

Proposed Wairarapa Combined District Plan
**Decision Report pursuant to Clause 10 of the First
Schedule
of the Resource Management Act 1991**

Subject: General Matters

In reference to:

- ***1 – General Introduction***
- ***2 – Plan Overview***
- ***3 – How to use the District Plan***
- ***22 – Assessment Criteria***
- ***25 – Designations***
- ***26 – Information to be submitted with resource consent and subdivision applications***
- ***27 – Definitions***
- ***Other matters (not associated with any Plan Provision)***
 - ***Whole Plan***
 - ***Plan Structure and Format***
 - ***Terminology***
 - ***New Issues***
 - ***General Relief Sought***
 - ***Plan Administration***
- ***Addendum to Chapter reports***

Chapter 1 – Introduction

Incorporating Provisions:

- ***Introduction 1.1 – 1.7***

1.4 Other National Plans and Documents

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.5	Greater Wellington Regional Council	-	-

Discussion

Greater Wellington Regional Council (526.5) seek that the wording of section 1.4 be amended to reflect the legislative requirement for the District Plan to give effect to the Regional Policy Statement.

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation of not amending the District Plan.

Commissioners' Deliberations

The Commissioners concur with the submitter's evidence and the Section 42A report for that the phrase 'give effect to' not be added in this section of the Plan, as it a general overview of the other documents which influence the Plan. The specific statutory context of the Plan is stated in a separate section of the Plan.

Decision: Section 1.4

Submission Reference:
526.5 Reject

Reasons

This decision is made for the following reasons:

- The list of matters in Section 1.4 is for information purposes only, and does not state the statutory requirements.

1.5 Reason for a Combined District Plan for the Wairarapa

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.1	Federated Farmers of NZ (Inc)	-	-
498.1	Wairarapa Public Health	-	-
35.1	S Burt	-	-
430.1	D Stanton	-	-

Discussion

Federated Farmers of NZ (Inc) (524.1) and **Wairarapa Public Health** (498.1) support section 1.5.

D Stanton (430.1) and **S Burt** (35.1) support the consistent approach to land management across the whole of the Wairarapa but highlight that the Proposed Plan has some inconsistencies, for example the minimum lot size for rural subdivisions in the South Wairarapa District is different to that in the Masterton and Carterton Districts. S Burt wishes the provision 1.5 to be amended so that the Proposed Plan has standardised policies.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners note the support from Federated Farmers and Wairarapa Public Health for retaining Section 1.5.

We support the submitters comments that the Combined Plan should apply a consistent approach across the whole of the Wairarapa. We concur with these comments where the resource management issues are similar across the three districts, some amendments to specific Plan provisions have been needed to achieve this consistency, such as the minimum rural lot size. However, where some areas have unique issues, a targeted management framework is required.

Decision: Section 1.5

Submitter Reference:

524.1	Accept
498.1	Accept
35.1	Accept in part
430.1	Accept in part

Reasons

This decision is made for the following reasons:

- Section 1.5 describes that the purpose of the Combined Plan is to establish consistency in policies and methods addressing the Wairarapa's significant resource management issues. These consistent policies and methods provide an efficient and effective framework for managing the natural and physical resources of the Wairarapa in a sustainable manner.

1.6 The Wairarapa District Plan – its Philosophy

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.2	New Zealand Historic Places Trust	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Partial Support Partial Support
526.6	Wellington Regional Council	-	-
432.1	J Campin	-	-
392.1	S Corbett	FS 52 Horticulture NZ	Oppose
302.1	S & M Cretny	FS 39 Java Trust Limited	Oppose
301.1	B & G Dale	FS 39 Java Trust Limited	Oppose
75.1	M & B Gillespie	FS 39 Java Trust Limited	Oppose

385.1	J Gleisner	-	-
370.1	M Morris	FS 39 Java Trust Limited	Oppose
490.9	N McDonald & S Kingsford	FS 54 NZ Winegrowers FS 5 B & M Opie FS 52 Horticulture NZ	Partial Support Support Oppose

Discussion

The New Zealand Historic Places Trust (497.2) is concerned about the philosophy of minimal regulatory control as outlined in section 1.6, and considers that Council's must achieve high quality regulation via the District Plan by ensuring all rules are robust, comprehensive, and necessary to achieve the stated objectives. It will be necessary to have stricter rules to regulate serious environmental issues. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** partially support this submission.

Greater Wellington Regional Council (526.6) seek that the wording of section 1.6 be amended so that it is made clear that the adoption of a minimal regulatory regime was not the only option and provide reasoning behind the minimalist approach.

M & B Gillespie (75.1), **B & G Dale** (30.1), **S & M Cretney** (302.1), and **M Morris** (370.1) consider that the plan fails to recognise the existing character of Carterton District, and that the Carterton District should not compromise any of its existing rules when the current plan fits the needs of Carterton well. They seek the Carterton District Council to withdraw from the Combined Plan and continue with the operative Carterton District Plan which is valid for another three to four years. Java Trust Limited opposes these submissions.

J Campin (432.1) also considers that the Plan has errors and fails to recognise the existing character of Carterton, and opposes the creation of smaller residential lots. Ms Campin seeks for the Plan to be re-looked at to remedy errors and that more consultation be undertaken with residents.

S Corbett (392.1) seek that section 1.6 be amended to provide a clear vision of the future for Wairarapa covering local character and landscape values, biodiversity, productivity of natural resources and a clear direction on strategies for climate change.

N McDonald & S Kingsford (490.9) seeks the design and implementation of a robust monitoring system, otherwise the administration of the plan will not achieve the desired outcomes or effectively service the expectations and aspirations of the community. **New Zealand Winegrowers** and **B & M Opie** support this submission. **Horticulture New Zealand** opposes this submission.

Evidence Heard

M & B Gillespie presented evidence and advised that they no longer opposed the plan in its entirety, instead they intended to focus exclusively on the matters which affected Carterton.

M Morris presented evidence and advised that he no longer opposed the plan in its entirety; instead he intended to focus exclusively on the matters which affected Carterton.

Commissioners' Deliberations

The Plan is based on two main types of issues, being those issues that apply to specific Environmental Zones and those issues that apply across all districts. Each of these two issue types are addressed through the individual chapters in the Plan. Within each chapter, it is determined the appropriate mix of regulatory and non-regulatory controls have been

identified. Regulatory controls are often the most efficient and effective method for achieving the Plan objectives relative to other non-regulatory methods. However, a mix of such methods is often the most appropriate management approach. This approach is outlined in the existing description of the philosophy of the Plan.

The Commissioners noted that some submitters no longer were in opposition to the philosophy of the plan as a whole and concur with the Section 42A report assessment that the proposed plan will provide an appropriate level of regulation and that the specific matters relating to Carterton are addressed on the other decision reports.

The Councils have a duty under Section 35 of the Act to monitor compliance with the Plan, the state of the environment, and the effectiveness of the Plan. We anticipate each Council would determine the most appropriate monitoring programme, which may include joint monitoring initiatives.

Decision: Section 1.6

Submission Reference:

497.2	Accept in part
FS112	Accept in part
FS 85	Accept in part
526.6	Reject
432.1	Reject
392.1	Reject
FS 52	Accept
302.1	Reject
FS 39	Accept
301.1	Reject
FS 39	Accept
75.1	Reject
FS 39	Accept
385.1	Reject
370.1	Reject
FS 39	Accept
490.9	Accept in part
FS 54	Accept in part
FS 5	Accept in part
FS 52	Accept in part

Reasons

This decision is made for the following reasons:

- The existing description for the philosophy of the Plan clearly expresses the basis on which it has been prepared. The Combined Plan provides for a consistent resource management framework across the three districts, which is an integral part of the philosophy of the Plan.

1.7 Cross Boundary Issues

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.7	Greater Wellington Regional Council	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support

Discussion

Greater Wellington Regional Council (526.7) seek that the wording of section 1.7 be changed to reflect the legislative requirement of “give effect to” a Regional Policy Statement. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Greater Wellington Regional Council (526.7) seek that the following sentence be added to section 1.7 and to each zone’s rules and standards: *“It should be noted that compliance with the standards in the plan does not preclude compliance with Wellington Regional Council requirements.”* **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation of amending the wording of Section 1.7.

Commissioners’ Deliberations

The Commissioners concur with the submitter and the Section 42A report of adding “give effect to” to Section 1.7 as this is consistent with the terminology in the Act.

Decision: Section 1.7

Submitter Reference:

526.7	Accept
FS 112	Accept
FS 85	Accept

Decision Amendment: Section 1.7

Amend the first bullet point on page 7 as follows:

~~*Be guided by the contents of*~~ ***Give effect to the Regional Policy Statement and any Regional Plans.***

Reasons

This decision is made for the following reasons:

- The amended text is consistent with the terminology in the Act.

Chapter 2 – Plan Overview

Incorporating provisions:

- *Plan Overview 2.1 – 2.2*

2.2 Strategic Environmental Issues

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
515.1	Juken New Zealand Ltd, Forestry Wairarapa	FS 103 Waipine	Support

Discussion

Juken New Zealand Ltd, Forestry Wairarapa (515.1) request that amendments be made to the text in Section 2.2 to ensure consistent reference to plantation forestry. **Waipine** support this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

Plantation forestry is the primary term used throughout the District Plan, in particular, in the rules section to be consistent with the definition. Where alternative terms or phrases are used, these are considered the most appropriate in the specific context of each point.

Decision: Section 2.2

Submission Reference:

526.5	Accept in part
FS 103	Accept in part

Reasons: Section 2.2

This decision is made for the following reasons:

- The existing reference to the different land uses in Section 2.2 are considered to have a clear meaning and application.

