

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

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**Subject: Chapter 5: Residential Zone**

**In Reference to:**

- ***Residential Zone Provisions 5.1 – 5.4***
  - ***Residential Zone Rules 5.5.1 – 5.5.7***
- 

## **5.0 General**

### **Submission Summary**

| <b>Submitter Number</b> | <b>Submitter Name</b>       | <b>Further Submitter Name and Number</b> | <b>Further Submission Support/Oppose</b> |
|-------------------------|-----------------------------|--|--|
| 526.4                   | Wellington Regional Council | -  | -  |

### **Discussion**

**Wellington Regional Council** (526.4) requests the District Plan consider addressing the matter of air quality in Residential Areas.

### **Evidence Heard**

**Wellington Regional Council** presented evidence accepting the Section 42A report recommendation of not addressing air quality as an issue for the Residential Zone.

### **Commissioners Deliberations**

|  |
|--|
| The Commissioners noted the submitter's response to the Section 42A report, and concur that air quality is the responsibility of the Regional Council. |
|--|

### **Decision**

Submission Reference: 526.4      Reject

### **Reasons**

This decision is made for the following reasons:

- Air quality is a function of the Regional Council, therefore, it does not need to be addressed in the District Plan.

## 5.1 Introduction

| Submitter Number | Submitter Name  | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|-----------------|-----------------------------------|-----------------------------------|
| 301.2            | B & G Dale      | -                                 | -                                 |
| 302.2            | S & M Cretney   | -                                 | -                                 |
| 329.1            | M Morris        | -                                 | -                                 |
| 330.1            | M Hennessy      | -                                 | -                                 |
| 75.2             | M & B Gillespie | -                                 | -                                 |
| 392.6            | S Corbett       | -                                 | -                                 |

## Discussion

**B & G Dale** (301.2), **S & M Cretney** (302.2), **M Morris** (329.1), **M Hennessy** (330.1) and **M & B Gillespie** (75.2) oppose 5.1 and seek that it be amended to recognise the Carterton Low Density Zone. **S Corbett** (392.6) also opposes 5.1 and seeks that the NZ Handbook 'Subdivision for People and the Environment' SNZ HB 44:2001 be the foundation for all residential planning as the proposed provisions are unsustainable. S Corbett also seeks that the Plan recognises the Carterton Low Density Zone.

## Evidence Heard

**M Morris** and **M & B Gillespie** separately presented evidence that the Residential Zone chapter failed to identify the Low Density Residential Area in Carterton, and that the Plan needed to be amended to reflect this valued feature of Carterton.

## Commissioners Deliberations

The residential areas in the Wairarapa towns have a similar purpose and function, in that they primarily provide for the living areas for residents, as well as some non-residential activities. The residential character of areas changes over time as they respond to different urban lifestyles. For Carterton, the Commissioners consider that the southern area of the Carterton residential area has a character valued by the local community of the 'quarter-acre' feel, recognised in the Operative Carterton District Plan as the 'Low Density Residential Area'. Therefore, the Commissioner have determined it is appropriate to add a sentence to the Introduction to recognise this area as detailed in the Section 42A report.

## Decision

|                             |                |
|-----------------------------|----------------|
| Submission Reference: 301.2 | Accept         |
| 302.2                       | Accept         |
| 329.1                       | Accept         |
| 330.1                       | Accept         |
| 75.2                        | Accept         |
| 392.6                       | Accept in part |

## Decision Amendment: 5.1 Introduction

Add the following sentence at the end of the last paragraph of '5.1 Introduction' as follows:

*“...character of the towns. **Also, the southern end of Carterton has a lower density residential character and some historical land uses associated with this character.**”*

## Reasons

This decision is made for the following reasons:

- The added sentence describes the character of the residential area at the southern end of Carterton.

## 5.2 Significant Resource Management Issues

| Submitter Number | Submitter Name   | Further Submitter Name and Number         | Further Submission Support/Oppose |
|------------------|--|---|-----------------------------------|
| 525.12           | Department of Conservation                             | FS 90 Greater Wellington Regional Council | Support                           |
| 494.2            | Land Transport NZ                                      | -   | -                                 |
| 497.8            | NZ Historic Places Trust                               | -   | -                                 |
| 357.1            | The Barbara Durbin Family Trust                        | -   | -                                 |
| 345.1            | The Carterton Town and Country Development Group (Inc) | FS 29 Adamson Land Surveyors              | Oppose                            |

## Discussion

**The Barbara Durbin Family Trust (357.1)** seek to retain Issues 1-7.

**NZ Historic Places Trust (497.8)** and **The Carterton Town and Country Development Group (Inc) (345.1)** seek to retain Issue 1.

The **Carterton Town and Country Development Group (Inc) (345.1)** seeks to retain Issue 4. **Adamson Land Surveyors** opposes the submission of The Carterton Town and Country Development Group (Inc).

**Land Transport NZ (494.2)** seek Issue 5 be amended to incorporate the words “*for all modes*” as follows:

*“5. The design and layout of new comprehensive residential development may not provide an appropriate basis for an evolving sense of coherent character and amenity values, including appropriate connections for all modes to the existing urban area.”*

The **Department of Conservation** (525.12) seek that a new Issue be added to 5.2 recognising the impact that urban development can have on natural values such as waterbodies. **Greater Wellington Regional Council** supports this submission.

### Evidence Heard

**B Durbin** presented evidence highlighting that the Plan should provide for a variety of residential choices.

**Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation adding a new Issue statement in relation to the effects of servicing infrastructure.

**Greater Wellington Regional Council** presented evidence noting the existing discussion and Issue statements in Section 12: Freshwater Environments and their relationship to the Residential Zone.

### Commissioners Deliberations

The Commissioners noted the submitters were generally in support of the current Issue statements for the Residential Zone. The Commissioners concur with Land Transport New Zealand, that Issue 5 could be better expressed by referring to other modes of transport.

In addition, the Commissioners support the Section 42A report recommendation of adding a new Issue to identify the importance of managing the development of infrastructure on natural and physical resources when new residential areas are established.

### Decision: 5.2 Significant Resource Management Issues

|                              |                |
|------------------------------|----------------|
| Submission Reference: 525.12 | Accept in part |
| FS 90                        | Accept in part |
| 494.2                        | Accept in part |
| 497.8                        | Accept         |
| 357.1                        | Accept         |
| 345.1                        | Accept in part |
| FS 29                        | Accept in part |

### Decision Amendment: 5.2 Significant Resource Management Issues

Amend Issue 5 as follows:

*“5. The design and layout of new comprehensive residential development may not provide an appropriate basis for an evolving sense of coherent character and amenity values, including appropriate connections **for pedestrian, cycle and car modes of transport, and access to commuter rail services (where they exist)** to the existing urban area.”*

Add a new Issue 8 to read as follows:

*“8. **Development of infrastructure servicing urban development can have both positive and adverse effects on natural and physical resources, ecosystems, and amenity values (for example water bodies).***

## Reasons

This decision is made for the following reasons:

- The amended and adding Issue statements better describe the significant resource management issues for the Residential Zone, as they encompass the full range of issue across the Wairarapa towns.

### 5.3.2 Res1 Policies

| Submitter Number | Submitter Name   | Further Submitter Name and Number         | Further Submission Support/Oppose |
|------------------|--|---|-----------------------------------|
| 525.13           | Department of Conservation                             | FS 90 Greater Wellington Regional Council | Support                           |
| 356.1            | The Barbara Durbin Family Trust                        | -   | -                                 |
| 356.2            | The Barbara Durbin Family Trust                        | -   | -                                 |
| 345.2            | The Carterton Town and Country Development Group (Inc) | FS 29 Adamson Land Surveyors              | Oppose                            |
| 526.17           | Greater Wellington Regional Council                    | -   | -                                 |
| 401.3            | E Crofoot  | -   | -                                 |
| 402.3            | A Crofoot  | -   | -                                 |
| 263.4            | NZ Fire Service Commission                             | FS 104 Wairarapa Rural Fire District      | Support                           |
| 297.1            | I & J Palmer   | -   | -                                 |

## Discussion

**The Barbara Durbin Family Trust** (356.2) seeks that Policy 5.3.2(a) be amended to delete reference to managing the Wairarapa residential area under a single overall framework.

**Greater Wellington Regional Council** (526.17) supports Policy 5.3.2 (d).

**The Barbara Durbin Family Trust** (356.2) seeks that Policy 5.3.2 (d) be amended by replacing the reference to a “specific management framework” with “structure plan process.”

**Greater Wellington Regional Council** (526.17) and **The Barbara Durbin Family Trust** (356.1) support Policy 5.3.2 (e).

**The Barbara Durbin Family Trust** (356.1) supports Policy 5.3.2 (f).

**The Barbara Durbin Family Trust** (356.1) supports Policy 5.3.2 (g).

**E Crofoot** (401.3) and **A Crofoot** (402.3) oppose Policy 5.3.2 (g).

**The Carterton Town and Country Development Group (Inc)** (345.2) seeks that the Plan be amended to provide for suggested subdivision standards for the zone. **Adamson Land Surveyors** oppose this submission.

