

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

Subject: Chapter 4: Rural Zone

In Reference to:

- ***Rural Zone Provisions 4.1 – 4.4***
 - ***Rural Zone Rules 4.5.1 – 4.5.6***
-

4.0 General

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.10	Horticulture NZ	NZ Winegrowers (FS54)	Support

Discussion

Horticulture NZ (492.10) seeks retention of the recognition of primary production and its importance to the area. **NZ Winegrowers** supports this submission.

Evidence Heard

Horticulture NZ and **NZ Winegrowers** separately presented evidence supporting the focus of the Rural Zone on primary production activities, and the concept of ‘the right to farm’.

Commissioners’ Deliberations

The Commissioner noted the general support from the submitters for the Rural Zone, except where they have specifically sought amendments which are discussed later in this Decision Report.

Decision

Submission Reference: 492.10 Accept
FS52 Accept

Reasons

This decision is made for the following reasons:

- The Rural Zone provisions represent the most appropriate balance between enabling primary production activities, while maintaining the amenity values and the quality of the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
385.22	J Gleisner	Horticulture NZ (FS52)	Oppose
385.10	J Gleisner	-	-
383.3	Sustainable Wairarapa	-	-

Discussion

J Gleisner (385.22) considers that it may be valuable to consider the zoning of particular kinds of farming. **Horticulture NZ** opposes this submission, as the zoning should not be based on the current land use of an area.

J Gleisner (385.10) also seeks that the Plan be amended to promote the conservation of the better soils throughout the Wairarapa for productive rather than for residential use.

Sustainable Wairarapa (383.3) seeks that the Plan be amended to provide for more zones for the rural area.

Evidence Heard

Sustainable Wairarapa (383.3) re-iterated the need for more explicit zoning in the rural areas. The zonings should be based on the productivity of the different areas based on the predominant primary production activities.

Commissioners' Deliberations

The Commissioners consider that the Wairarapa has similar resource management issues across the whole rural environment, therefore, one zone is the most appropriate approach. If locations have a number of similar resource management issues, multiple zoning could create a large amount of repetition across the different zones in the District Plan. Where specific issues are present in the rural environment, targeted methods are applied under the District-Wide provisions, including natural hazards, significant natural areas and heritage sites.

The Commissioners consider that creating numerous zones in the rural environment has the advantage that specific provisions can be targeted at the particular resource management issues in that location. However, different soils inherently are used for different primary production land uses, in combination with other variables, such as climate and topography. Therefore, soil characteristics are not considered to be a significant resource management issue in the Wairarapa.

Decision

Submission Reference: 385.22	Reject
FS52	Accept
385.10	Reject
383.3	Reject

Reasons

This decision is made for the following reasons:

- The Rural Zone provisions represent the most appropriate approach for managing the range of resource management issues in the rural environment, as they apply across the whole area.
- Multiple rural zonings would create unnecessary duplication, and would not provide the most effective or efficient regulatory management framework.

Submission Summary

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

Discussion

J Gleisner (385.9) considers the entire rural area of the Wairarapa has landscape values of importance and therefore significance to the local community, not just the areas deemed to be significant.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners consider the existing provisions in the Rural Zone, specifically Objective 4.3.1 (Rur1), Policy 4.3.2(d) and associated Methods effectively recognised the importance of landscape values in the rural environment, in terms of the low level of built development, predominance of vegetation and a range of activities. In addition, Section 9 Landscape recognises and manages area of 'outstanding' landscape value, which includes some rural landscapes, such as Nga Waka o Kupe Hills.

Decision

Submission Reference: 385.9	Accept in part
-----------------------------	----------------

Reasons

This decision is made for the following reasons:

- The Rural Zone and Landscape provisions provide the most appropriate level of recognition for the landscape values in the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
305.1	J Hedley	-	-

Discussion

J Hedley (305.1) opposes all Rules and Policies affecting the rural areas.

Evidence Heard

J Hedley (305.1) did not present evidence at the hearing.

Commissioners' Deliberations

Section 31(1)(a) requires the District Councils to give effect to the Resource Management Act 1991 by the establishment, implementation and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the districts. Under Section 73 of the Act, each district is to have a District Plan in effect at all times, which includes policies and rules for the rural area.