2.2.2 Wairarapa's Coastal and Freshwater Environments

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
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392.3	S Corbett	-	-
524.2	Federated Farmers of NZ (Inc)	FS 157 G & J Diederich FS 155 K Reedy FS 126 L Reed	Support Support Oppose
524.3	Federated Farmers of NZ (Inc)	FS 157 G & J Diederich FS 155 K Reedy FS 89 Greater Wellington Regional Council	Support Support Oppose
498.2	Wairarapa Public Health	FS 112 D Riddiford FS 85 Federated Farmers of NZ	Oppose Oppose

Discussion

S Corbett (392.3) supports 2.2.2 as it has been strengthened with the separation of coastal matters from freshwater matters in the Plan.

Federated Farmers of NZ (Inc) (524.2) seeks an amendment to the first sentence in paragraph 5. **G & J Diederich** and **K Reedy** support this submission. **L Reed** opposes this submission.

Federated Farmers of NZ (Inc) (524.3) seeks another separate amendment to the first sentence in paragraph 5. **G & J Diederich** and **K Reedy** support this submission. **Greater Wellington Regional Council** oppose this submission.

Wairarapa Public Health (498.2) seek the addition of a statement in Section 2.2.2 regarding the importance of protecting drinking water catchments. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the intention of the policy to provide for a minimum esplanade reserve strip of 20m along water bodies. However, they still considered that the width of the margin should be determined on a case by case basis to achieve the best outcomes.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report amending the wording in Chapter 2.2 to delete paragraph 8 in order to clarify the Regional Council's role in managing water quality. We have adopted the recommended wording in the Section 42A report.

The Plan sets out the requirements for a minimum width of 20m for esplanade reserves, which is consistent with the basis for esplanade reserves in the Act. Reducing the minimum width of an esplanade reserve to 3m in all cases would limit its effectiveness in achieving the objectives for esplanade reserves, such as maintaining and enhancing public access, protecting conservation values and enabling public recreational use. Therefore, the Commissioners consider retaining the current 20m width to be the most effective approach, with any proposed reduction in width assessed on a case-by-case basis.

Decision: Section 2.2.2

Submission Reference:

392.3 Accept

524.2 Reject
FS 157 Reject
FS 155 Reject
FS 126 Accept

524.3 Accept
FS 157 Accept
FS 155 Accept
FS 89 Reject

498.2 Reject
FS 112 Accept
FS 85 Accept

Decision Amendment: Section 2.2.2

Replace paragraph 8 in section 2.2.2 as follows:

*Activities on land near ~~water bodies~~ **the margins of streams, lakes and the coastal environment** can adversely affect ~~the water if they are not properly managed. Such activities include sewage disposal, septic tank pollution, nutrient escape from primary production, vegetation clearance and industrial discharges and degrade the existing character, aesthetic quality and amenity which contribute to people's appreciation of its pleasantness. This recognises that waterbodies are an integral part of the environment, are an element of the broader landscape, and have a vital role in maintaining the health of ecosystems and maintaining biodiversity. It also acknowledges that the natural and physical characteristics of waterbodies, including their aesthetic character and amenity, are not something completely separate from and unaffected by the activities occurring near the margins of streams, lakes and the coastal environment. Such activities include vegetation clearance, and the location and number of buildings and structures, including their relationship and proximity one to another and to the waterbody. The Plan contains rules on the removal of indigenous vegetation within 20m of any permanent surface water body, and minimum setbacks for structures in the Foreshore Protection Area, rules for structures in the Coastal Environment Management Area, and rules for minimum setbacks from water bodies and from any significant water body listed in Appendix 1.9.~~*

Add a sentence after the last sentence of paragraph 3 of Section 2.2.2 as follows:

*Waterbodies are important natural features in the Wairarapa, valued for their ecology, recreational opportunities, amenity, and cultural and historic associations. Activities on and around waterbodies need to be carefully managed, as they can adversely affect some or all of these inter-related values. **Freshwater environments also provide a function as catchments for drinking water supply.***

Reasons

This decision is made for the following reasons:

- The amended wording better expresses the intent for managing the effects of activities on water bodies.
- The existing Plan provisions are consistent with the requirements and mechanisms in Act for esplanade reserves and strips. The provisions are efficient and effective in maintaining and enhancing public access, recreational opportunities and conservation values on the margins of waterbodies.

2.2.4 Historic Heritage

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.3	NZ Historic Places Trust	-	-

Discussion

New Zealand Historic Places Trust (497.3) support Section 2.2.4 but consider that it would be more logical to include a brief explanation of 'historic heritage' based on the RMA definition.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with submitter and the Section 42A report for amending the wording at the end of the third sentence of the first paragraph of 2.2.4 to acknowledge the qualities considered under Historic Heritage in the RMA.

Decision: Section 2.2.4

Submission Reference:

497.3 Accept in part

Decision Amendment: Section 2.2.4

Amend the first paragraph of 2.2.4 by inserting the following words to the end of the third sentence as follows:

*Historic heritage is an important part of the Districts' local identity. They provide a connection with the past, as they are physical traces of former human activity on the land, and the historical and spiritual meanings we associate with places **and can include archaeological, architectural, cultural, historic, scientific and technological items, features,***

developments or events. *Heritage features are made up of a range of buildings, structures, places and trees...*

Reasons

This decision is made for the following reasons:

- The amended description better describes the wide range of qualities that contribute to historic heritage.

2.2.5 Tangata Whenua Relationships

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.4	NZ Historic Places Trust	-	-

Discussion

The **New Zealand Historic Places Trust** (497.4) supports Section 2.2.5.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners noted the support for 2.2.5, and have retained it unchanged.

Decision: Section 2.2.5

Submission Reference:

479.4 Accept

Reasons

This decision is made for the following reasons:

- The existing text describes the responsibilities under the RMA relating to the relationship of tangata whenua for the sustainable management of natural and physical resources.

2.2.6 Amenity and Character

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose

506.2	S & S Chipp	-	-
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Discussion

S & S Chipp (506.2) requests that the Proposed Plan be amended to recognise the existing Low Density Zone as the Rural (Special Zone) is contradictory to the intent of the Low Density Zone.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

As discussed in the Residential Zone decision report, part of the Low Density Residential Area has been retained for Carterton.

Decision: Section 2.2.6

Submission Reference:

506.2 Accept in part

Decision Amendment:

Refer to Residential Zone decision report.

Reasons

This decision is made for the following reasons:

- The new policy for the Carterton Low Density Residential Area recognises the distinct character and amenity values in this area with the peri-urban residential living and small-scale primary production activities. The policy would provide for the existing activities to continue, while allowing opportunities for the development and land use changes provided the adverse effects are avoided, remedied or mitigated.

2.2.7 Growth Management

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
506.3	S & S Chipp	-	-
392.4	S Corbett	FS 112 D Riddiford FS 85 Federated farmers of NZ	Oppose Oppose

Discussion

S & S Chipp (506.3) wishes an amendment to be made to this provision in relation to communities seeking change. **S Corbett** (392.4) seeks that a vision statement be added to the Plan which would direct development rather than allowing the market to dictate its extent.

D Riddiford and **Federated Farmers of New Zealand (Inc)** oppose the submission from **S Corbett**.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the approach for growth described in Section 2.2.7 is considered an efficient and effective way to explain the approach to growth management. Accordingly, the existing text is retained.

Decision: 2.2.7

Submission Reference:

506.3 Reject

392.4 Reject

FS 112 Accept

FS 85 Accept

Reasons

This decision is made for the following reasons:

- The existing description of growth management recognises the changing nature of communities.

2.2.8 Avoidance of Hazards

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
506.4	S & S Chipp	-	-
392.5	S Corbett	FS 52 Horticulture New Zealand	Oppose

Discussion

S & S Chipp (506.4) requests the addition of policies to retain low density adjacent to railway and State Highways.

S Corbett (392.5) requests the development of a Climate Change Strategy to provide guidance on adapting to climate change, particularly for the agricultural sector. **Horticulture New Zealand** opposes this submission.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

As discussed in the Residential Zone decision report, the low density residential area has been retained in part of Carterton.

The Commissioners concur with the Section 42A report regarding the issue of developing a climate change strategy, and that the Plan appropriately addresses issues associated with climate change such as natural hazards and energy.

Decision: Section 2.2.8

Submission Reference:

506.4 Reject

392.5 Reject

FS 52 Accept

Reasons

This decision is made for the following reasons:

- The matter regarding placement of hazards next to high density residential areas will be discussed under the Residential Zone chapter to avoid duplication.
- The Plan effectively addresses the issues associated with climate change, including natural hazards and energy.

Chapter 3 – How to use the District Plan

Incorporating provisions:

- **Provisions 3.1 – 3.4**

3.3 Notification of Resource Consent Applications

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
385.5	J Gleisner	-	-

Discussion

J Gleisner (385.5) requests that the Proposed Plan ensures applications for resource consent/subdivision are publicly notified, by default, when there is a possibility of public interest or concern.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the notification provisions in Sections 93 and 94 of the RMA determine whether an application is publicly notified. In addition, the proposed rules establish a framework whereby potentially significant effects or public interest can be notified.

Decision: Section 3.3

Submission Reference:

385.5 Reject

Reasons

This decision is made for the following reasons:

- The Resource Management Act 1991 provides the statutory requirements for notification of resource consent applications.

Chapter 22 – Assessment Criteria

Incorporating Provisions:

- 22.1 – 22.2

22 – Assessment Criteria – General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
514.8	Rangitane o Wairarapa Inc	-	-
264.50	D Riddiford	-	-
264.51	D Riddiford	-	-
524.77	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy	Support Support

Discussion

Rangitane o Wairarapa Inc (514.8) seek Section 22 Assessment Criteria be amended to include consultation with Tangata Whenua.

D Riddiford (264.50 and 264.51) will submit further on the Assessment Criteria in Section 22.

Federated Farmers of New Zealand (Inc) (524.77) request Section 22.1 be amended to matters of which council has restricted its discretion in assessing restricted discretionary consent applications under Rule 21.3. **J Diederich** and **K Reedy** support this submission.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the Act does place an obligation to consult with tangata whenua. However, consultation can assist with the assessment of effects on the environment.