The **Department of Conservation** (525.13) seeks that a new Policy be added to address the effects of new development on natural values in particular on water courses, that urban design protects existing natural values, and for on-site treatment of stormwater run-off through sustainable urban drainage systems. The submission also seeks the addition of a supporting explanatory statement into Section 5.3.3 Explanation. **Greater Wellington Regional Council** supports this submission.

**The NZ Fire Service Commission** (263.4) seeks that Policy (f) and (i) be amended by adding reference to emergency service facilities. **Wairarapa Rural Fire District** supports this submission.

**I & J Palmer** (297.1) seeks that Policy (h) be amended to relate to all schools.

## Evidence Heard

**B Durbin** presented evidence supporting the policies for the Residential Zone as they recognised a variety of residential choices is to be provided. Requested that the policies include reference to the structure plan process as a tool for spatially arranging development to make provision for infrastructure and reserves.

**A & E Crofoot** presented evidence querying why relocated buildings should be treated any differently from new buildings.

**Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation adding a new policy and explanation to Section 18 Subdivision, Land Development and Urban Growth to address the matters raised for the Residential Zone policies.

**Greater Wellington Regional Council** presented evidence noting the amendments to the Section 12: Freshwater Environments and Section 18: Subdivision, Land Development and Urban Growth and their relationship to the Residential Zone addressed their points raised.

## Commissioners Deliberations

The Commissioners noted the submitters were generally in support of the current policies for the Residential Zone.

For Policy (a), the Commissioners consider a single overall framework is the most efficient and effective approach for the Residential Zone, as all residential areas in the Wairarapa share a similar function and purpose. However, the Commissioners concur with the submitter, that there are some differences in the character and amenity of residential areas and these are to be recognised and managed. The Commissioners consider the relationship between Policies (a) and (c) achieve this outcome.

Policy (d) recognises for larger scale residential developments, a more comprehensive approach is required to ensure these developments are undertaken in a co-ordinated and well structured manner. The Commissioners concur with the submitter that a structure plan is a good mechanism for managing the spatial arrangement of new development areas. However, the Commissioners consider Policy (d) is effective as currently written, as it provides a comprehensive development framework which includes structure plans, as well as comprehensive development plans.

In terms of managing the relocation of buildings, the Commissioners consider existing Policy (g) is the most appropriate policy, as the condition of some relocated buildings can detract from the amenity and character of the Residential Zone.

As discussed for the Significant Resource Management Issues above, the Commissioners consider the Residential Zone should recognise the character and amenity of the residential area at the southern end of Carterton. The particular character and amenity of residential development in this location should recognise the unique balance between residential living and existing small scale primary production activities. New Policy (j) is effective in managing the use and development in this area.

The Commissioners note that the provisions for the Residential Zone need to be applied in conjunction with the District Wide Issue Chapters of the District Plan. The matters raised by submitters in relation to subdivision, land development, indigenous biodiversity and the natural environment are most appropriately managed in the respective individual District Wide Chapters.

The Commissioners concur with the Section 42A report recommendation of adding a further policy and explanation promoting low impact and innovative infrastructure and servicing solutions for development. These solutions would be effective in managing the adverse effects from development, and can respond to the environmental characteristics in the location of the development.

### Decision: 5.3.2 Res1 Policies

|                              |                |
|------------------------------|----------------|
| Submission Reference: 525.13 | Accept in part |
| FS 90                        | Accept in part |
| 356.1                        | Accept         |
| 356.2                        | Reject         |
| 345.2                        | Accept in part |
| FS 29                        | Accept in part |
| 526.17                       | Accept         |
| 401.3                        | Reject         |
| 402.3                        | Reject         |
| 263.4                        | Reject         |
| FS 104                       | Accept         |
| 297.1                        | Reject         |

### Decision Amendment: 5.3.2 Res1 Policies:

Add a new Policy (j) as follows:

***“(j) Provide for low density residential and primary production activities in the Carterton Low Density Residential Character Area subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.”***

Add a new Policy (e) to ‘18.3.5 SLD2 Policies’ as follows:

***(e) Promote infrastructure and servicing design solutions for development that avoids, remedies or mitigates significant adverse environmental effects on natural and physical resources, ecosystems, and amenity values (for example water bodies).***

## Consequential Amendment to '18.3.5 SLD2 Policies' & '18.3.6 Explanation'

Make the following consequential amendment by adding the following explanatory statement as a new paragraph 5 of section '18.3.6 Explanation' to read as follows:

***“Development of infrastructure that services development can have both positive and adverse effects on natural and physical resources, ecosystems, and amenity values (e.g. water bodies). Infrastructure servicing and design solutions should promote sustainable management solutions and work with natural features in the environment such as water bodies, topography, indigenous biodiversity and ecosystems incorporating where possible such elements into the design of the subdivision or development.”***

## Reasons

This decision is made for the following reasons:

- The existing suite of policies are the most appropriate for achieving the objective for the Residential Zone, as they provide for a range of residential living opportunities while maintaining and enhancing the character and amenity of the residential areas.
- 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.
- The additional policy and associated explanation in Chapter 18: Subdivision, Land Development and Urban Growth ensure the adverse effects from infrastructure and servicing arrangements are effectively managed.

## 5.3.4 Methods to Implement Residential Zone Policies

| Submitter Number | Submitter Name                                   | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|--|-----------------------------------|-----------------------------------|
| 494.3            | Land Transport NZ                                | -                                 | -                                 |
| 355.1            | The Barbara Durbin Family Trust                  | -                                 | -                                 |
| 355.2            | The Barbara Durbin Family Trust                  | FS 35 Adamson Land Surveyors      | Support                           |
| 336.1            | The Carterton Town and Country Development Group | -                                 | -                                 |

## Discussion

**Land Transport NZ (494.3)** support Methods (a) and (g).



**The Barbara Durbin Family Trust** (355.1) support Methods (a)-(d) and (f)-(i).

**The Barbara Durbin Family Trust** (355.2) seek Method (e) be amended to specify that Structure Plans be required for residential development greater than 5000m<sup>2</sup> in area. **Adamson Land Surveyors** supports this submission.

**The Carterton Town and Country Development Group** (336.1) support Methods (d)-(f) but seek that the Plan be amended to require a structure plan for all residential subdivision of sites over 5000m<sup>2</sup> in area.

### Evidence Heard

**B Durbin** presented evidence supporting the Methods for the Residential Zone as they recognised a variety of residential choices are to be provided. Requested that Method (e) be amended to require structure plans for large residential properties when they are developed.

**Adamson Land Surveyors** presented evidence noting the fragmented land ownership in the southern residential area of Carterton.

### Commissioners Deliberations

The Commissioners noted the submitters were generally in support of the current Methods for the Residential Zone.

Method (e) recognises structure plans are an effective tool in managing the spatial arrangement of new urban areas, as they identify the location of key features such as road and infrastructure connections and alignments, as well as reserves and natural features. Requiring a structure plan on properties of an arbitrary size (5,000m<sup>2</sup>), is not considered the most effective or efficient method, as it would impose considerable costs on landowners developing their properties with the level of detail required in a structure plan, and would result in limited environmental benefits.

The Planning Maps identify the 'Future Development Areas' where a Structure Plan is required. The Commissioners consider identifying specific locations, rather than a set property size, is the most efficient and effective method for managing large scale greenfield development.

### Decision: 5.3.4 Methods to Implement Residential Zone Policies

|                             |                |
|-----------------------------|----------------|
| Submission Reference: 494.3 | Accept         |
| 355.1                       | Accept         |
| 336.1                       | Accept in part |
| 355.2                       | Reject         |
| FS 35                       | Reject         |

### Reasons

This decision is made for the following reasons:

- The existing suite of Methods are the most appropriate for achieving the objective for the Residential Zone, as they provide for a range of residential living opportunities while maintaining and enhancing the character and amenity of the residential areas.

## 5.4 Anticipated Environmental Outcomes

| Submitter Number | Submitter Name                                   | Further Submitter Name and Number  | Further Submission Support/Oppose |
|------------------|--|--|-----------------------------------|
| 436.2            | The Energy Efficiency and Conservation Authority | FS 84 Meridian Energy Ltd<br>FS 67 Mighty River Power Ltd<br>FS 91 Greater Wellington Regional Council | Support<br>Support<br>Support     |

### Discussion

The Energy Efficiency and Conservation Authority (436.2) request Anticipated Environment Outcome be amended to make more specific mention of renewable energy and energy efficiency. Meridian Energy Ltd, Mighty River Power Ltd and Greater Wellington Regional Council support this submission.

### Evidence Heard

Greater Wellington Regional Council presented evidence noting support for the Section 42A report recommendation of retaining the current Outcomes.