The rural environment forms a large part of the Wairarapa, therefore, for the Councils to perform their functions under the Act, the Commissioners consider the existing policies and rules as amended in this decision report are the most appropriate for enabling the ongoing functioning of activities in the Rural Zone.

Decision

Submission Reference: 305.1 Reject

Reasons

This decision is made for the following reasons:

- Resource Management Act 1991 requires the District Councils to have policies and rules in place at all times in a District Plan. The policies and rules in the Proposed Plan are considered the most appropriate as amended by decisions on submissions for enabling the ongoing functioning of activities in the Rural Zone.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
334.1	JR's Orchards Ltd	-	-

Discussion

JR's Orchards Ltd (334.1) seeks that the Phytosanitary Pest Management Strategy be adopted.

Evidence Heard

John Van Vliet from **JR's Orchards Ltd** (334.1) presented evidence highlighting the issues from pests affecting the pipfruit grown in the Wairarapa. In particular, he described the problems associated with abandoned orchards, where pests, specifically codling moths, breed in the abandoned orchards, which then infect neighbouring orchards. The submitter requested a Phytosanitary Pest Management Strategy be introduced in the Wairarapa, similar to the Strategy in place in Nelson.

Commissioners' Deliberations

Under Section 31(1)(a) of the Resource Management Act 1991, District Councils are responsible for the management of the land. This responsibility does not extend to the management of pests, such as codling moths. The Commissioners investigated the Strategy in place in Nelson which controls codling moth. This Strategy is the Regional Pest Management Strategy prepared by the Biosecurity Act 1993. In the Wairarapa, pest management is the responsibility of Greater Wellington Regional Council.

The Commissioners fully understand the significance of the issue for the submitter, and have forwarded the submission to Greater Wellington Regional Council, with a request to address this matter in their review of the Regional Pest Management Strategy. The Commissioners strongly advocate that Greater Wellington Regional Council investigate options for managing this issue in the Wairarapa.

Decision

Submission Reference: 334.1 Reject

Reasons

This decision is made for the following reasons:

- Pest management is not a responsibility for the District Councils under the Resource Management Act 1991 therefore, it is not appropriate to add provisions to the District Plan.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
491.3	E & D Te Maro	-	-

Discussion

E & D Te Maro (491.3) 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

No specific evidence was presented on this point.

Commissioners' Deliberations

Refer to the Residential Zone report for details.

Decision

Submission Reference: 491.3 Accept in part

Reasons

Refer to the Residential Zone report.

4.1 Introduction

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.1	Department of Conservation	NZ Winegrowers (FS54)	Oppose

Discussion

The **Department of Conservation** (525.1) requests the addition of the following sentence to 4.1 to recognise the value of indigenous biodiversity in the Rural Zone:

"An important part of the rural environment is provided by the remnants of indigenous vegetation that continue to exist on private land amongst the pasture dominated landscape. These remnants mean that native birds are also a feature of many parts of the rural zone."

NZ Winegrowers (FS54) oppose this submission.

Evidence Heard

Department of Conservation (525.1) presented evidence stating that they accepted the Section 42A report recommendation of rejecting this submission point.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation, and the matter is effectively addressed in Section 11 Indigenous Biodiversity of the Plan.

Decision

Submission Reference: 525.1 Reject
FS54 Accept

Reasons

This decision is made for the following reasons:

- Section 11 – Indigenous Biodiversity of the District Plan covers the matter requested by the submitter. To avoid unnecessary duplication, it is not appropriate to add a reference to this matter in the Rural Zone.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.4	Federated Farmers of NZ (Inc)	-	-

Discussion

Federated Farmers of New Zealand (Inc) (524.4) seek that the following words be added to the first sentence of paragraph 2 of 4.1 as follows:

“Rural land including coastal land is a significant resource due to the economic value of primary production activities to the Wairarapa.....”

Evidence Heard

Federated Farmers of New Zealand (Inc) (524.4) presented evidence stating that they accepted the Section 42A report recommendation of rejecting this submission point.

Commissioners’ Deliberations

The Commissioners noted the submitters support for the recommendation, and the matter is effectively addressed in Section 13 Coastal Environment of the Plan.