The Commissioners concur with the Section 42A report that the criteria do not explicitly apply to restricted matters of discretion, as the criteria are intended to provide guidance for assessing any application for resource consent under the District Wide Land Use Rules.

Decision: Section 22

Submission Reference:

514.8	Accept in part
264.50	Reject
264.51	Reject
524.77	Reject

FS 157 Reject
FS 155 Reject

Reasons

This decision is made for the following reasons:

- The Act states that there is no obligation to consult with tangata whenua for any resource consent application.
- The Assessment Criteria are not be limited to restricted discretionary activities only as they are intended to provide guidance for assessing any resource consent application under the District Wide Land Use Rules.

22.2.1 – Assessment Criteria – Development

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
56.4	1880 Cottage Company Ltd	-	-

Discussion

1880 Cottage Company Ltd (56.4) request criteria be added so if the application makes “good sense” and is practical consent should be granted.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report that adding an Assessment Criterion permitting consent on the basis of a proposal making “good sense” is highly subjective and not based on the effects of the proposal.

Decision: Section 22.2.1

Submission Reference:

56.4 Reject

Reasons

This decision is made for the following reasons:

- The existing Assessment Criteria provide for an assessment of the positive and adverse effects of a proposal, with each proposal determined on a case-by-case basis.

22.2.5 – Assessment Criteria – Noise

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.35	Mighty River Power Limited	FS 84 Meridian Energy Ltd	Support

Discussion

Mighty River Power Ltd (520.35) request Assessment Criteria 22.2.5 be amended to clarify it uses New Zealand Standards.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report that the noise assessment criteria in 22.2.9 be amended to include the relevant New Zealand standards for noise.

Decision: Section 22.2.5

Submission Reference:

520.35	Accept
FS84	Accept

Decision Amendment: Section 22.2.5

Amend assessment criterion 22.2.5(viii) as follows:

"Use of protocols, codes of practice, and industry guidelines and any relevant New Zealand Standards for the assessment of noise."

Reasons

This decision is made for the following reasons:

- Noise criteria have been refined to refer to the relevant New Zealand Standards which would provide greater clarity in assessment of consent applications relating to noise issues.

22.2.9 – Assessment Criteria – Vehicle Movements

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
494.14	Land Transport New Zealand	-	-

495.19	ONTRACK (New Zealand Railways Corporation)	-	-
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Discussion

Land Transport New Zealand (494.14) request Assessment Criteria 22.2.9 be retained.

ONTRACK (New Zealand Railways Corporation) (495.19) request a new criteria be added in relation to the cumulative effects of vehicle movements over a road/rail level crossing.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report which noted the support expressed for the Assessment Criteria under 22.2.9. The Commissioners also concur with the submitter and the Section 42A report to amend Criteria 22.2.10 to recognise the cumulative effects of vehicle movements on the safety of the rail network.

Decision: Section 22.2.9

Submission Reference:

494.14	Accept
495.19	Accept

Decision Amendment: Section 22.2.9

Amend section 22.2.9 by inserting a new Assessment Criteria as follows:

(vi) "The effect on the rail network's safe and efficient operation within the area, including the cumulative effects of vehicle movements on road/rail level crossings."

Reasons

This decision is made for the following reasons:

- The amendment of section 22.2.9 (ii) recognises the relationship between proposed development, increased traffic movements and the safety of the rail network.

22.2.10 – Assessment Criteria – Signs

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.20	ONTRACK (New Zealand Railways)	-	-

	Corporation)		
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Discussion

ONTRACK (New Zealand Railways Corporation) (495.20) requests Assessment Criteria 22.2.10(vi) be amended to include reference to the rail network.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report to amend section 22.2.10 (iv) to recognise that signs can have similar adverse effects on the safe and efficient operation of the rail network as the road network.

Decision: 22.2.10

Submission Reference:
 495.20 Accept

Decision Amendment: 22.2.10

Amend section 22.2.10(vi) as follows:

*(vi) Effects on the safe and efficient operation of the road, **rail** and pedestrian networks, including possible distraction or confusion.*

Reasons

This decision is made for the following reasons:

- This amendment recognises that signage can also have effects on the rail network and is to be considered in a resource consent application where required.

22.2.20 – Assessment Criteria – Waingawa Industrial Area

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.21	ONTRACK (New Zealand Railways Corporation)	-	-

Discussion

ONTRACK (New Zealand Railways Corporation) (495.21) requests Assessment Criteria 22.2.20(i) and (ii) be amended to include reference to the rail network.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the submitter evidence and the Section 42A report to amend criteria 22.2.20(i) and (ii) to include consideration of the effects of development on the safe and efficient operation of the rail network.

Decision: Section 22.2.20

Submission Reference:

495.21 Accept

Decision Amendment: Section 22.2.20

Amend section 22.2.20(i) and (ii) as follows:

*(i) "The extent to which vehicle movements from the development effects the safe and efficient operation of the transportation network, in particular State Highway 2, **53 and the Wairarapa Railway.**"*

*(ii) "The extent of effects on infrastructure and its efficient use and development, including the capacity and safety of the roading **and rail** networks, and the ability of the area's utility services to function efficiently.*

Reasons

This decision is made for the following reasons:

- This amendment recognises that development in the Waingawa Industrial area could have adverse effects on the safe and efficient operation of the rail network and is to be considered in a resource consent application.

Chapter 25 – Designations

Incorporating Provisions:

- 25.1 – 25.3

25.1 – Designations - Introduction

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.112	Wellington Regional Council	-	-

Discussion

Wellington Regional Council (526.112) request flood protection works be added to the examples of designations in the Introduction (Section 25.1).

Evidence Heard

Greater Wellington Regional Council presented evidence reaffirming their view that the wording within 25.1 be amended to include flood protection works.

Commissioners' Deliberations

The Commissioners concur with the submitter adding reference to “flood protection works” better expresses the range of designation purposes.

Decision: Section 25.1

Submission Reference:

526.112 Accept

Decision Amendment: Section 25.1

Amend Section 25.1 as follows:

*“...telecommunications, ~~and~~ radio-communications **and flood protection works**. These utilities...”*

Reasons

This decision is made for the following reasons:

- The amendment recognises flood protection works are an example of designation types.

25.3.3 – Designations – Exclusions

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
328.10	New Zealand Police (Information and Technology Group)	-	-

Discussion

The **New Zealand Police (Information and Technology Group)** (328.10) request Section 25.3.3 be retained.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report to retain Section 25.3.3 unchanged.

Decision: Section 25.3.3

Submission Reference:

328.10 Accept

Reasons

This decision is made for the following reasons:

- The existing text recognises there are circumstances when Outline Plans are not required.

Chapter 26 – Information to be Supplied with Resource Consent and Subdivision Applications

Incorporating Provisions:

- 26.1 – 26.3

26.3.1 – Information Schedules: General Information

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.22	ONTRACK (New Zealand Railways Corporation)	-	-
296.33	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
497.29	New Zealand Historic Places Trust	-	-
497.30	New Zealand Historic Places Trust	-	-

Discussion

ONTRACK (New Zealand Railways Corporation) (495.22) seek that an amendment be made to 26.3.1xiii to include reference to vehicle access over railway lines.

Transpower New Zealand Limited (296.33) supports the provisions in 26.3.1 and requests that they be retained. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

New Zealand Historic Places Trust (497.29) request that the wording ‘cultural heritage’ used in Chapter 26 be replaced by ‘historic heritage’.

New Zealand Historic Places Trust (497.30) requests that additional clauses be added in relation to sites of significance to tangata whenua.

Evidence Heard

Transpower New Zealand Limited presented evidence that they supported the inclusion of (xv) in the Information Schedule 26.3.1 which related to the need to consider any public infrastructure and open drains.

New Zealand Historic Places Trust presented evidence expressing support for the consent requirements for historic heritage. However, they requested clarification in Chapter 26 to ensure they were consistent with the status of heritage related rules.

Commissioners' Deliberations

The Commissioners support the Section 42A report to retain the current wording for 26.3.1 (xiii) as this wording provides for the relief sought by the submitter.

The Commissioners concur with the submitter (497.29) and the Section 42A report to amend the term 'cultural heritage' to 'historic heritage' as this is consistent with the terminology used in the RMA.

Given the amendments to the historic heritage rules, the information requirements are amended to correlate with these changes.

Decision: Section 26.3.1

Submission Reference:

495.22	Accept in part
296.33	Accept
FS112	Reject
FS85	Reject
497.29	Accept
497.30	Accept

Decision Amendment: Section 26.3.1

Amend Section 26.3.1(x) by replacing "cultural heritage" with "historic heritage" as follows:

*"(x) Any known sites of natural and ~~cultural~~ **historic** heritage;"*

Reasons

This decision is made for the following reasons:

- The existing wording for provision 26.3.1 (xiii) provides for information on access over the railway.
- The amendment of the term 'cultural heritage' to 'historic heritage' is consistent with the terminology used in the RMA.
- The amendment to the information requirements for historic heritage ensures consistency with the revised historic heritage rules.

26.3.2 – Information Schedules: Plans

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.23	ONTRACK (New Zealand Railways Corporation)	-	-
526.113	Wellington Regional Council	-	-

296.34	Transpower New Zealand Limited	FS112 D Riddiford FS85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
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Discussion

Ontrack (New Zealand Railways Corporation) (495.23) seek that an amendment be made to 26.3.2(ii) to include reference to vehicle access over railway lines.

Transpower New Zealand Limited (296.34) supports the provisions in 26.3.1 and requests that they be retained. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Greater Wellington Regional Council (526.113) request that 26.3.2(ii) be amended to ensure that site plans submitted with resource consent applications show the location of bores and wells as well as the location of natural watercourses.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the current wording of provision 26.3.2 (ii) provides for the relief sought relating to vehicle access over railway lines.

The Commissioners concur with the submitter and the Section 42A report that the site plan requirement be amended to include the location of bores, wells and the location of both natural and artificial watercourses.