### Commissioners Deliberations

The Commissioners noted the submitters were generally in support of the current Outcomes for the Residential Zone, but requested further recognition of renewable energy and energy efficiency. The Commissioners consider this matter is better reflected in the District Wide Issue chapter on Network Utilities and Energy, as this issue is not specific to the Residential Zone, but all Environmental Zones (i.e. a district wide issue).

### Decision: 5.4 Anticipated Environmental Outcomes

|                             |        |
|-----------------------------|--------|
| Submission Reference: 436.2 | Reject |
| FS 84                       | Reject |
| FS 67                       | Reject |
| FS 91                       | Reject |

### Reasons

This decision is made for the following reasons:

- The existing suite of outcomes for the Residential Zone are the most appropriate, as they identify the function for the Zone is a range of residential living opportunities while maintaining and enhancing the character and amenity of the residential areas.
- Renewable energy and energy efficiency is better reflected in the District-wide chapter of the Plan.

## 5.5 Residential Zone – Rules

| Submitter | Submitter Name | Further Submitter Name and | Further Submission |
|-----------|----------------|----------------------------|--------------------|
|-----------|----------------|----------------------------|--------------------|

| Number |                                    | Number | Support/Oppose |
|--------|------------------------------------|--------|----------------|
| 507.1  | Riversdale Ratepayer's Association | -      | -              |
| 273.7  | Tomlinson & Carruthers             | -      | -              |
| 273.6  | Tomlinson & Carruthers             | -      | -              |

## Discussion

**Riversdale Ratepayer's Association** (507.1) supports the permitted activity rules.

**Tomlinson & Carruthers** (273.7) request Rules 5.5.2(a-c) be amended by punctuating the end of each standard.

**Tomlinson & Carruthers** (273.6) request Rules 5.5.2 (c) Exceptions be re-numbered starting with point '(iv)' rather than '(i)'.

## Evidence Heard

**Tomlinson & Carruthers** presented evidence supporting the Section 42A report recommendation of amending the provisions referred to in their submission.

## Commissioners Deliberations

The Commissioners concur that the punctuation and re-numbering improve the useability of the Plan.

## Decision: 5.5 Rules

|                             |        |
|-----------------------------|--------|
| Submission Reference: 507.1 | Accept |
| 273.7                       | Accept |
| 273.6                       | Accept |

## Decision Amendment: 5.5 Rules

Amend Rule 5.5.2(a) – (c) by adding punctuation at the end of point.

Amend Rule 5.5.2(c) Exception be re-numbering (i), (ii) and (iii) to (iv), (v) and (vi).

## Reasons

This decision is made for the following reasons:

- The amendments improve the useability of the Plan.

## 5.5.1(c) Permitted Activities – Papakainga Housing

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

|       |           |   |   |
|-------|-----------|---|---|
| 354.1 | B Durbin  | - | - |
| 402.8 | A Crofoot | - | - |
| 401.8 | E Crofoot | - | - |

## Discussion

**B Durbin** (354.1) supports 5.5.1(c).

**A Crofoot** (402.8) and **E Crofoot** (401.8) request that Rule 5.5.1(c) for papakainga housing be deleted.

## Evidence Heard

**A & E Crofoot** presented evidence querying the rational for permitting papakainga housing.

## Commissioners Deliberations

Papakainga housing is a specific type of residential living associated with historical occupation of Maori owned land. Section 6(e) of the Resource Management Act provides for relationship of Maori and their culture and traditions with their ancestral land. The Commissioners consider papakainga housing to be such a relationship. To ensure that the necessary servicing and access requirements are met for any new housing proposed, the Commissioners consider Permitted Activity is the most appropriate activity status for the Residential Zone. This activity status is the same as other forms of residential activity.

## Decision: 5.5.1(c)

|                             |        |
|-----------------------------|--------|
| Submission Reference: 354.1 | Accept |
| 402.8                       | Reject |
| 401.8                       | Reject |

## Reasons

This decision is made for the following reasons:

- The existing rule providing for papakainga housing as a permitted activity is the most efficient and effective for this type of housing, and it is the same as other residential activities.

## 5.5.1(d)(i) Permitted Activities – Residential Business

| Submitter Number | Submitter Name  | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|-----------------|-----------------------------------|-----------------------------------|
| 301.3            | B and G Dale    | -                                 | -                                 |
| 302.3            | S and M Cretney | -                                 | -                                 |
| 329.2            | M Morris        | -                                 | -                                 |
| 330.2            | J Hennessy      | -                                 | -                                 |
| 392.7            | S Corbett       | -                                 | -                                 |

## Discussion

**B and G Dale** (301.3), **S and M Cretney** (302.3), **M Morris** (329.2), **M J Hennessy** (330.2) and **S Corbett** (392.7) seek that a definition of “*residential business*” be added to the Plan, and that small businesses that are low density in nature be provided for in the Residential Zone.

## Evidence Heard

No specific evidence was presented on this point.

## Commissioners Deliberations

The Commissioners note that the Plan already has a definition of ‘residential business’ which clearly describes the nature of this type of activity. Residential businesses are a permitted activity in the Residential Zone. Therefore, the decision requested by the submitter is achieved.

## Decision: 5.5.1(d)(i) Permitted Activities – Residential Business

|                             |                |
|-----------------------------|----------------|
| Submission Reference: 301.3 | Accept in part |
| 302.3                       | Accept in part |
| 329.2                       | Accept in part |
| 330.2                       | Accept in part |
| 392.7                       | Accept in part |

## Reasons

This decision is made for the following reasons:

- The existing definition of ‘residential business’ clearly describes the nature of this type of activity, and the listed permitted activity already provides for this land use.

## 5.5.1(d)(v) Permitted Activities – Education and Child Care Facilities

| Submitter Number | Submitter Name        | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|-----------------------|-----------------------------------|-----------------------------------|
| 407.1            | Ministry of Education | -                                 | -                                 |
| 115.1            | A Carston             | -                                 | -                                 |
| 116.1            | B Noble               | -                                 | -                                 |
| 117.1            | P Carston             | -                                 | -                                 |
| 118.1            | G Dumbleton           | -                                 | -                                 |
| 119.1            | A Burcher             | -                                 | -                                 |
| 120.1            | J Raea                | -                                 | -                                 |
| 121.1            | M Howard              | -                                 | -                                 |
| 122.1            | J Howard              | -                                 | -                                 |

|       |                         |   |   |
|-------|-------------------------|---|---|
| 123.1 | R Stott                 | - | - |
| 124.1 | S Smith                 | - | - |
| 125.1 | D Gowans                | - | - |
| 126.1 | M Ihaka                 | - | - |
| 127.1 | J Walker                | - | - |
| 128.1 | K Collins               | - | - |
| 129.1 | K M <sup>c</sup> Rae    | - | - |
| 130.1 | A Webster               | - | - |
| 131.1 | L Kazazi                | - | - |
| 132.1 | B Dumbleton             | - | - |
| 133.1 | K Archer                | - | - |
| 134.1 | R Archer                | - | - |
| 135.1 | D Martel                | - | - |
| 136.1 | L Burcher               | - | - |
| 137.1 | L Corlett               | - | - |
| 138.1 | A Evans                 | - | - |
| 139.1 | K Woolf                 | - | - |
| 140.1 | K Joep                  | - | - |
| 141.1 | M Carroll               | - | - |
| 142.1 | R Davis                 | - | - |
| 143.1 | W Joep                  | - | - |
| 144.1 | J Dean                  | - | - |
| 145.1 | S Flint                 | - | - |
| 146.1 | C Dumbleton             | - | - |
| 147.1 | A Archer                | - | - |
| 148.1 | C Morunga               | - | - |
| 149.1 | L Morgan                | - | - |
| 150.1 | L M <sup>c</sup> Kean   | - | - |
| 151.1 | B Kilion                | - | - |
| 152.1 | A Kilion                | - | - |
| 153.1 | E Dean                  | - | - |
| 154.1 | S Robinson              | - | - |
| 155.1 | E O'Hara                | - | - |
| 156.1 | J M <sup>c</sup> Donagh | - | - |
| 157.1 | L M <sup>c</sup> Laren  | - | - |
| 158.1 | A Paterson              | - | - |
| 159.1 | L Le Gros               | - | - |
| 160.1 | B Langford              | - | - |

|       |                         |   |   |
|-------|-------------------------|---|---|
| 161.1 | K Ryan                  | - | - |
| 162.1 | J Duffy                 | - | - |
| 163.1 | S Field                 | - | - |
| 164.1 | S Ewald                 | - | - |
| 165.1 | K Gray                  | - | - |
| 265.1 | H Waldron               | - | - |
| 282.1 | T Pekamu                | - | - |
| 389.1 | C Guillard              | - | - |
| 408.1 | M Gavin                 | - | - |
| 409.1 | V Burcher               | - | - |
| 410.1 | N Scott                 | - | - |
| 411.1 | J Cahill                | - | - |
| 412.1 | T Dixon                 | - | - |
| 415.1 | B Smeath                | - | - |
| 44.1  | R Barrett               | - | - |
| 45.1  | C M <sup>c</sup> Donagh | - | - |
| 46.1  | C Barrett               | - | - |
| 47.1  | J M <sup>c</sup> Donagh | - | - |

## Discussion

All of the above submitters seek the provision of early childcare facilities and education in residential areas. Rule 5.5.1(d)(v) provides for “*Education and childcare facilities*” as a Permitted Activity in the Residential Zone.

