to the list of temporary activities.

**Wellington Fish and Game Council** (496.9) seeks that an exemption from the standards governing Temporary Activities be added to Rule 21.1.14(b) for game bird hunting on public waterbodies.

**Greater Wellington Regional Council** (526.98) seeks that Rule 21.1.14(b)(iii) be amended to address the concern that the exemption from complying with standards in 21.1 or the underlying Environmental Zone is too sweeping in extent as temporary activities can have on-going effects. **New Zealand Winegrowers** supports this submission.

**S Butcher** (48.4) seeks that Rule 21.1.14 (a), (c), (d), (e) and (f) be deleted. **J & M McGuinness** (34.8) request 21.1.14 (f) be amended to remove the ambiguity.

**D Riddiford** (264.37) notes he will submit in further detail on Temporary Activities at the hearing.



## Evidence Heard

**Greater Wellington Regional Council** spoke in support of the Section 42A report recommendation and seek the adoption of the recommended amendment. Greater Wellington acknowledges that standard 21.1.14(f) that relates to buildings used for temporary activities will ensure that any proposed building will require consent if they do not comply with building setbacks, which addressed (our) concerns relating to waterbodies and soil disturbance. **New Zealand Winegrowers** seek the relief as set out in their submission.

**J & M McGuinness** spoke in support of their submissions seeking an explanation for clauses (d) and (f) in that it is unclear whether the act of building is a temporary activity or the building is itself temporary.

## Commissioners' Deliberations

Rule 21.1.14(d), states:

*“(d) No building in the process of construction shall remain uncompleted for longer than six months.”*

As construction is a temporary activity, the Commissioners consider the act of building is a temporary activity with associated effects, and it is therefore appropriate that rules manage these activities. As discussed in the Section 42A report, given that under Rule 21.1.14 temporary activities have a finite duration of up to 12 months and are for specific projects, we consider that there will be no difficulty in establishing when the construction period commenced. With regard to whether the six month period could be addressed through the Building Consent process, the Commissioners concur with the Section 42A report assessment that not all structures/buildings for a temporary activity will require a Building Consent and, therefore, it is appropriate for this matter to be managed in the District Plan.

With regard to the submission by Wairarapa Inc trading as Go Wairarapa (496.9) seeking filming as a temporary activity, the Commissioners concur with the Section 42A report for the inclusion of this activity in Rule 21.1.14.

With regard to the submission by Wellington Fish and Game Council seeking an exemption from the standards governing temporary activities for game bird hunting on public waterbodies, the Commissioners concur with the Section 42A report. We do not consider individual members of the public hunting for game birds constitutes an event and therefore would not be subject to the standards under Rule 21.1.14. Where an event is organised, such as requiring registration and payment of a fee, this would constitute an event and would be governed by the standards under Rule 21.1.14. Where game bird hunting is undertaken as an organised event it is considered that it is appropriate that such a temporary activity is subject to the standards under Rule 21.1.4 in order to manage any potential adverse environmental effects of the organised temporary activity. Therefore, it is decided not to add an exemption for game bird hunting from the standards under Rule 21.1.14.

With regard to the submission by Greater Wellington Regional Council regarding the exemption provided in Rule 21.1.14(b)(iii), the Commissioners note the support from the submitter in respect of the Section 42A report and that temporary buildings will still require compliance with the standards, including setbacks.

In terms of submissions seeking the removal and/or amendment to Rule 21.1.14 (a), (c), (d), (e) and (f), the Commissioners support the retention of the rules. Provisions can be included in a District Plan to avoid, remedy or mitigate the adverse effects of activities. It is considered that by providing for the identified temporary activities that Rule 21.1.14 is effective in enabling the people and communities of the Wairarapa to provide for their economic and social wellbeing, and the standards contained within the rule are effective in managing the

environmental effects of these temporary activities. Such standards can be different to the provisions of other legislation such as the Building Act.