Decision: Section 26.3.2

Submission Reference:

495.23	Accept in part
526.113	Accept
296.34	Accept
FS112	Reject
FS85	Reject

Decision Amendment: Section 26.3.2

Amend section 26.3.2(ii) by inserting the bullet point and amended text as follows:

- “▪ **Location of bores and wells;**
- **Location of natural and artificial water courses;**”

Reasons

This decision is made for the following reasons:

- The existing wording of Section 26.3.2(ii) provides for information on vehicle access over railway lines.

- The addition of the location of bores, wells and natural and artificial watercourses would assist in assessing the effects of a land use activity on the environment.

26.3.3 – Information Schedules: Assessment of Effects

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.29	New Zealand Historic Places Trust	-	-
497.30	New Zealand Historic Places Trust	-	-
521.47	Meridian Energy Limited	-	-

Discussion

New Zealand Historic Places Trust (497.29) request that the wording ‘cultural heritage’ be replaced by ‘historic heritage’.

New Zealand Historic Places Trust (497.30) request that additional clauses be added in relation to sites of significance to tangata whenua.

Meridian Energy Limited (527.47) request that 26.3.3(vii) be amended to state: ‘*proposed methods, where practicable, to avoid, remedy or mitigate any identified adverse effects of the proposal*’ because this wording recognises that not all adverse effects on the environment can be avoided, remedied, or mitigated. The submitter also requests that the necessary consequential amendments be made.

Evidence Heard

The **New Zealand Historic Places Trust** expressed support in their evidence for the consent information requirements for historic heritage. However, they requested clarification in Chapter 26 to ensure they were consistent with the status of heritage related rules.

Meridian Energy Limited presented evidence accepting the Section 42A report recommendation to reject the amendment they requested in their original submission.

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report to amend the terminology ‘cultural heritage’ used in 26.3.3(ii) with ‘historic heritage’ to improve consistency with the RMA.

We do not consider it appropriate to amend 26.3.1(xiii), 26.3.3(Viii) and 26.3.5(a)(vii) as the existing wording of the Plan is considered to provide for the relief sought.

The Commissioners noted the submitters’ evidence accepting the Section 42A report recommendation of not amending section 26.3.3(vii) referring to ‘where practicable’. We concur that this amendment would not better express this information requirement.

Decision: Section 26.3.3

Submission Reference:

497.29	Accept
497.31	Reject
521.47	Reject

Decision Amendment: Section 26.3.3

Amend Section 26.3.3(vii) by replacing "cultural heritage" with "historic heritage" as follows:

*"(ii) Effects of the proposal on the natural and ~~cultural~~ **historic** heritage environment;"*

Reasons

This decision is made for the following reasons:

- The amendment to 'historic heritage' is consistent with the terminology in the RMA.
- The existing wording for provision 26.3.3(vii) for proposed methods to avoid, remedy or mitigate the adverse effects is consistent with the purpose and principles of the Act.

26.3.4 – Information Schedules: Subdivisions

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.24	ONTRACK (New Zealand Railways Corporation)	-	-
495.25	ONTRACK (New Zealand Railways Corporation)	-	-
498.17	Wairarapa Public Health	FS52 Horticulture New Zealand	Support

Discussion

ONTRACK (New Zealand Railways Corporation) (495.24) seek that an amendment be made to 26.3.4(xxi) to include reference to vehicle access over railway lines.

ONTRACK (New Zealand Railways Corporation) (495.25) seek that a new clause be included in 26.3.4(xiii) that requires applicants to demonstrate that they have consulted with ONTRACK, where a proposed subdivision requires access that traverses a railway line.

Wairarapa Public Health (498.17) request that 26.3.4(xxii) be amended to include a clause requiring applicants to address reverse sensitivity issues. **Horticulture New Zealand** supports this submission.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report not to modify provision 26.3.4(xxi) to include further references to railway accessibility as they felt these issues were already well addressed in the proposed text.

The Commissioners concur with the submitter and the Section 42A report to add a provision 26.3.4(xiii) to include the requirement that applicants consult with ONTRACK where a proposed subdivision requires access that traverses a rail line.

The Commissioners concur with the Section 42A report to retain 26.3.4(xxii) unchanged as it is viewed as unnecessary to require applicants to address reverse sensitivity issues as these issues should be raised when assessing each consent on a case by case basis.

Decision: Section 26.3.4

Submission Reference:

495.24	Reject
495.25	Accept
489.17	Reject
FS52	Reject

Decision Amendment: Section 26.3.4

Amend Section 26.3.4 by adding the following clause:

“(xxiv) For land with access over the railway, evidence that the proposed subdivision has been discussed with the rail licensed access provider (ONTRACK) together with the outcomes of those discussions.”

Reasons

This decision is made for the following reasons:

- The accessibility over the railway is already covered in the existing wording in Provision 26.3.4(xxi).
- The insertion of a requirement in 26.3.4(xiii) for applicants to consult with ONTRACK where a subdivision requires access across a rail line is supported because consultation with ONTRACK is encouraged.
- The provision of an additional clause requiring applicants to address reverse sensitivity issues is considered unnecessary as all consents will be evaluated on a case by case basis.

26.3.5 – Information Schedules: Controlled Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.29	New Zealand Historic Places Trust	-	-

497.30	New Zealand Historic Places Trust	-	-
525.106	Department of Conservation	-	-

Discussion

The **New Zealand Historic Places Trust** (497.29) requests that the wording 'cultural heritage' be replaced by 'historic heritage'.

The **New Zealand Historic Places Trust** (497.30) requests that additional clauses be added in relation to sites of significance to tangata whenua.

The **Department of Conservation** (525.106) requests that amendments be made to clause 26.3.5(a)(iv) to include reference to aquatic features as well as to include methods planned to avoid, remedy, or mitigate potentially adverse effects of earthworks associated with subdivisions.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation of amending the Plan by adding reference to aquatic features and managing the adverse effects.

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report that the words 'cultural heritage' be replaced with 'historic heritage' to be consistent with the Act's terminology.

The Commissioners concur with the submitter's evidence and the Section 42A report to add a reference to aquatic features as well as methods to avoid, remedy and mitigate potentially adverse effects of earthworks associated with subdivisions. The amendment better expresses the qualities to be assessed and the methods for managing the adverse effects.

Decision: Section 26.3.5

Submission Reference:

497.29	Accept
497.30	Reject
525.106	Accept

Decision Amendments: Section 26.3.5

Amend Section 26.3.5(a)(v) by replacing "cultural heritage" with "historic heritage" as follows.

*"(v) A description and evaluation of any ~~cultural~~ **historic** heritage and the effect of the proposed subdivision and development on it;"*

Amend Section 26.3.5(a)(iv) by including the following text:

*"(a)(iv) A description and evaluation of any indigenous flora and fauna and natural landscape features **including aquatic features** and the effect of the*

*proposed subdivision and development on these areas **including any methods planned to avoid, remedy or mitigate any potentially adverse effects of these works;***"

Reasons

This decision is made for the following reasons:

- The amendment to historic heritage is consistent with the terminology in the RMA.
- The addition of a reference to aquatic issues and methods for managing the adverse effects would assist in better understanding the actual and potential effects a subdivision may have on the environment.

Chapter 27 – Definitions

Incorporating the definitions of:

- **Buildings**
- **Noise Emission Levels**
- **Official Traffic Sign**
- **Papakainga Housing**
- **New Definitions Requested**

27. Definitions - Buildings

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.78	Federated Farmers of New Zealand (Inc)	FS157 G & J Diederich FS155 K Reedy FS52 Horticulture New Zealand	Support Support Support
526.114	Greater Wellington Regional Council	FS52 Horticulture New Zealand FS54 New Zealand Winegrowers	Oppose Support
331.8	D Harris & S Murphy	-	-

Discussion

Federated Farmers of NZ (Inc) (524.78) request that sub clause (ii) (in relation to small utility structures) be amended. **G & J Diederich**, **K Reedy** and **Horticulture New Zealand** support this submission.

Greater Wellington Regional Council (526.114) requests that the definition of Building be amended to include 'earthworks'. **New Zealand Winegrowers** support this submission. **Horticulture New Zealand** opposes this submission.

D Harris & S Murphy (331.8) requests that the Building definition be tightened so as to exclude for example a water tank.

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation not to include earthworks within the definition of building, provided that its request to include a permitted activity standard regarding earthworks setbacks from waterbodies and the coastal marine area in the rural zone be accepted.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report to retain the existing wording of sub clause (ii) in the definition of building because the suggested increase in height for small scale aerials and antennas would potentially result in unacceptable effects on amenity and landscape character. The Networks Utility chapter has specific standards for masts, poles and telecommunications structures.

The Commissioners concur with the Section 42A report to retain the existing definition for building as the terms 'building' and 'earthworks' are considered entirely separate activities. The matter of earthworks rules has been addressed in the General Amenity decision reports.

Retaining the broad brush definition for a building is supported as even smaller structures such as water tanks can potentially have similar adverse effects to structures such as houses.

Decision: Building Definition

Submission Reference:

524.78	Reject
FS157	Reject
FS155	Reject
FS52	Reject

526.114	Reject
FS52	Accept
FS54	Reject

331.8	Reject
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Reasons:

This decision is made for the following reasons:

- Providing for structures such as small scale aerals and antennas in the definition is not considered appropriate. The network utility rules are the most appropriate Plan provisions for setting the regulatory framework for managing these types of structures.
- The possible effects associated with 'Earthworks' and 'Buildings' need to be considered separately so it is inappropriate to amend the definition of building to take into account earthworks.
- Retaining the broad definition of buildings that includes structures such as water tanks is appropriate as these structures can also have significant adverse environmental effects.

27. Definition: Noise Emission Levels

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.39	Mighty River Power Limited	-	-
520.40	Mighty River Power Limited	FS52 Horticulture New Zealand	Support
520.41	Mighty River Power Limited	-	-
520.42	Mighty River	-	-

	Power Limited		
522.66	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	-	-
492.6	Horticulture New Zealand	FS112 D Riddiford FS85 Federated Farmers of New Zealand (Inc) FS54 New Zealand Winegrowers	Support Support Support

Discussion

Mighty River Power Limited (520.39) supports reference in Noise Emission Level clause (iii) to Standard NZS 6808:1998.