## Evidence Heard

**Ministry of Education** presented evidence supporting the Section 42A report recommendation of retaining education and childcare facilities as permitted activities. The Ministry expressed concern with the permitted standards for non-residential activities (of which education and child care facilities is one) relating to on-site parking and the maximum number of employed staff, and the incompatibility with the Education Regulations in terms of staff numbers for the number of children.

**V Burcher, B Langford** and **H Waldron** separately presented evidence endorsing child care centres being a permitted activity.

## Commissioners Deliberations

The Commissioners note the significant support from submitters for the provision making education and child care facilities a permitted activity.

The permitted activity standard for non-residential activities restricts the size of the child care centres to 2 employees who reside off site. This District Plan standard, in conjunction with the Education (Early Childhood Centres) Regulations relating to the number of staff for the number of children, confines the size of a permitted child care centre to between 10-20 children depending on the age of the children. The Commissioners questioned the submitters who attended the hearing as to what was a reasonable number of children for a child care

centre to viably operate. The submitters responded with a range of between 25-30 children, noting most child care centres have a mixed aged profile. Therefore, the existing non-residential activity permitted activity standard significantly constrained the viable operation of child care centres, thereby limiting the economic and social wellbeing benefits to the Wairarapa.

The Commissioners sought legal advice as to whether the non-residential activity permitted standards could be amended to introduce a specific rule for child care centres based on the number of children, to replace the existing standard based on the number of employees. The legal advice concluded that because no submissions specifically requested a decision or relief sought for a standard based on the number of children, there is no scope to amend the provisions in the Plan.

Therefore, the Commissioners conclude that retaining the existing permitted activity status is the most effective and efficient approach. However, the Commissioners request the Councils urgently prepare a District Plan Variation to amend the permitted activity standards to introduce a specific standard for child care centres.

### **Decision: 5.5.1(d)(v) Permitted Activities – Education and Child Care Facilities**

|                             |        |
|-----------------------------|--------|
| Submission Reference: 407.1 | Accept |
| 115.1                       | Accept |
| 116.1                       | Accept |
| 117.1                       | Accept |
| 118.1                       | Accept |
| 119.1                       | Accept |
| 120.1                       | Accept |
| 121.1                       | Accept |
| 122.1                       | Accept |
| 123.1                       | Accept |
| 124.1                       | Accept |
| 125.1                       | Accept |
| 126.1                       | Accept |
| 127.1                       | Accept |
| 128.1                       | Accept |
| 129.1                       | Accept |
| 130.1                       | Accept |
| 131.1                       | Accept |
| 132.1                       | Accept |
| 133.1                       | Accept |
| 134.1                       | Accept |
| 135.1                       | Accept |
| 136.1                       | Accept |
| 137.1                       | Accept |
| 138.1                       | Accept |
| 139.1                       | Accept |
| 140.1                       | Accept |
| 141.1                       | Accept |
| 142.1                       | Accept |
| 143.1                       | Accept |
| 144.1                       | Accept |
| 145.1                       | Accept |
| 146.1                       | Accept |
| 147.1                       | Accept |
| 148.1                       | Accept |



|       |        |
|-------|--------|
| 149.1 | Accept |
| 150.1 | Accept |
| 151.1 | Accept |
| 152.1 | Accept |
| 153.1 | Accept |
| 154.1 | Accept |
| 155.1 | Accept |
| 156.1 | Accept |
| 157.1 | Accept |
| 158.1 | Accept |
| 159.1 | Accept |
| 160.1 | Accept |
| 161.1 | Accept |
| 162.1 | Accept |
| 163.1 | Accept |
| 164.1 | Accept |
| 165.1 | Accept |
| 265.1 | Accept |
| 282.1 | Accept |
| 389.1 | Accept |
| 408.1 | Accept |
| 409.1 | Accept |
| 410.1 | Accept |
| 411.1 | Accept |
| 412.1 | Accept |
| 415.1 | Accept |
| 44.1  | Accept |
| 45.1  | Accept |
| 46.1  | Accept |
| 47.1  | Accept |

## Reasons

This decision is made for the following reasons:

- The existing permitted activity status for education and child care centres is considered the most efficient and effective approach.
- The performance standard restricting the size of non-residential activities (which includes child care centres) through a limitation on the number of employees who reside off site is not considered the most appropriate approach, as it does not efficiently or effectively provide for child care centres, which contribute to the economic and social wellbeing of the local area. A Plan Variation should be prepared to rectify this matter.

### **5.5.1(d) Permitted Activities – Add Primary Production Activities (excluding forestry) & Aviaries and Apiaries (in the area covered by the Carterton Low Density Zone under the operative Carterton District Plan)**

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

|       |                         |   |                    |
|-------|-------------------------|---|--------------------|
| 77.1  | B Harman                | FS 52 Horticulture NZ<br>FS 54 NZ Winegrowers | Support<br>Support |
| 78.1  | R Paewai                | -   | -                  |
| 79.1  | K Rosegger              | -   | -                  |
| 80.1  | D Murray                | -   | -                  |
| 81.1  | A & P Price             | -   | -                  |
| 82.1  | C Pugh                  | -   | -                  |
| 83.1  | L Braggins              | -   | -                  |
| 84.1  | C & M Megaw             | -   | -                  |
| 85.1  | V Pickering             | -   | -                  |
| 86.1  | B Jephson               | -   | -                  |
| 87.1  | D Hopman                | -   | -                  |
| 88.1  | B Laybourn              | -   | -                  |
| 89.1  | K Wilkie                | -   | -                  |
| 90.1  | G & S Hoskins           | -   | -                  |
| 91.1  | R Butler                | -   | -                  |
| 92.1  | S Butler                | -   | -                  |
| 93.1  | U O'Connor              | -   | -                  |
| 94.1  | H O' Connor             | -   | -                  |
| 95.1  | M O' Connor             | -   | -                  |
| 96.1  | L Tanner                | -   | -                  |
| 97.1  | A & J Loder             | -   | -                  |
| 98.1  | C & J Ryan              | -   | -                  |
| 99.1  | G Hudson                | -   | -                  |
| 100.1 | H Dew                   | -   | -                  |
| 101.1 | S Corbett               | -   | -                  |
| 102.1 | J Hennessy              | -   | -                  |
| 103.1 | E Hennessy              | -   | -                  |
| 104.1 | F & M Lowton            | -   | -                  |
| 105.1 | R M <sup>c</sup> Intyre | -   | -                  |
| 107.1 | J King                  | -   | -                  |
| 108.1 | E Brown                 | -   | -                  |
| 109.1 | T Reynolds              | -   | -                  |
| 110.1 | S Leckie                | -   | -                  |
| 111.1 | G Smith                 | -   | -                  |
| 112.1 | G Rapson                | -   | -                  |
| 113.1 | J Baker                 | -   | -                  |
| 114.1 | J Were                  | -   | -                  |

|       |                 |   |   |
|-------|-----------------|---|---|
| 301.3 | B & G Dale      | - | - |
| 302.3 | S & M Cretney   | - | - |
| 309.1 | B & S Tearle    | - | - |
| 329.2 | M Morris        | - | - |
| 330.2 | J Hennessy      | - | - |
| 381.1 | M & R Dewar     | - | - |
| 384.1 | J Denbee        | - | - |
| 392.7 | S Corbett       | - | - |
| 75.3  | M & B Gillespie | - | - |
| 76.1  | G & E Dye       | - | - |
| 242.1 | P Venn          | - | - |
| 491.3 | E & D Te Maro   | - | - |

## Discussion

All of the above submitters seek the addition of the Low Density Zone in Carterton. In addition, primary production activities (excluding forestry) and aviaries and apiaries be permitted in the Low Density Residential Policy Area. **Horticulture NZ** and **NZ Winegrowers** support the submission of B Harman.

**E & D Te Maro** (491.3) also seeks that the Plan be amended by adding the Low Density Residential Zone in Carterton and at Clareville; that the current list of permitted activities in the Rural Zone and the Low Density Residential Zone in the operative District Plan be kept; and that there needs to be a more specific definition of 'Craft and Cottage Industry'.

## Evidence Heard

**V Pickering, H Dew, J Hennessy, J King, G Rapson, M Morris, M & B Gillespie** separately presented evidence seeking the addition of the Low Density Zone for Carterton as currently provided for in the Operative Carterton District Plan. In particular, the addition of permitted activity rules for the continuation of existing primary production activities.

## Commissioners Deliberations

As discussed above, the Commissioners consider that the southern area of the Carterton residential area has a character valued by the local community, in part, associated with the existing primary production activities. Given the relatively small scale of the primary production activities, there is limited potential for these activities to generate adverse effects which are incompatible with the residential amenity of the area. Therefore, the Commissioners concur with the Section 42A report recommendation, that adding a new permitted activity and associated performance standards would be effective in providing for primary production activities.