### Decision: 21.1.14 Temporary Activities

Submission Reference:

524.69	Reject
FS157	Reject
FS155	Reject
398.35	Accept
496.9	Reject
526.98	Accept in part
FS54	Accept in part
48.4	Reject
264.32	Reject
34.8	Reject

### Decision Amendment: 21.1.14 Temporary Activities

Amend Rule 21.1.14(f) to read as follows:

*(f) ~~Temporary Buildings~~ (including tents, mobile homes and prefabricated buildings) **used for temporary activities** must be readily movable, meet any...*

Add a new clause (h) to Rule 21.1.14:

*21.1.14 Temporary Activities*

*Temporary activities which meet the following standards:*

***(h) Temporary filming activities on a site for a duration of up to 3 months.***

### Reasons

This decision is made for the following reasons:

- The provisions are consistent with the purpose of the act to avoid, remedy or mitigate the adverse effects of activities.
- Providing for the identified temporary activities is effective in enabling the people and communities of the Wairarapa to provide for their economic and social wellbeing, and the standards contained within the rule are effective in managing the environmental effects of these temporary activities.
- The amendments clarify the application and interpretation of these standards

## 21.4: Discretionary Activities - General

### Submission Summary

Submitter	Submitter	Further Submitter Name and	Further Submission
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Number	Name	Number	Support/Oppose
524.76	Federated Farmers of NZ (Inc)	FS157 J & G Diederich FS155 K Reedy	Support Support

## Discussion

**Federated Farmers of N Z (Inc)** (524.76) seek that the Discretionary Activity status for the activities listed in Rule 21.4 be amended to Restricted Discretionary status with discretion restricted to the relevant matters in Section 22 of the Plan. **J & G Diederich** and **K Reedy** support this submission.

## Evidence Heard

No specific evidence was presented on this matter.

## Commissioners' Deliberations

The Commissioners support the rationale provided in the Section 42A report that the activities listed in Rule 21.4 can have environmental effects well beyond the specific site that is subject to an application including, but not limited to, noise, visual effects, and effects on ecosystems, habitats, landscapes, water catchments and natural systems and the like. The Commissioners concur that such applications may also have a public interest beyond the immediately adjoining owners. On this basis the Commissioners support the Section 42A report for retaining the status quo and not amending the activity status of the activities listed in Rule 21.4 from Discretionary Activities to Restricted Discretionary Activities.

## Decision: 21.4: Discretionary Activities - General

Submission Reference:

524.76	Reject
FS157	Reject
FS155	Reject

## Reasons

This decision is made for the following reasons:

- The existing discretionary status for activities listed in Rule 21.4 is considered the most efficient and effective method of assessing these activities.

## 21.4 (h): Boarding Kennels

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.60	Planning Departments of Masterton, Carterton and South	FS102 Windy Peak Trust	Oppose

	Wairarapa District Councils		
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## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.60) seeks that Rule 21.4(h) be amended to include catteries in addition to the boarding kennels as a Discretionary Activity. **Windy Peak Trust** opposes this submission.

## Evidence Heard

No specific evidence was presented on this matter.

## Commissioners' Deliberations

The Commissioners concur with the assessment provided in the Section 42A report that catteries can have the same or similar effects as boarding kennels in relation to noise and traffic. The Commissioners consider it is appropriate to manage them in the same way and therefore it is decided to amend 21.1.14(h) by adding catteries.

## Decision: 21.4 (h) Boarding Kennels

Submission Reference:

522.60	Accept
FS102	Reject

## Decision Amendment: 21.4 (h) Boarding Kennels

Amend 21.4(h) as follows:

*(h) Boarding kennels **and catteries**.*

## Reasons

This decision is made for the following reasons:

- The amended provision is considered an efficient and effective means of managing catteries as a discretionary activity, given catteries can have the same or similar effects as boarding kennels in relation to noise and traffic.

## 22.1.17: Assessment Criteria - Artificial Light

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
368.4	Oops !! Ltd	-	-

## Discussion

**Oops !! Ltd** (368.4) seeks that controls are added to the Plan to require shields on lights to protect the night sky.

## **Evidence Heard**

No specific evidence was presented on this matter.

## **Commissioners' Deliberations**

The Commissioners note Clause (v) of the Assessment Criteria listed under 22.1.17 of the Plan which provides:

“(v) Proposed methods to avoid, remedy or mitigate potential adverse effects including the height, orientation, angle, and shielding of the light source.”

This submission point from Oops !! Ltd has already been commented on at the start of this report under the heading 19.0 General. The concern of the submitter is noted and Commissioners consider that the assessment criteria contained in 22.1.17(v) as copied above, addresses this matter for consent applications.

## **Decision: 22.1.17: Assessment Criteria - Artificial Light**

Submission Reference:

368.4      Reject

## **Reasons**

This decision is made for the following reasons:

- The existing provision are considered the most efficient and effective method of protecting the night sky.