Mighty River Power Limited (520.40) request that Part A of the definition be amended to accurately reflect the permitted baseline. **Horticulture New Zealand** supports this submission.

Mighty River Power Limited (520.41) request that Point B in the definition be deleted because it appears to modify the noise emission standard.

Mighty River Power Limited (520.42) request that Point E be amended because it is unclear.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.66) request that reference be added in relation to NZS 6803:1999 for Construction Noise.

Horticulture New Zealand (492.6) request retain both NZS 6801:1999 Acoustic Measurement of Sound and NZS 6802: 1991 Assessment of Environmental Sound in the definition of noise emission levels. In addition, request add an additional bullet point to the definition of noise emissions levels d) referring to vehicles and machinery used in the course of rural production activities.

Evidence Heard

Mighty River Power Limited presented evidence reiterating its support for the use of the NZ Standard 6808:1998. **Mighty River Power Limited's** evidence also outlined concerns with some of the additional matters in the definition relating to clauses (a), (b) and (e).

Horticulture New Zealand presented evidence on noise emissions generally.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report to amend the wording in part a) of the Noise Emission Level definition to more accurately reflect the permitted baseline.

The Commissioners concur with the Section 42A report to retain the current wording for parts b) and e) of the definition because it provides additional explanation as to how the standards are to be applied and specific guidance for the measurement of noise levels.

The Commissioners concur with the submitter and the Section 42A report recommendation to incorporate the New Zealand Standard reference outlined below into the Noise Emission Level definition as it is commonly applied.

The Commissioners concur with the submitter and the Section 42A report that it is appropriate to include an additional descriptor to the definition which refers to the exclusion of noise standards for mobile sources in the Rural Zone.

Decision: Noise Emission Level Definition

Submission Reference:

520.39	Accept
520.40	Accept
FS52	Accept

520.41	Reject
520.42	Reject
522.66	Accept

492.6	Accept
FS112	Accept
FS85	Accept
FS54	Accept

Decision Amendment: Noise Emission Level Definition

Amend part (a) of the definition for Noise Emission Level as follows:

*“Assessment using “permitted baseline” tests will need to be based on realistic estimates of ~~future~~ **permitted and consented** activity levels.”*

Amend the Noise Emission Level definition by inserting reference to the list of appropriate standards as follows:

“(iv) NZS 6803:1999 Acoustics – Construction Noise

Amend the list of excluded activities by inserting the reference as follows:

“Mobile vehicles used in primary production activities such as tractors and harvesters.”

Reasons

This decision is made for the following reasons:

- Amendment of part a) will provide greater clarification in the interpretation of Noise Emission Levels.
- The existing parts b) and e) are considered to provide a clear and useful explanation for the application for the standards.
- It is appropriate to include references to the New Zealand Standard to provide recognition of this Standard as a suitable and well regarded assessment tool for measuring Noise Emission Levels.

- Excluding mobile sources of noise used in primary production activities will provide clarification that such activities are excluded from having to apply to the noise standards in the Rural Zone.

27. Definitions - Papakainga Housing

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
346.1	B Durbin	-	-

Discussion

B Durbin (346.1) requests that the definition of Papakainga Housing be amended to be more consistent with legislative documents such as the Te Ture Whenua Maori Land Act 1993.

***Papakainga housing** – means use and development of multiple residential units and other buildings to enable whanau and extended family to live on any ancestral land owned by Maori.*

Evidence Heard

B Durbin presented evidence that the recommended definition in the Section 42A report was satisfactory.

Commissioners' Deliberations

The Commissioners concur with submitter and the Section 42A report to amend the definition of Papakainga Housing to better clarify the type of land on which this form of housing could be located.

Decision: Papakainga Housing Definition

Submission Reference:
346.1 Accept

Decision Amendment: Papakainga Housing Definition

Amend the definition of Papakainga Housing as follows:

***"Papakainga housing** – means use and development of multiple residential units and other buildings to enable whanau and extended family to live on any ~~ancestral~~ **Maori land (as defined by Section 129 of the Te Ture Whenua Maori Act 1993)** ~~owned by Maori.~~"*

Reasons

This decision is made for the following reasons:

- The amended definition is consistent with the Te Ture Whenua Maori Act 1993 and will provide greater clarity on the type of land where Papakainga housing is appropriate.

27. Definitions - New Definitions Requested

Submitter Number	Submitter Name	Reason	Relief Sought
263.1	New Zealand Fire Service Commission	FS104 Wairarapa Rural Fire District	Support
17.14	Transit New Zealand	-	-
503.4	Wairarapa Organics	FS52 Horticulture New Zealand	Oppose

Discussion

The New Zealand Fire Service Commission (263.1) request that a definition of Emergency Service Facility be incorporated into the Proposed Plan. This submission is supported by the Wairarapa Rural Fire District.

Transit New Zealand (17.14) request that a new definition of “Road” be added into the Proposed Plan.

Wairarapa Organics (503.4) request that a definition of Genetically Modified Organisms and Genetic Engineering be introduced into the Proposed Plan. This submission is opposed by Horticulture New Zealand Limited.

Evidence Heard

Wairarapa Organics presented evidence in relation to genetically modified organisms and genetic evidence.

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report that it is not necessary to include a definition for ‘Emergency Service Facilities’ in the Plan as the only reference to such facilities in relation to the parking standards in Rule 21.1.21 where a specific definition is applied.

The Commissioners concur with the Section 42A report to retain the existing definition for road as this definition is consistent with the RMA definition.

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.

Decision: New Definitions

Submission Reference:

263.1	Reject
17.14	Reject
503.4	Reject

Reasons

This decision is made for the following reasons:

- Inserting a separate definition for 'Emergency Service Facility' in Section 27 is not considered appropriate, as a specific definition is applied to the specific rule in the Plan.
- It is not considered efficient or effective to include a definition of 'road' as the RMA already provides a definition.
- The management of genetically modified organisms is not a responsibility of territorial local authorities.

Other Matters

In relation to:

- **Whole Plan**
- **Plan structure and format**
- **Terminology**
- **Consultation**
- **New Issues**
- **Plan Administration**

Whole Plan

The submissions points considered in this section relate to the whole of the Wairarapa Combined District Plan.

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
382.1	T Williams, R & B Barton, M & R Butterick, R & D Joblin, J & H McFadzean, S & C Franks, The Grass Roots Institute of NZ Inc	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 82 Morrison Kent, Lawyers	Support Support Oppose
494.1	Land Transport New Zealand	-	-
497.1	New Zealand Historic Places Trust	-	-
380.6	D, J, T, J & E Williams	-	-
495.1	ONTRACK (New Zealand Railways Corporation)	-	-
368.1	Oops!! Ltd	-	-
404.1	Problem Gambling Foundation of New Zealand	-	-
332.1	Progressive Enterprises Limited	-	-
327.1	Telecom New Zealand Limited	-	-
273.34	Tomlinson & Carruthers	-	-

17.1	Transit New Zealand	-	-
512.4	M Butterick	-	-
258.1	J Cameron	FS 152 J Cameron FS 156 G Diederich	Support Support
258.5	J Cameron	FS 152 J Cameron FS 156 G Diederich	Support Support
246.1	P Rankin	FS 86 Progressive Enterprises Limited	Support
367.1	R Rudman	-	-
228.1	B Tosswill	-	-
396.1	G Tulloch	-	-
257.1	S Wilton	-	-
222.1	D Cameron	FS 222 D Cameron	Support
506.1	S & S Chipp	-	-

Discussion

The Grass Routes Institute of New Zealand et al (382.1) request that the Proposed Plan be withdrawn and reformulate a new Proposed Plan. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission. **Morrison Kent, Lawyers** oppose this submission.

P Rankin (246.1) and **G Tulloch** (396.1) requests that the Proposed Plan be withdrawn and further consultation and research be carried out. **Progressive Enterprises Limited** supports the submission from P Rankin.

R Rudman (367.1) opposes the Proposed Wairarapa Combined District Plan for reasons relating to public input and agreement, linkages with other planning documents, and not seeing a detailed cost benefit analysis.

S Wilton (257.1) opposes all rules and policies of the Proposed Plan.

D Cameron (222.1) requests the withdrawal of the Proposed Plan.

S & S Chipp (506.1) requests the withdrawal of the Carterton district from the Proposed Plan.

Land Transport New Zealand (494.1), **The New Zealand Historic Places Trust** (497.1) **ONTRACK (New Zealand Railways Corporation)** (495.1), **Oops Ltd** (368.1), **Progressive Enterprises Limited** (332.1), **Transit New Zealand** (17.1) and **Tomlinson & Carruthers** (273.34) generally support the concept of the Proposed Plan and the Plan provisions. However, the submitters request certain amendments be made to specific provisions throughout the Plan.

D, J, T, J & E Williams (380.6) has made general comments in regard the preparation of the Proposed Plan. No relief is sought from this submission point.

Problem Gambling Foundation of New Zealand (404.1) requests that the Proposed Plan manage problem gambling by restricting gambling machines in Wairarapa and restricting signage that advertises gambling associated activities.

Telecom New Zealand Limited (327.1) has concerns regarding specific provisions of the Proposed Plan, particularly in relation to Network Utilities.

M Butterick (512.4) requests various amendments to provisions throughout the Proposed Plan in relation to the operation of farming activities.

J Cameron (258.1 and 258.5) opposes the Proposed Plan. **J Cameron** and **G Diederich** support this submission.

B Tosswill (228.1) supports the general concept of the Wairarapa Combined District Plan but he considers that the provisions relating to the protection of indigenous vegetation to be inappropriate.

Evidence Heard

The Grass Roots Association of New Zealand (Inc) presented evidence objecting to the whole Plan on the grounds of inadequate consultation with the wider community.

Land Transport New Zealand expressed their support for the Proposed Plan.