## Decision: 5.5.1(d) Permitted Activities – Add Primary Production Activities (excluding forestry) and Aviaries & Apiaries

|                            |                |
|----------------------------|----------------|
| Submission Reference: 77.1 | Accept in part |
| FS 52                      | Accept in part |
| FS 54                      | Accept in part |

|       |                |
|-------|----------------|
| 78.1  | Accept in part |
| 79.1  | Accept in part |
| 80.1  | Accept in part |
| 81.1  | Accept in part |
| 82.1  | Accept in part |
| 83.1  | Accept in part |
| 84.1  | Accept in part |
| 85.1  | Accept in part |
| 86.1  | Accept in part |
| 87.1  | Accept in part |
| 88.1  | Accept in part |
| 89.1  | Accept in part |
| 90.1  | Accept in part |
| 91.1  | Accept in part |
| 92.1  | Accept in part |
| 93.1  | Accept in part |
| 94.1  | Accept in part |
| 95.1  | Accept in part |
| 96.1  | Accept in part |
| 97.1  | Accept in part |
| 98.1  | Accept in part |
| 99.1  | Accept in part |
| 100.1 | Accept in part |
| 101.1 | Accept in part |
| 102.1 | Accept in part |
| 103.1 | Accept in part |
| 104.1 | Accept in part |
| 105.1 | Accept in part |
| 107.1 | Accept in part |
| 108.1 | Accept in part |
| 109.1 | Accept in part |
| 110.1 | Accept in part |
| 111.1 | Accept in part |
| 112.1 | Accept in part |
| 113.1 | Accept in part |
| 114.1 | Accept in part |
| 301.3 | Accept in part |
| 302.3 | Accept in part |
| 309.1 | Accept in part |
| 329.2 | Accept in part |
| 330.2 | Accept in part |
| 381.1 | Accept in part |
| 384.1 | Accept in part |
| 392.7 | Accept in part |
| 75.3  | Accept in part |
| 76.1  | Accept in part |
| 242.1 | Accept in part |
| 491.3 | Accept in part |

**Decision Amendment: 5.5.1(d) Permitted Activities – Add Primary production activities (excluding forestry) and Aviaries & Apiaries**

Add a clause a clause (vii) as follows:

***(vii) Primary production activities (excluding forestry), aviaries, and apiaries, in the Carterton Low Density Residential Character Area.***

**Consequential Change:** Amend clause (i) by adding the following:

***(iv) No accessory building and enclosures for the housing and keeping of animals in confinement shall be located within 20m from the boundary of the site.***

## Reasons

This decision is made for the following reasons:

- The new permitted activity listing provides for the range of activities in the Low Density Area of Carterton, providing for the efficient and effective use of this land resource.
- The new performance standard is effective in managing the potential amenity conflicts between the primary production activities and any adjoining activities on neighbouring properties.

### 5.5.1(d) Permitted Activities – Add Emergency Service Facilities

| Submitter Number | Submitter Name             | Further Submitter Name and Number    | Further Submission Support/Oppose |
|------------------|----------------------------|--------------------------------------|-----------------------------------|
| 263.2            | NZ Fire Service Commission | FS 104 Wairarapa Rural Fire District | Support                           |

## Discussion

**NZ Fire Service Commission** (263.2) seeks that emergency service facilities be added as a Permitted Activity in the Residential Zone. **Wairarapa Rural Fire District** supports this submission.

## Evidence Heard

**NZ Fire Service Commission** presented evidence concurring with the Section 42A report, that existing fire stations have the security of existing use rights, and that for new stations or alterations to existing stations, these would be a permitted activity or restricted discretionary activity depending on compliance with the permitted activity standards. However, the submitter highlighted concerns with the permitted activity noise standards.

## Commissioners Deliberations

The Commissioners noted the submitters response to the Section 42A report, which recommends the existing provisions be retained, as the Act provides the security for the ongoing efficient functioning of existing fire stations, and any new stations and alterations to existing stations can be assessed on a case-by-case basis. The Commissioners agree with the Section 42A report assessment.

The matter of the permitted activity noise standards are discussed in a separate section of this decision below.

### Decision: 5.5.1(d) Permitted Activities – Add Emergency Service Facilities

Submission Reference: 263.2      Reject  
FS 104      Reject

### Reasons

This decision is made for the following reasons:

- The existing provisions in the Plan provide an efficient and effective approach for managing the effects from new fire stations and alterations and additions to existing stations.
- The existing use right provisions of the Resource Management Act provide a level of security for the efficient and effective ongoing function of the existing fire stations.

### 5.5.2 Standards for Permitted Activities - (a) Maximum Building Height

| Submitter Number | Submitter Name                                       | Further Submitter Name and Number    | Further Submission Support/Oppose |
|------------------|--|--------------------------------------|-----------------------------------|
| 353.1            | B Durbin   | -                                    | -                                 |
| 432.2            | J Campin   | -                                    | -                                 |
| 263.6            | NZ Fire Service Commission                           | FS 104 Wairarapa Rural Fire District | Support                           |
| 337.1            | The Carterton Town & Country Development Group (Inc) | -                                    | -                                 |

### Discussion

**B Durbin** (353.1), **J Campin** (432.2) and **The Carterton Town & Country Development Group (Inc)** (337.1) seek the maximum building height for all buildings in the Residential Zone be 9m.

The **NZ Fire Service Commission** (263.6) seeks that an Exception be added to 5.5.2(a) to enable Hose Drying Towers to be built to 15m. **Wairarapa Rural Fire District** supports this submission.

### Evidence Heard

**B Durbin** presented evidence highlighting the issues of allowing 'over-development', and the limited opportunities to redress these situations.

**NZ Fire Service Commission** presented evidence concurring with the Section 42A report, that existing fire stations have the security of existing use rights, and that for new stations or alterations to existing stations, these would be a permitted activity or restricted discretionary activity depending on compliance with the permitted activity standards.

## Commissioners Deliberations

The Commissioners note the maximum height permitted activity standard in the three Operative District Plans is 10 metres, which is still considered to be effective in managing the scale of buildings in the Residential Zone, and rolled over into the Proposed Combined Plan.

The Commissioners do not consider the most efficient and effective approach for managing the height of structures associated with fire stations, such as hose drying towers, to be the addition of an exception from the maximum height rule. Tall buildings and structures could detract from the character and amenity values of residential areas, and the Commissioners consider the most efficient and effective approach to be assessing each tall structure on a case-by-case basis through the resource consent process.

### Decision: 5.5.2(a) Maximum Building Height

|                             |        |
|-----------------------------|--------|
| Submission Reference: 353.1 | Reject |
| 432.2                       | Reject |
| 263.6                       | Reject |
| FS 104                      | Reject |
| 337.1                       | Reject |

### Reasons

This decision is made for the following reasons:

- The existing provisions in the Plan provide an efficient and effective approach for managing the maximum height of buildings and structures to maintain the character and amenity values of the Residential Zone.

### 5.5.2 Standards for Permitted Activities: (c) Minimum Building Setback

| Submitter Number | Submitter Name   | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|--|-----------------------------------|-----------------------------------|
| 522.20           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust           | Oppose                            |
| 522.21           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust           | Oppose                            |
| 352.1            | B Durbin   | -                                 | -                                 |
| 432.2            | J Campin   | -                                 | -                                 |
| 526.18           | Greater Wellington   | -                                 | -                                 |

|        | Regional Council   |  |                  |
|--------|--|--|------------------|
| 522.17 | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust<br>FS 52 Horticulture NZ | Oppose<br>Oppose |
| 338.1  | The Carterton Town & Country Development Group (Inc)                               | -  | -                |
| 339.1  | The Carterton Town & Country Development Group (Inc)                               | -  | -                |

## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Council's** (522.20), **B Durbin** (352.1), **J Campin** (432.2) and **The Carterton Town & Country Development Group (Inc)** (338.1) seek the minimum building setbacks under 5.5.2(c)(ii) be amended for side and rear boundaries. **Windy Peak Trust** opposes this submission. B Durbin also seeks that for rear sites all boundaries be side boundaries, and J Campin seeks for rear sites that all boundaries are rear yards.

**The Carterton Town & Country Development Group (Inc)** (339.1) seeks a new standard to protect visual privacy between neighbouring properties.

The **Planning Departments of Masterton, Carterton and South Wairarapa** (522.21) seek that Exception (ii) of 5.5.2(c)(ii) be deleted. **Windy Peak Trust** opposes this submission.

**Greater Wellington Regional Council** (526.18) seek that a clause be added to 5.5.2(c)(ii) requiring a 5m setback from permanently flowing waterbodies. The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.17) seeks a 5m setback from any waterbody except in the South Wairarapa District where a 20m setback is requested for any river or stream with an average width of 3m or more. **Horticulture NZ** and **Windy Peak Trust** oppose the submission of the Planning Departments of Masterton, Carterton and South Wairarapa District Councils.