M Butterick commented that consultation methods could be improved and should be investigated to reduce the number of submissions and give a lot more weight to affected parties. One plan for the whole Wairarapa was a good concept, but had not been entirely achieved; and outstanding landscapes and significant water bodies in the South Wairarapa needed further consideration.

P Rankin supported the Combined District Plan and congratulated the councils on the vision and all their work. However, he believed more time should be taken to ensure success of the plan and undertake more consultation. Mr Rankin felt people found the rules difficult to understand.

B Tosswill commended the plan for bringing cohesion and unity to the three Districts. However, he felt that the process had been disappointing and there was a need for more consultation with farmers.

Commissioners' Deliberations

The Proposed Plan has been prepared in accordance with the statutory requirements of the Resource Management Act and incorporates the matters a District Plan must contain. Under the Act, District Councils are required to have a District Plan.

The Commissioners consider that the Proposed Plan has followed due process and meets these statutory requirements. We note a Section 32 report was available when the Proposed Plan was publicly notified. This document explored the costs and benefits of different options for managing the resources of the Wairarapa as well as evaluating the effectiveness of the Plan provisions. We note a full "Draft Plan" was released for public comment prior to the notification of the Proposed Plan.

Many of the submissions under 'Other matters' relate to specific chapters within the Plan. These matters have been addressed under the relevant chapters.

The Commissioners concur with the Section 42A report that all three District Councils have a specific policy to control Class 4 Gambling venues. It is considered that these are the most effective mechanism to manage these venues, and not any policies or methods in the District Plan.

Decision: Other Matters

Submission Reference:

382.1	Reject
FS112	Reject

FS85	Reject
FS82	Accept
494.1	Accept
497.1	Accept
380.6	Reject
495.1	Accept
368.1	Accept
404.1	Reject
332.1	Accept
327.1	Accept in part
273.34	Accept
17.1	Accept
512.4	Accept in part
258.1	Reject
FS152	Reject
FS156	Reject
258.5	Reject
FS152	Reject
FS156	Reject
246.1	Reject
FS86	Reject
367.1	Reject
228.1	Accept in part
396.1	Reject
257.1	Reject
222.1	Reject
FS222	Reject
506.1	Reject

Reasons

This decision is made for the following reasons:

- The Plan has been prepared in accordance with the requirements of the RMA. These requirements include the contents of the Plan, the Section 32 record and consultation.
- Amendments have been made to specific provisions in the Plan in response to matters raised by submitters. These amendments ensure the Plan is an effective and efficient approach to sustainably managing the natural and physical resources in the Wairarapa.

Plan Structure and Format

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.107	Department of Conservation	-	-
273.30	Tomlinson & Carruthers	-	-

Discussion

Department of Conservation (525.107) request that a table listing the activity status covered by the different rules be incorporated at the front of each Rules section of the Proposed Plan.

Tomlinson & Carruthers (273.30) request that filetabs be redesigned.

Evidence Heard

Department of Conservation presented evidence accepting and supporting improvements to the tabs to assist rule location and ease of use of the Plan.

Commissioners' Deliberations

The Committee concur with the Section 42 report that it is not appropriate to add a table for each chapter as the chapters are concise and the addition of tables could become a source of confusion.

The Commissioners concur with the submitter and the Section 42A report to consider the redesign of filetabs during final Plan preparation so that they are clearer.

Decision: Plan Format and Structure

Submission Reference:

525.107	Reject
273.30	Accept in part

Reasons

This decision is made for the following reasons:

- Summary chapter tables are not considered an effective method for improving the usability of the Plan.
- The redesign of the filetabs could improve the useability of the Plan.

Terminology

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.2	ONTRACK (New Zealand Railways Corporation)	-	-
383.8	Sustainable Wairarapa	-	-
492.1	Horticulture New Zealand	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
494.15	Land Transport New Zealand	-	-

Discussion

ONTRACK (New Zealand Railways Corporation) (495.2) requests that all references to ONTRACK in the Proposed Plan be amended to state ONTRACK, which is its official trading name.

Sustainable Wairarapa (383.8) requests various amendments/clarifications to be made to specific provisions of the Proposed Plan.

Horticulture New Zealand (492.1) request that terms defined in Chapter 27 be identified throughout the text of the Proposed Plan. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Land Transport New Zealand (494.15) requests that the wording “relevant traffic regulations”, in relation to the design of official traffic signs that is used throughout the Proposed Plan, be replaced with Land Transport Rule: Traffic Control Devices 2004.

Evidence Heard

Horticulture New Zealand presented evidence that highlighting ‘defined’ terms in the text of the Plan assists Plan users.

Commissioners’ Deliberations

The Commissioners concur with submitters evidence (495.2, 494.15) and the Section 42A report to amend all references in the plan from ‘Ontrack’ to ‘ONTRACK’ and for official traffic signs from ‘relevant traffic regulations’ to ‘Land Transport Rule: Traffic Control Devices 2004’.

The Commissioners concur with the submission from Horticulture NZ that highlighting terms that are defined in Chapter 27 of the Plan assists Plan users. The Operative Plan version of the Plan is to show these terms.

Decision: Terminology

Submission Reference:

495.2	Accept
383.8	Reject
492.1	Accept
FS112	Accept
FS85	Accept
494.15	Accept

Decision Amendment: Terminology

Amend all references in the Plan from 'OnTrack' to '**ONTRACK**'.

Amend Rule 4.5.2(g) Exception as follows:

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

Amend Rule 5.5.2(g) Exception as follows:

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

Amend Rule 6.5.2(f) Exception as follows:

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

Amend Rule 7.5.2(f) Exception as follows:

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

Amend Rule 21.1.14(g) Exception as follows:

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

Amend Plan by highlighting all terms defined in Chapter 27 text in the rules and standards.

Reasons

This decision is made for the following reasons:

- It is important that the plan uses the correct terminology, therefore the references to ONTRACK and 'relevant traffic regulations' are amended.

- Highlighting defined terms assists Plan users.

Consultation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
274.5	Martinborough Vineyard Estates Ltd	-	-
371.4	Snowy Range Station Limited and Lagoon Hill Limited	-	-
391.3	Trustees of the W N Pharazyn Charitable Trust	-	-
499.5	D Daniell	-	-
385.17	J Gleisner	FS112 D Riddiford FS85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
212.1	H Rogers	-	-
18.5	D Woodhouse	-	-

Discussion

Martinborough Vineyard Estates Ltd (274.5) supports the Proposed Plan overall but note an objection to the timeframe made available for submitting on the Proposed Plan.

Snowy Range Station Limited and Lagoon Hill Limited (371.4), **Trustees of the W N Pharazyn Charitable Trust** (391.3), **D Daniell** (499.5) and **D Woodhouse** (18.5) all request that the consultation process should have been re-thought, extended or postponed.

J Gleisner (385.17) requests organisations such as Forest and Bird and Sustainable Wairarapa to be engaged in developments (resource consent applications) that might affect landscape or biodiversity matters. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

H Rogers (212.1) expressed concern about the level of public information on the Council websites regarding the Proposed Plan, and that the Proposed Plan was being implemented prior to submissions being heard.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The notification and submission timeframe was in accordance with the statutory requirements of the Resource Management Act. We note consultation has been undertaken

during the preparation of the plan as well as the release of a Draft Combined District Plan in late 2004.

The Commissioners note that the notification of resource consents is determined in accordance with the statutory framework under Sections 93 and 94 of the RMA. Affected parties are determined on a case by case basis depending on the nature of the proposed activity and its surrounding environment.

The Commissioners consider that the level of information and distribution of that information met the requirements of the Act for information to be made available when a Proposed Plan is notified. Summary information about the Proposed Plan was sent to all ratepayers and this information also identified where further information could be obtained, including the Council websites. Each Council website included a full copy of the Plan and maps and the Section 32 record. We note the Act states Proposed Plans have legal effect from the date the document is publicly notified.

Decision: Consultation

Submission Reference:

274.5	Reject
371.4	Reject
391.3	Reject
499.5	Reject
385.17	Reject
FS112	Accept
FS85	Accept
212.1	Reject
18.5	Reject

Reasons

This decision is made for the following reasons:

- The public notification and submission period was undertaken in accordance with the requirements of the Act. In addition, earlier consultation was undertaken, including the preparation of the draft Plan in late 2004 for public comment.
- The level of information on the Proposed Plan met the requirements of the Act, and included copies of the plan being available on the Council websites.
- Notification of each resource consent is decided on a case by case basis applying Sections 93 and 94 of the Act.
- Proposed Plans have legal effect from the date the document is publicly notified. However, it is up to Councils to determine how much weight is afforded to the provisions in the Proposed Plan when assessing consent applications.

New Issues

Submitter Number	Submitter Name	Reasons	Relief Sought
521.1	Meridian Energy Limited	FS 54 Mighty River Power Limited FS 36 Wairarapa Aggregates Ltd FS 91 Greater Wellington Regional Council	Support Support Partial Support
383.1	Sustainable Wairarapa	-	-
436.1	The Energy Efficiency and Conservation Authority	FS 84 Meridian Energy Ltd FS 54Mighty River Power Limited	Support Support
273.33	Tomlinson & Carruthers	-	-
503.1	Wairarapa Organics	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 52 Horticulture New Zealand	Oppose Oppose Oppose
401.12	E Crofoot	-	-
385.6	J Gleisner	-	-
385.14	J Gleisner	-	-
385.21	J Gleisner	-	-
393.1	B Laing	-	-
277.1	V Read	-	-
264.6	D Riddiford	-	-
264.16	D Riddiford	-	-
491.2	D & E Te Maro	-	-

Discussion

Meridian Energy New Zealand (521.1) request that a new chapter be added to the Proposed Plan that gives specific reference to matters contained in Section 7 of the Resource Management Act in relation to [(b)(a)] the efficiency of the end use of energy, [(i)]the effects of climate change], and [(j)] the benefits to be derived from the use and development of renewable energy. **Mighty River Power Limited, Wairarapa Aggregates Ltd** and **Greater Wellington Regional Council** support this submission.

Sustainable Wairarapa (383.1) requests that a vision statement be incorporated into the Proposed Plan.

The Energy Efficiency and Conservation Authority (436.1) requests amendments be made to specific provisions of the Proposed Plan in regard to the management of network utilities and energy efficiency. **Mighty River Power Limited** and **Meridian Energy Limited** support this submission.

Tomlinson & Carruthers (273.33) requests that a new section be included in the Proposed Plan that outlines the procedure for identifying 'affected parties' in relation to resource consent applications.

Wairarapa Organics (503.1) request that GMOs (genetically modified organisms) are prohibited from being grown/developed in the Wairarapa Region. **Horticulture New Zealand**, **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

E Crofoot (401.12) requests that the Proposed Plan incorporate provisions in relation to the management of freedom camping and specific management of water surface activities on the coastal marine area, in particular at Castlepoint.

J Gleisner (385.6) requests that best practice notes be published to accompany the Proposed Plan provisions.

J Gleisner (385.14 and 385.21) requests that the Proposed Plan include provisions relating to the management of aquifers, and that QEII covenant land be non-rated.

B Laing (393.1) requests that the Proposed Plan take proactive steps to control waste and recycling in a more efficient way.

V Read (277.1) seeks that long term growth strategies be incorporated into the Proposed Plan.

D Riddiford (264.6 and 264.16) requests that preparation of bylaws for esplanade reserves on Te Awaiti station.

D & E Te Maro (491.2) requests that specific provisions are added in relation to craft and cottage industry.

Evidence Heard

Meridian Energy Limited presented evidence that the issues of energy efficiency, benefits derived from renewable energy and climate change are understated in the Plan. To provide a complete and balanced analysis of the issues associated with these matters is by creating a separate energy chapter in the Plan.

Sustainable Wairarapa acknowledged that the LTCCP provided an overarching 'vision' document for what the Plan was trying to achieve.

The Energy Efficiency and Conservation Authority presented evidence that while the Combined Plan addressed energy efficiency and renewable energy in a number of places, a separate energy chapter incorporating specific objectives, policies and rules would recognise and provide for this matter. The current plan structure dilutes the focus on renewable energy, by spreading it over a number of sections.

Wairarapa Organics (503.3) presented evidence highlighting the costs of allowing genetically modified organisms to be grown in the Wairarapa. The submitter presented evidence from the Northland Councils who are investigating options for prohibiting genetically modified organisms.

E Crofoot reiterated the need for tightening up on 'freedom campers' on local reserves as well as the need for creation of a jet ski zone at Castlepoint Beach to improve safety for swimmers.

D Riddiford commented that bylaws should be prepared for the reserve at Te Awaiti.

Commissioners' Deliberations

The Commissioners consider network utilities and energy generation activities have a number of commonalities and synergies, and therefore, it is appropriate to group them in a single chapter. We disagree that having both in a single chapter in any way diminishes the issues, objectives and policies. Notwithstanding this, the matters of energy efficiency, climate change and benefits of renewable energy are not limited to this single chapter, but also are had regard to in other chapters, such as natural hazards, coastal environment and subdivision and land development, when of particular relevance.

Section 94B of the Act sets out the considerations for determining affected parties. We consider the implementation of this section to be the most effective in determining who the affected parties are for resource consent applications.

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.

The management of freedom camping on Council reserve land is most appropriately managed through a Council bylaw or individual Reserve Management Plans. Therefore, we have not added a provision to the Plan regarding this matter.

The Plan includes the application of a number of non-regulatory guidelines including the adoption of existing national guidelines such as those produced by the Ministry of the Environment.

We note some matters raised in submissions are outside the jurisdiction of a District Plan. These include the quality of groundwater which is managed by Greater Wellington Regional Council, rating of land which is determined through the LTCCP and Annual Plan processes, the preparation of bylaws for specific sites and waste management which are not a function of the District Councils under the RMA.

The Commissioners concur with the submitter and Section 42A report that the craft and cottage industries are already provided for in the Plan, including the permitted activity rules in the Rural and Residential Zone chapter.

Decision: New Issues

Submission Reference:

521.1	Reject
FS 54	Reject
FS 36	Reject
FS 91	Reject
383.1	Reject
436.1	Reject
FS 84	Reject
FS 54	Reject
273.33	Reject

503.1	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
401.12	Reject
385.6	Accept in part
385.14	Reject
385.21	Reject
393.1	Reject
277.1	Reject
264.5	Reject
264.16	Reject
491.2	Accept

Reasons

This decision is made for the following reasons:

- With minor amendments, the existing Network Utilities and Energy Chapter provisions represent the most appropriate approach for managing the range of resource management issues associated with network utilities and energy.
- The management of genetically modified organisms is not a responsibility of territorial local authorities.
- Section 94B of the Act sets out the matters for determining affected parties, and is decided on a case-by-case basis.
- Craft and cottage industry are already provided for in the Plan.

General Relief Sought

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
328.1	New Zealand Police (Information and Technology Group)	-	-
427.1	New Zealand Winegrowers	-	-
429.7	Papawai Community Trust Inc	-	-
459.1	Powerco Limited	-	-
298.1	Ravensdown Fertiliser Co-operative Limited	-	-
273.1	Tomlinson & Carruthers	-	-
296.1	Transpower New Zealand Limited	-	-
413.1	T Berthold	-	-
378.8	P Percy	-	-
264.1	D Riddiford	FS157 G & J Diederich FS155 K Reedy	Support Support
264.19	D Riddiford	-	-
213.6	K Stephen	-	-
281.1	J Street	-	-
523.34	K & M Williams	FS112 D Riddiford FS85 Federated Farmers of New Zealand (Inc)	Support Support
380.5	D, J, T, J & E Williams	-	-
525.85	Department of Conservation	FS112 D Riddiford FS85 Federated Farmers of New Zealand (Inc) FS52 Horticulture New Zealand FS54 New Zealand Winegrowers	Oppose Oppose Oppose Oppose
524.58	Federated Farmers of New Zealand (Inc)	-	-
264.4	D Riddiford	-	-
438.7	Wairarapa	FS85 Federated Farmers of New	Oppose

	Aggregates Ltd	Zealand (Inc)	
523.30	M & K Williams	FS112 D Riddiford FS85 Federated Farmers of New Zealand (Inc)	Support Support
526.105	Wellington Regional Council	-	-
527.1	Ngawi Ratepayers Association	-	-
497.36	New Zealand Historic Places Trust	-	-

Discussion

New Zealand Winegrowers (427.1), **Tomlinson & Carruthers** (273.1), **New Zealand Police (Information and Technology Group)** (328.1), **K Stephen** (213.6) **K & M Williams** (523.34), **Ravensdown Fertiliser Cooperative Limited** (298.1) and **J Street** (281.1) seek amendments be made to specific provisions of the Proposed Plan.

D Riddiford (264.1 and 264.19) opposes numerous aspects of the Proposed Plan. **G & J Diederich** and **K Reedy** support this submission.

Papawai Community Trust (429.7) seeks that the heritage values associated with the Papawai area are recognised in the Proposed Plan.

Transpower New Zealand Limited (296.1) and **Powerco Limited** (459.1) support the concept of the Proposed Plan but have requested specific amendments to provisions of the Proposed Plan.

T Berthold (413.1) requests that the Proposed Plan incorporate mechanisms that allow special interest areas to have specific zonings and provisions.

P Percy (378.8) requests that reviews be carried out to evaluate the appropriateness of the Proposed Plan provisions to ensure they are based on robust information and knowledge.

D, J, T, J & E Williams (380.5) requests delete any 'catch-all' rules.

Department of Conservation (525.85) requests a new permitted activity rule standard be added for earthworks based on the proximity to wetland or waterbody, slope gradient and volume. **NZ Winegrowers**, **Horticulture New Zealand**, **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Federated Farmers of New Zealand (Inc) (524.58) and **D Riddiford** (264.4) request amend Rule 21.1 to confirm farming and aquaculture as permitted activities.

Wairarapa Aggregates Ltd (438.7) requests a new restricted discretionary in Rule 21.3 for a subdivision and residential building within 500m of established aggregate activities. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

M & K Williams (523.30) request amend 21.3 & 21.4(a) so that activities in the flood hazard area which do not comply with the permitted activity standards are a restricted discretionary activity rather than discretionary activity. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Wellington Regional Council (526.105) request amend Rule 21.4(a) to restrict the catch all approach so some of the restricted discretionary activities can become discretionary activities.

Ngawi Ratepayers Association (527.1) seeks some designated areas on the coast be reviewed.

NZ Historic Places Trust (497.36) requests adding the Waikekeno, Matakītaki a Kupe – Palliser Bay and Rimutaka Incline Rail Trail – Kaitoke to the list of Historic Heritage Precincts (Appendix 1.8).

Evidence Heard

New Zealand Police (Information and Technology Group) presented evidence that there were inconsistencies in the Environmental Zone standard and District Wide Network Utility standards. Requested that network utility rules have a stand alone chapter, or alternatively, there be more effective cross referencing.

Powerco Limited reiterate the issues raised in their original submission regarding concerns that network utility provisions in the Proposed Plan will hinder them from operating their electricity and gas networks efficiently.

P Percy felt that there needed to be robust and solid reasoning to support the standards in the Plan or else it would easily be undermined.

Ngawi Ratepayers Association expressed concerns with the existing management and use of the reserve and parking area. The group requested the development of a management plan and designation of a safe launching site for the area.

New Zealand Historic Places Trust reiterated their request to see the following sites added to the registered historical areas in the Plan: Waikekeno in its entirety; the Rimutaka Incline Rail Trail and Matakītaki a Kupe, Palliser Bay.

Commissioners' Deliberations

The specific relief sought in submissions (427.1; 273.1; 328.1; 523.34; 298.1; 281.1; 264.1; and 264.19) are addressed in the respective chapter reports.