## Evidence Heard

**B Durbin** presented evidence highlighting the issues of allowing 'over-development', and the limited opportunities to redress these situations.

**Greater Wellington Regional Council** presented evidence supporting the Section 42A report recommendation of introducing a building setback from waterbodies.

## Commissioners Deliberations

A balance is required in efficiently utilising the residential land, while maintaining the residential character and amenity values.

The Commissioners concur with the submitters, that the existing provisions may not effectively manage the scale and location of residential development. The recommendations in the Section 42A report propose an increase in one side boundary setback distance. The Commissioners consider this recommendation is the most appropriate combination of



setback requirements for front sites, as it provides for a minimum level of on-site amenity in the setback areas, for such use as outdoor living spaces and service areas. We consider three larger setbacks for rear sites is appropriate, given these sites are surrounded by development on all boundaries. The setbacks are also effective in protecting the privacy and amenity values between residential properties.

In terms of a setback from waterbodies, the Commissioners also concur with submitters and assessment in the Section 42A report, in that the addition of a setback distance would be effective in maintaining the natural values of waterbodies. The Commissioners consider the description of larger waterbodies in the South Wairarapa District needs to be made clearer to improve its administration and implementation.

### Decision: 5.5.2(c) Minimum Building Setback

|                              |                |
|------------------------------|----------------|
| Submission Reference: 522.20 | Accept         |
| FS 102                       | Reject         |
| 522.21                       | Accept         |
| FS 102                       | Reject         |
| 352.1                        | Accept in part |
| 432.2                        | Accept in part |
| 526.18                       | Accept         |
| 522.17                       | Accept         |
| FS 102                       | Reject         |
| FS 52                        | Reject         |
| 338.1                        | Accept in part |
| 339.1                        | Reject         |

### Decision Amendment: 5.5.2(c) Minimum Building Setback

Amend 5.5.2(c)(ii) as follows:

***“(ii) For front sites, 1.5 metres from all other boundaries, except that there shall be ~~one~~ two setbacks of at least 3 metres from ~~one~~ any side and/or rear boundary.***

Add a new 5.5.2(c)(iii) as follows:

***(iii) For rear sites, 1.5 metres from all other boundaries, except that there shall be three setbacks of at least 3 metres from any side and/or rear boundary”***

Add new Note defining front and rear sites as follows:

***Note: For the purpose of the above rule –***

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

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

Re-number 5.5.2(c)(iii) to (iv) as follows:

~~“(iii)”~~**(iv)** 0 metres for common wall boundaries.

Delete Exceptions:(ii) of 5.5.2(c) Exceptions (ii) as follows:

~~(ii) Part of a dwelling may be located within the required 3 metre setback from one side boundary, provided the total length of all parts of the building within the 3 metre setback is no longer than 9m in length, and that no part of the building encroaches the minimum front yard building setback of 5 metres.~~

Add new Exceptions (ii) and (iii) for 5.5.2(c) as follows:

**(ii) 5 metres from any waterbody**

**(iii) In the South Wairarapa District, 20 metres from the banks of any river and stream whose bed has an average width of 3 metres or more. (Note: For the purpose of this rule, ‘bed’ is the definition applied in Section 2 of the Resource Management Act for a ‘bed’ in relation to any river for the purposes of esplanade reserves).**

Re-number 5.5.2(c) Exception (iii) to (iv) as follows:

~~“(iii)”~~**(iv) Eaves, porches, balconies...**

## Reasons

This decision is made for the following reasons:

- The amended setback provisions provide an efficient and effective approach for managing the on-site amenity of residential developments and maintain the character and amenity values of the Residential Zone, in particular, between residential properties.
- 5m is the most efficient and effective setback distance as it protects the values of the waterbodies, and 20m in the South Wairarapa District for larger waterbodies.

### 5.5.2 Standards for Permitted Activities: (f) Noise Limits

| Submitter Number | Submitter Name             | Further Submitter Name and Number    | Further Submission Support/Oppose |
|------------------|----------------------------|--------------------------------------|-----------------------------------|
| 263.5            | NZ Fire Service Commission | FS 104 Wairarapa Rural Fire District | Support                           |

## Discussion

The **NZ Fire Service Commission** (263.5) seeks that emergency service facilities be excluded from the permitted activity noise limits, and a new set of noise limits be added specifically relating to emergency service facilities. **Wairarapa Rural Fire District** supports this submission.

## Evidence Heard

**NZ Fire Service Commission** presented evidence highlighting the need for the volunteer fire bridges to train in the evenings. They requested an exception for the noise standard to allow one weekly training session up to 10pm.

## Commissioners Deliberations

The Commissioners acknowledge the contribution the NZ Fire Service makes to the well being of the local community and the District Plan needed to recognise and provide for these activities. However, the nature of activities at fire stations means they can generate effects which are incompatible with the amenity values of some areas, in particular, residential areas. The Commissioners note the existing fire stations which the requested noise exception rule would apply to, are all located in residential areas. Residential areas are characterised as having relatively quiet background noise levels, therefore, any noisy activities have the potential to compromise these valued qualities of the residential environment.

The Commissioners do not consider adding a specific exception to the noise standards to allow for training activities to be the most efficient and effective approach. The noise standards for the Residential Zone apply to all activities, and have been determined to be the most appropriate levels to allow noisier activities during the day (7am – 7pm), while limiting noisy activities during the night period (7pm – 7am). If an activity wishes to generate noise levels above the permitted standards, the Commissioners consider a case-by-case assessment of the proposed activity is the most effective and efficient approach. The resource consent process would provide the opportunity for a site specific assessment recognising the local environment.

## Decision

|                             |        |
|-----------------------------|--------|
| Submission Reference: 263.5 | Reject |
| FS 104                      | Reject |

## Reasons

This decision is made for the following reasons:

- The existing noise standards are the most appropriate for maintaining the amenity values in the Residential Zone, as they allow for noisier activities during the day and quieter activities at night.
- The resource consent process is the most efficient and effective process to assess the effects of activities which exceed the permitted noise standards, as it would consider the receiving environment and potential mitigation measures.

### 5.5.2 Standards for Permitted Activities - (h) Roads, Access, Parking and Loading Areas

| Submitter Number | Submitter Name | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|----------------|-----------------------------------|-----------------------------------|
| 401.4            | E Crofoot      | -                                 | -                                 |

|       |           |   |   |
|-------|-----------|---|---|
| 402.4 | A Crofoot | - | - |
|-------|-----------|---|---|

## Discussion

**E Crofoot** (401.4) and **A Crofoot** (402.4) seek 5.5.2(h)(ii) be amended to control the number of vehicle entrances per property on the basis of the length of the road frontage and not to restrict it to one access point per frontage.

## Evidence Heard

**A & E Crofoot** presented evidence noting the limitation of one vehicle access point per frontage only applied to the Residential Zone.

## Commissioners Deliberations

The Commissioners noted the submitters were particularly concerned with the restriction on the number of vehicle access points in the Rural Zone, and during questioning, confirmed they accepted the restriction of only one vehicle access point for the Residential Zone.

## Decision: 5.5.2(h) Roads, Access, Parking and Loading Areas

|                             |        |
|-----------------------------|--------|
| Submission Reference: 401.4 | Reject |
| 402.4                       | Reject |

## Reasons

This decision is made for the following reasons:

- The existing standard of one vehicle access point per frontage effectively manages the number of access points along a road, which minimises the potential for conflict between vehicle crossings and for access onto the road. This standard is particularly relevant in the Residential Zone.

## 5.5.2 Standards for Permitted Activities: (i) Non-Residential Activities

| Submitter Number | Submitter Name   | Further Submitter Name and Number    | Further Submission Support/Oppose |
|------------------|--|--------------------------------------|-----------------------------------|
| 522.22           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust              | Support                           |
| 263.3            | NZ Fire Service Commission   | FS 104 Wairarapa Rural Fire District | Support                           |

## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.22) seek 5.5.2(i) be amended so that outdoor storage areas for goods and

materials associated with Non-Residential Activities not be able to occur as a Permitted Activity. A consequential clarification to Rule 5.5.6(a) is also sought to clarify that commercial and retail activities that are not a Permitted, Controlled, Restricted Discretionary or a Non-complying Activity, are a Discretionary Activity. **Windy Peak Trust** opposes this submission.

**NZ Fire Service Commission** (263.3) seeks to exclude emergency service facilities from 5.5.2(i). **Wairarapa Rural Fire District** supports this submission.

## Evidence Heard

**NZ Fire Service Commission** presented evidence requesting fire stations be excluded from complying with the non-residential activity performance standards.

## Commissioners Deliberations

The Commissioners concur with the Section 42A report assessment that outdoor storage areas for goods and materials as part of non-residential activities can potentially degrade the character and amenity values of residential areas. Requiring the indoor storage of goods and materials would be the most effective mechanism for managing the storage of goods. If it was proposed to store goods outdoors, the resource consent process provides an efficient mechanism for completing a site specific assessment of the proposal, and mitigation measures could be implemented depending on the nature of the proposal and site.