As discussed in the Historic Heritage chapter, the Papawai Marae is recognised as a site of historic heritage value in the Wairarapa.

The Commissioners consider network utilities and energy generation activities have a number of commonalities and synergies, and therefore, it is appropriate to group them in a single chapter. We disagree that having both in a single chapter in any way diminishes the issues, objectives and policies. Notwithstanding this, the matters of energy efficiency, climate change and benefits of renewable energy are not limited to this single chapter, but also are had regard to in other chapters, such as natural hazards, coastal environment and subdivision and land development, when of particular relevance.

The Plan identifies areas of special interest throughout the Wairarapa such as Outstanding Natural features and Historic Heritage Precincts. In addition, some town centres and industrial areas exhibit qualities which are afforded specific provisions in the Plan. Therefore, it is considered that these areas are appropriately identified and managed in the plan.

The Plan is based on the currently available and accepted information. Where current information sources are lacking, further research is identified as one of the Methods in the Plan for addressing these issues.

The Plan adopts an effects-based approach to activities, whereby all activities are permitted unless specifically listed as a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity. Therefore, a “catch-all” rule is applied to permit all activities which comply with effects-based standards. As discussed in the Rural Zone report, Rule 4.5.5(b) is deleted as this rule creates uncertainty about the activity status of some activities (i.e. discretionary

or permitted). Accordingly, we have determined not to remove the permitted activity catch-all rule.

It is not considered that earthworks (outside earthworks for land development and subdivision and in specific locations) are a significant resource management issue that require management by territorial authorities in the Wairarapa. It is noted the Regional Soil Plan includes methods for managing earthworks on erosion prone land. Earthworks undertaken as part of land development and subdivision are generally managed under the subdivision consent process. Therefore, no overall permitted activity standard has been added to manage earthworks.

As discussed in the evaluation of submissions on the Rural Zone chapter, no permitted activity rule is proposed to be added for the existing aggregate operations requested by the submitter, as this activity is appropriately managed under the proposed provisions.

Rule 21.3.11 for helicopter landing areas applies a standard for a restricted discretionary activity. Currently, there is no corresponding rule if a helicopter landing area does not comply with this standard. Accordingly, a new rule has been added for any non-compliance with the standard in Rule 21.3.12 to be a discretionary activity.

The matter of the use and management of the foreshore reserve at Ngawi is most effectively addressed in a specific Management Plan for this area. We do not consider it is effective to include any provisions in the District Plan to manage this issue.

Waikakeno is currently listed in Appendix 1.6 as an Area of Significance to Tangata Whenua. We concur with the submitter that the extent of this listed area be amended in line with the property details provided by the submitter.

Kupe's Sail is currently listed as an Outstanding Natural Feature in Appendix 1.2 of the Proposed Plan. However, Matakita a Kupe is not currently listed as a historic area. We consider Matakita a Kupe be added to Appendix 1.8 Historic Heritage Precincts to the extent outlined in the Operative South Wairarapa District Plan.

As discussed in the evaluation of submissions on the Historic Heritage chapter, the Department of Conservation has requested the Cross Creek heritage site and Rimutaka Incline to be added to the Heritage Items schedule. For the reasons outlined in that report, we have determined to add that part of the Rimutaka Incline Trail that is located on Department of Conservation land to Appendix 1.7 Heritage Items.

Decision: General Relief Sought

Submission Reference: 328.1	Accept in part
427.1	Accept in part
429.7	Accept in part
459.1	Accept in part
298.1	Accept in part
273.1	Accept in part
296.1	Accept in part
413.1	Accept
378.8	Accept in part
264.1	Accept in part
FS 112	Accept in part
FS 85	Accept in part
264.19	Accept in part
213.6	Accept in part

281.1	Accept in part
523.34	Accept in part
FS 85	Accept in part
FS 112	Accept in part
380.5	Reject
525.85	Reject
FS112	Accept
FS85	Accept
FS52	Accept
FS54	Accept
524.58	Reject
264.4	Reject
438.7	Reject
FS85	Accept
523.30	Accept
FS112	Accept
FS85	Accept
526.105	Accept in part
527.1	Reject
497.36	Accept in part

Decision Amendment: General Relief Sought

Add the following Rule to 21.3 to read as follows:

“21.3.14 Flood Hazard Area and Erosion Hazard Area

(a) Any activity within the Flood Hazard Area or Erosion Hazard Area that does not comply with the standards in Rule 21.1.17.

Discretion is restricted to the following matters:

- (i) The effects of the activity on the likelihood of flooding and/or erosion, or increase in its magnitude, including to other properties.***
- (ii) Risks to people and property***
- (iii) Mitigation measures to manage the risks from flooding or erosion***

Add the following Rule to 21.4 to read as follows:

“(n) Any helicopter landing area that does not comply with the standards for a restricted discretionary activity in Rule 21.3.12.

Amend TWc1 Waikeno in Appendix 1.6 as follows:

Areas of	Description	Location and Legal Description	Map Number
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Significance to Tangata Whenua		(where known)	
TWc1	Waikeno - Ancient stone walls of Maori gardens and large Pa site.	The Area as shown on the Planning Maps north of around the Waikeno Stream and west of Glenburn Road (Waikeno 1A Reserve, Pt Waikeno 1B, Waikeno 1C1, Waikeno 1C2, Waikeno 1C3, Waikeno 1D, Waikeno 2B6B including the pa site located on 2B6B).	33

Add the following items to Appendix 1.7 as detailed below:

South Wairarapa District

Hs167	Rimutaka Railway Tunnel*	* where located on Department of Conservation land.		18, 24
Hs168	Rimutaka Railway Tunnel	* where located on Department of Conservation land.		18, 24
Hs169	Water Drop Shaft*	* where located on Department of Conservation land.		18, 24
Hs170	Rimutaka Railway Tunnel*	* where located on Department of Conservation land.		18, 24
Hs171	Brick Kiln*	* where located on Department of Conservation land.		18, 24
Hs172	Railway Village*	* where located on Department of Conservation land.		18, 24

Add the following item to Appendix 1.8 Historic Heritage Precinct as detailed below:

Name	Location	Map Number
Matakitaki a Kupe, Palliser Bay	The Matakitaki a Kupe Historic Heritage Precinct consists of the coastal strip of the Matakitaki land block between the Mangatoetoe and Waitetuna Streams, comprising parts of sections Pt1A, 1, Pt 3, Pt1B, Pt1B1, Pt1B2, 1C1, Pt1C2, Pt4, Pt2, DP 27206 Matakitaki Block, the Lighthouse, Recreation, Road, Legal Purpose and Native (fishing) Reserves, and all of the Mangatoetoe subdivision.	37

Reasons

This decision is made for the following reasons:

- Specific reasons have been stated in the respective chapter decision reports for some of the above matters.

- With minor amendments, the existing Network Utilities and Energy Chapter provisions represent the most appropriate approach for managing the range of resource management issues associated with network utilities and energy.
- The Plan adopts an effects based approach to activities, therefore a “catch-all” rule is applied to permit all activities which comply with the effects-based standards.
- Listing activities on individual sites with specific rules is not considered the most efficient or effective approach, as there are a significant number of activities in the Rural Zone which would have similar circumstances, and is inconsistent with the effects based approach adopted in the District Plan.
- Restricted discretionary activity status for non-compliance with the standards in the Flood Hazard Area and Erosion Hazard Area provides the most efficient and effective resource consent process for evaluating each proposal.
- The new helicopter landing area rule provides the most efficient and effective resource consent process for evaluating each proposal.
- The existing and amended list of Historic Heritage items has been assessed having historic heritage value in the Wairarapa. The listing and mapping of these items provides certainty to the community, to ensure they achieve the Plan objectives of protecting historic heritage from inappropriate subdivision, use and development.

Plan Administration

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
385.16	J Gleisner	-	-
264.5	D Riddiford	-	-
431.1	Wairarapa Branch and National Office of the NZ Forest and Bird Society	-	-
401.13	E Crofoot	-	-
385.7	J Gleisner	-	-
53.3	K Armstrong	-	-
53.4	K Armstrong	-	-

Discussion

J Gleisner (385.16 and 385.7) and **D Riddiford** (264.5) have made requests that question the administration of the Proposed Plan.

Wairarapa Branch and National Office of the NZ Forest and Bird Society (431.1) request that the Councils increase their resources towards dealing with environmental issues and create a centralised planning department between the three Councils to ensure consistent administration of the Plan provisions.

E Crofoot (401.13) requests that citizens have rights to hearing/determining resource consent applications.

K Armstrong (53.3 and 53.4) requests that resource consents are not approved until stormwater upgrading in the Oak View Place area is completed, and requests the funding of the upgrading is not from general rates.

Evidence Heard

D Riddiford presented evidence in relation to the process used in preparing the Plan and Council functions generally. In particular, the certainty of process in determining compliance with the District Plan and timelines for resource consent applications.

E Crofoot commented that given the number of consents that have to be processed, the establishment of a Planning Board may be a good idea. These boards would follow the model used in the United States whereby a committee of appointed citizens determine consents for discretionary activities.

Commissioners' Deliberations

The administration of the Combined Plan is the responsibility of each District Council. We consider regular communication between the Councils would ensure consistent interpretation and implementation of the Combined Plan.

The Commissioners also concur with the Section 42A report that the funding and resourcing associated with the administration of the plan are matters each Council would consider as part of the LTCCP process.

The RMA governs the processes and procedures for determining resource consent applications. Each Council would determine the level of delegation to Council Committees and officers.

The matter of stormwater management for a particular area would be assessed at the time of any resource consent application.

Decision: Plan Administration

Submission Reference:

385.16	Accept
264.5	Accept
431.1	Reject
401.13	Reject
385.7	Reject
53.3	Reject
53.4	Reject

Reasons

This decision is made for the following reasons:

- Consistent interpretation and implementation of the Plan would be the responsibility of each individual District Council and achieved through regular communication.
- Matters regarding the funding and resourcing of plan implementation would be addressed in the LTCCP for each District.