As outlined above for adding emergency service facilities as permitted activities, the Commissioners do not consider permitting these facilities as the most efficient and effective approach.

## Decision: 5.5.2(i) Non-Residential Activities

|                       |        |        |
|-----------------------|--------|--------|
| Submission Reference: | 522.22 | Accept |
|                       | FS 102 | Reject |
|                       | 263.3  | Reject |
|                       | FS 104 | Reject |

## Decision Amendment: 5.5.2(i) Non-Residential Activities

Amend 5.5.2(i)(i) to read as follows:

*(i) Any ~~outdoor storage area or~~ area containing more than four parking spaces shall be screened by fencing, planting or other treatment so it will not be visible from any public road, public open space, or dwelling on an adjoining property.*

Add the following additional clause to 5.5.2(i):

***(iii) No outdoor storage of goods and materials.***

Make a consequential amendment to the wording of Rule 5.5.6(a) to read as follows:

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

## Reasons

This decision is made for the following reasons:

- The amended outdoor storage rules are the most efficient and effective approach in managing the amenity of non-residential activities, by internalising the effects of storage on the subject site.
- The existing provisions in the Plan provide an efficient and effective approach for managing the effects from new fire stations and alterations and additions to existing stations.

### 5.5.2 Standards for Permitted Activities - Add a New Standard – Maximum Site Coverage

| Submitter Number | Submitter Name              | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|-----------------------------|-----------------------------------|-----------------------------------|
| 295.2            | Upper Hutt Developments Ltd | -                                 | -                                 |
| 432.3            | J Campin                    | -                                 | -                                 |

### Discussion

**Upper Hutt Developments Ltd** (295.2) seek that a new Permitted Activity standard be added to 5.5.2 prescribing maximum site coverage in the Residential Zone, with a maximum 45% coverage by building footprint suggested.

**J Campin** (432.2) requests a building coverage of 50% in the Carterton District.

### Evidence Heard

**Upper Hutt Developments Ltd** presented evidence highlighting the nature of development that could proceed with no maximum site coverage standard.

### Commissioners Deliberations

A balance is required in efficiently utilising the residential land, while maintaining the residential character and amenity values, such as building dominance, outdoor living and service areas, privacy, on-site parking and stormwater management. A range of minimum and maximum performance standards are used to maintain the residential character and amenity in the Wairarapa towns.

The Commissioners consider the most effective and efficient approach for managing the scale and intensity is through a minimum of regulatory controls. The Commissioners want to encourage flexibility in building design, and a maximum building site coverage standard is considered a relatively blunt mechanism, and not the most effective to managing effects in residential environments.

The Commissioners consider the existing minimum and maximum performance standards, such as minimum lot size, building height, setbacks, recession planes and parking requirements, are the most effective and efficient suite of standards to manage the scale and intensity of residential development.

## **Decision: 5.5.2 - Add a New Standard for Permitted Activities – Maximum Site Coverage**

Submission Reference: 295.2      Reject  
432.3      Reject

### **Reasons**

This decision is made for the following reasons:

- The existing set of performance standards in the Residential Zone provide an efficient and effective approach for managing the scale and intensity of development, while maintaining the amenity and character of the residential environments.

## **5.5.2 Standards for Permitted Activities - Add a New Standard – Secondary Building**

| <b>Submitter Number</b> | <b>Submitter Name</b>    | <b>Further Submitter Name and Number</b> | <b>Further Submission Support/Oppose</b> |
|-------------------------|--------------------------|--|--|
| 56.1                    | 1880 Cottage Company Ltd | -  | -  |

### **Discussion**

**1880 Cottage Company Ltd** (56.1) seek that a new Permitted Activity standard be added to 5.5.2 to allow secondary buildings where genuine family needs are required.

### **Evidence Heard**

No specific evidence was presented on this point.

### **Commissioners Deliberations**

The Commissioners acknowledge that secondary residential dwellings can provide a valuable contribution to the social wellbeing of families, as they provide a facility for family members to living in close proximity and provide the necessary support. However, secondary residential dwellings can contribute to the over development of residential properties which can degrade from the character and amenity of the local environment.

Compliance with the minimum lot size thresholds is considered the most effective and efficient regulatory approach to managing the number of residential units on a property. This lot size is based on maintaining the character and amenity of residential areas, while also providing opportunities for intensification of larger lots. The Commissioners consider the resource consent process provides an efficient process for assessing the circumstances and effects of developing a secondary dwellings on a property, to determine whether it is appropriate on a case-by-case basis.

## **Decision: 5.5.2 - Add a New Standard for Permitted Activities – Secondary Buildings**

Submission Reference: 56.1      Reject

## Reasons

This decision is made for the following reasons:

- The existing provisions of not permitting secondary residential buildings provide an efficient and effective approach for managing the intensity of residential development which maintains the character and amenity values of the Residential Zone, while providing opportunities for intensification through the minimum lot size threshold.

### 5.5.2 Standards for Permitted Activities - Add a New Standard – Outdoor Living Area

| Submitter Number | Submitter Name                  | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|---------------------------------|-----------------------------------|-----------------------------------|
| 358.1            | The Barbara Durbin Family Trust | -                                 | -                                 |

## Discussion

**The Barbara Durbin Family Trust** (358.1) seek that a new Permitted Activity standard be added to 5.5.2 requiring an outdoor living area.

## Evidence Heard

**B Durbin** presented evidence highlighting the issues of allowing 'over-development', and the limited opportunities to redress these situations.

## Commissioners Deliberations

As discussed above for the site coverage submissions, a balance is required in efficiently utilising the residential land, while maintaining the residential character and amenity values, such as building dominance, outdoor living and service areas, privacy, on-site parking and stormwater management. A range of minimum and maximum performance standards are used to maintain the residential character and amenity in the Wairarapa towns.

The Commissioners consider the most effective and efficient approach for managing the scale and intensity is through a minimum of regulatory controls. The Commissioners want to encourage flexibility in building design, and a minimum outdoor living area standard is not considered the most appropriate mechanism for managing the on-site amenity of residential development.

The Commissioners consider the existing minimum and maximum performance standards, such as minimum lot size and building setbacks are the most effective and efficient suite of standards to manage on-site amenity, and provide the opportunity for outdoor living areas to be created.

### Decision: 5.5.2 - Add a New Standard for Permitted Activities – Outdoor Living Area

Submission Reference: 358.1      Reject



## Reasons

This decision is made for the following reasons:

- The existing set of performance standards in the Residential Zone provide an efficient and effective approach for managing the scale and intensity of development, while maintaining the amenity and character of the residential environments.

### 5.5.3 Controlled Activities - (a) Subdivision in Accordance with the District Wide Rules (Part B)

| Submitter Number | Submitter Name   | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|--|-----------------------------------|-----------------------------------|
| 378.5            | P Percy  | -                                 | -                                 |
| 522.8            | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust           | Oppose                            |

## Discussion

**P Percy** (378.5) and the **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.8) seek Rule 5.5.3(a) be deleted as the subdivision rules are contained in Chapter 20 of the Plan. **Windy Peak Trust** opposes the submission of the Planning Departments of Masterton, Carterton and South Wairarapa District Councils.

## Evidence Heard

No specific evidence was presented on this point.

## Commissioners Deliberations

The Commissioners concur with the submitters that individual subdivisions rules in each Environmental Zone are unnecessary, as Section 20 sets of the full set of subdivision rules.

### Decision: 5.5.3(a)

|                             |        |
|-----------------------------|--------|
| Submission Reference: 378.5 | Accept |
| 522.8                       | Accept |
| FS 102                      | Reject |

### Decision Amendment: 5.5.3(a)

Delete Rule 5.5.3(a).

**Consequential amendment:** Re-number clauses (b)-(d) accordingly.

## Reasons

This decision is made for the following reasons:

- Removing the duplicated subdivision rule avoids potential confusion in administering the District Plan.

### 5.5.3 Controlled Activities

| Submitter Number | Submitter Name   | Further Submitter Name and Number                            | Further Submission Support/Oppose |
|------------------|--|--|-----------------------------------|
| 522.4            | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 86 Progressive Enterprises Ltd<br>FS 102 Windy Peak Trust | Support<br><br>Oppose             |
| 398.10           | Wairarapa Inc/Go Wairarapa   | -  | -                                 |
| 273.8            | Tomlinson & Carruthers   | -  | -                                 |

## Discussion

**Wairarapa Inc/Go Wairarapa** (398.10) seek Rule 5.5.3(b) be amended so that there is an explicit requirement for the finishing of development or relocated buildings including a time limit on when works must be completed by.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.4) seeks that a rule be added to 5.5.3 requiring all the standards for permitted activities in Rule 5.5.2 to be met. **Progressive Enterprises Ltd** supports this submission and **Windy Peak Trust** opposes this submission.

**Tomlinson & Carruthers** (273.8) requests Rule 5.5.3 (b) be amended by adding punctuation at the end of each standard, and with an applicable 'and' or 'or'.

## Evidence Heard

No specific evidence was presented on this point.

## Commissioners Deliberations

The listed controlled activities in the Residential Zone are building relocations, and developments in the Greytown Villas Character Area and Jellicoe Residential Character Area. Given these activities relate to buildings, it is appropriate that the permitted activity standards also apply.

In addition, for building relocations, adding the timeframe for completing the work to the building is effective in managing the temporary effects associated with building relocations.

### Decision: 5.5.3

|                              |                |
|------------------------------|----------------|
| Submission Reference: 398.10 | Accept         |
| 522.4                        | Accept         |
| FS 86                        | Accept         |
| FS 102                       | Reject         |
| 273.8                        | Accept in part |

### Decision Amendment: 5.5.3 Controlled Activities

Add a new clause (v) to Rule 5.5.3(b) as follows:

***(v) The timeframe for the work to be completed.***

Add a Note to Rule 5.5.3 as follows:

***Note:***

***All the standards for permitted activities in Rule 5.5.2 must be met.***

Add punctuation to the end of each matter of control in Rule 5.5.3(b).

### Reasons

This decision is made for the following reasons:

- Applying the permitted activity standards to controlled activities is an efficient and effective approach to managing the location, size and scale of buildings for the listed controlled activities.
- Adding a timeframe for completing work following a building relocation is an effective matter of control to manage the temporary effects.

### 5.5.5 Restricted Discretionary Activities

| Submitter Number | Submitter Name   | Further Submitter Name and Number                            | Further Submission Support/Oppose |
|------------------|--|--|-----------------------------------|
| 522.4            | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 86 Progressive Enterprises Ltd<br>FS 102 Windy Peak Trust | Support<br><br>Oppose             |
| 522.13           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 86 Progressive Enterprises Ltd<br>FS 102 Windy Peak Trust | Support<br><br>Oppose             |

## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.13) seeks that a rule be added to 5.5.5(a) providing for a Restricted Discretionary Activity application under 5.5.5(a) to be non-notified and not requiring service. **Progressive Enterprises Ltd** supports this submission and **Windy Peak Trust** opposes this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.4) seeks that a rule be added to 5.5.5 requiring all the standards for permitted activities in Rule 5.5.2 to be met. **Progressive Enterprises Ltd** supports this submission and **Windy Peak Trust** opposes this submission.

## Evidence Heard

No specific evidence was presented on this point.

## Commissioners Deliberations

Section 104(2) provides for Councils to disregard the effects of a permitted activity when determining a resource consent application for a discretionary activity. Applying the permitted activity standards to discretionary activities would be ineffective, as the activity status requires a case-by-case assessment of the effects of the particular proposal.

The listed restricted discretionary activities are activities which do not comply with the permitted activity standards or are particular activities where the effects are known. The permitted activity standards set the baseline for acceptable effects. Any non-compliance with these standards has the potential to adversely effect the environment, including parties in close proximity to the activity. We do not consider it is the most efficient or effective approach to include a non-notification or and no service notice for these types of activities. We consider the notification provisions in the Act provide an effective process for determining how any resource consent application is to be processed.

## Decision: Rule 5.5.5 Restricted Discretionary Activities

|                             |        |
|-----------------------------|--------|
| Submission Reference: 522.4 | Reject |
| FS 86                       | Reject |
| FS 102                      | Accept |
| 522.13                      | Reject |
| FS 86                       | Reject |
| FS 102                      | Accept |

## Reasons

This decision is made for the following reasons:

- The notification sections in the Act provide an efficient framework for determining how resource consent applications are to be processed.
- The provisions of the Act provide the direction in assessing resource consent applications and consideration of permitted activity effects. This approach is consider the most efficient and effective mechanism for managing the effects from a range of activities.

### 5.5.6 Discretionary Activities

| Submitter Number | Submitter Name   | Further Submitter Name and Number                            | Further Submission Support/Oppose |
|------------------|--|--|-----------------------------------|
| 522.4            | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 86 Progressive Enterprises Ltd<br>FS 102 Windy Peak Trust | Support<br><br>Oppose             |
| 522.23           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust                                      | Oppose                            |

### Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.4) seeks that a rule be added to 5.5.6 requiring all the standards for permitted activities in Rule 5.5.2 to be met. **Progressive Enterprises Ltd** supports this submission and **Windy Peak Trust** opposes this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.23) seeks that 5.5.6(a) be amended to by adding reference to retail and commercial activities. **Windy Peak Trust** opposes this submission.

### Evidence Heard

No specific evidence was presented on this point.

### Commissioners Deliberations

Section 104(2) provides for Councils to disregard the effects of a permitted activity when determining a resource consent application for a discretionary activity. Applying the permitted activity standards to discretionary activities would be ineffective, as the activity status requires a case-by-case assessment of the effects of the particular proposal.

### Decision: 5.5.6

|                             |        |
|-----------------------------|--------|
| Submission Reference: 522.4 | Reject |
| FS 86                       | Reject |
| FS 102                      | Accept |
| 522.23                      | Accept |
| FS 102                      | Reject |

### Decision Amendment: 5.5.6 Discretionary Activities

Amend 5.5.6(a) as follows:

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

## Reasons

This decision is made for the following reasons:

- The provisions of the Act provide the direction in assessing resource consent applications and consideration of permitted activity effects. This approach is considered the most efficient and effective mechanism for managing the effects from a range of activities.

## 27. Definitions - Residential Activities

| Submitter Number | Submitter Name   | Further Submitter Name and Number | Further Submission Support/Oppose |
|------------------|--|-----------------------------------|-----------------------------------|
| 522.39           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 102 Windy Peak Trust           | Oppose                            |

## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.39) seeks that the definition of 'Residential activities' be amended by deleting the word 'permanent' from the definition. **Windy Peak Trust** opposes this submission.

## Evidence Heard

No specific evidence was presented on this point.

## Commissioners Deliberations

The Commissioners concur with the assessment in the Section 42A report, in that a number of residential buildings in the Wairarapa are not used on a permanent basis, such as holiday homes, second homes for commuters and absentee owners. However, the nature of the occupation of a residential building does not change the primary purpose of the activity. Therefore, the Commissioners consider the recommended definition better describes what constitutes a residential activity.

## Decision

Submission Reference: 522.39      Accept  
FS 102      Reject

## Decision Amendment: 27: Definitions – Residential activities

Amend the definition of 'Residential activities' by deleting the word 'permanent' as follows:

*Residential activities – The use of land and buildings by people for the purpose of **permanent** living accommodation (up to 5 residents if subject to permanent on-site care or supervision) and includes associated accessory buildings (including elderly relative accommodation) but not long-term hospital or medical care facilities, or visitor accommodation (other than homestays), or serviced residential units.*

## Reasons

This decision is made for the following reasons:

- Clear definitions assist with the effective administration of the District Plan rules and standards. The amended definition of residential activity clearly describes the nature of residential activities.

## 27: Definitions - Residential business

| Submitter Number | Submitter Name   | Further Submitter Name and Number                           | Further Submission Support/Oppose |
|------------------|--|---|-----------------------------------|
| 522.66           | Planning Departments of Masterton, Carterton and South Wairarapa District Councils | FS 65 Mighty River Power Limited<br>FS 102 Windy Peak Trust | Support<br><br>Oppose             |

## Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.66) seeks that the definition of 'Residential business' be amended to exclude any retailing of products not assembled or manufactured on the site. **Mighty River Power Ltd** supports this submission and **Windy Peak Trust** opposes it.

## Evidence Heard

No specific evidence was presented on this point.

## Commissioners Deliberations

The establishment and operation of retail activities in residential areas have the potential to detract from the character and amenity values in their immediate locality. In particular, retail activities where products are sourced from off site and then on-sold.

The Commissioners consider it is the most appropriate approach to exclude retail activities from the definition of residential business. However, the Wairarapa has a number of small businesses which operate from residential properties, which provide an important contribution to the economic and social wellbeing of the area. Some of these businesses sell products to local residents, either directly from the residential property or from other local outlets. Therefore, the Commissioners consider it is the most efficient and effective approach is recognise businesses that retail their own manufactured products as a residential business.

## Decision

|                              |        |
|------------------------------|--------|
| Submission Reference: 522.66 | Accept |
| FS 65                        | Accept |
| FS 102                       | Reject |

## Decision Amendment: 27: Definitions – Residential business

Amend the definition of ‘Residential business’ as follows:

*Residential business – means an occupation, craft or profession undertaken within premises that primarily used for residential purposes, **but excludes any retailing of products not assembled or manufactured on the site.***

## Reasons

This decision is made for the following reasons:

- Clear definitions assist with the effective administration of the District Plan rules and standards. The amended definition of residential business clearly describes the nature of certain activities which are suitable in a residential area.



## Appendix 1: Plan Showing Carterton Low Density Character Area