Decision

Submission Reference: 524.4 Reject

Reasons

This decision is made for the following reasons:

- Section 13 – Coastal Environment of the District Plan covers the matter requested by the submitter. To avoid unnecessary duplication, it is not appropriate to add reference to this matter in the Rural Zone.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.5	Federated	-	-

	Farmers of NZ (Inc)		
427.2	NZ Winegrowers	Horticulture NZ (FS 52)	Support
35.2	S Burt	-	-

Discussion

Federated Farmers of NZ (Inc) (524.5) supports the recognition of reverse sensitivity issues in paragraph 7 of 4.1.

NZ Winegrowers (427.2) seeks that the wording of the last sentence of paragraph 8 of 4.1 be amended as follows:

“The need to provide such lifestyle opportunities in a manner that protects the rural character ~~and the ability of~~ while maintaining and enabling primary production to operate without unreasonable restriction is a key challenge in the management of the rural environment.”

Horticulture NZ supports this submission.

S Burt (35.2) seeks that Section 4.1 be amended as it is considered that allowing subdivision to a minimum lot size of 1ha would not contribute to the ability of primary producers to operate without hindrance, which is a key challenge in the management of the rural environment.

Evidence Heard

Federated Farmers of New Zealand (Inc) (524.5) presented evidence stating that they accepted the Section 42A report recommendation of accepting this submission point.

NZ Winegrowers (427.2) and **Horticulture NZ** (FS52) both presented evidence supporting the Section 42A report recommendation of amending paragraph 8 of 4.1 Introduction.

Commissioners’ Deliberations

The Commissioners noted the submitters support for the recommendation. The Commissioners consider the recommended provisions are a clearer explanation of managing reverse sensitivity issues.

Decision

Submission Reference: 524.5	Accept
427.2	Accept
FS52	Accept
35.2	Accept in part

Decision Amendment: 4.1 Introduction

Amend the wording of the last sentence of paragraph 8 of section 4.1 as follows:

*“The need to provide such lifestyle opportunities in a manner that protects the rural character ~~and the ability of~~ while maintaining and enabling primary production **or other lawfully established activities to operate without***

***unreasonable restriction** is a key challenge in the management of the rural environment.”*

Reasons

This decision is made for the following reasons:

- The amended text better describes the issues associated with reverse sensitivity issues in the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
438.2	Wairarapa Aggregates Ltd	-	-

Discussion

Wairarapa Aggregates Ltd (438.2) seeks that a sentence be added to the last paragraph of 4.1 to recognise rock, gravel, sand and other mineral processing and associated activities and the management of river gravel extraction to assist flood protection and other river management as provided for by GWRC, also requires recognised and protected sites.

Evidence Heard

Wairarapa Aggregates presented evidence supporting the need for a site specific management framework in the District Plan for their sites. They noted that the recommendation in the Section 42A Report did not adequately or fairly resolve the issues raised in their submission.

Commissioners' Deliberations

The Introduction (Section 4.1) provides an overview of the environment and resource management issues in the rural area of the Wairarapa. It identifies the key resources and the pressures on these resources.

The river plains form an important part of the rural environment, with the management of river gravel a factor in protecting the low lying areas from flooding and providing a resource to the construction industry. The Commissioners do not consider the matter raised by the submitter to be a site specific issue, but rather an issue covering the whole river networks. The management of gravel within the river networks assist Greater Wellington Regional Council as a tool for flood protection purposes. Therefore, the Commissioners consider a new sentence better expresses this issue in the Introduction. The Commissioners do not consider a reference to gravel and mineral processing activities to be the most effective approach, as there are many activities in the rural environment which are not listed in Introduction.

Decision

Submission Reference: 438.2 Accept in part

Decision Amendment: 4.1 Introduction

Add the following sentence after the third sentence of the last paragraph of 4.1 as follows:

*“...intensified residential development. **These areas include the management of river gravel extraction by Greater Wellington Regional Council which assists as one method of flood protection.** Some parts of the rural...”*

Reasons

This decision is made for the following reasons:

- The inserted text recognises the issue of gravel extraction, and the importance of managing the extraction for flood protection purposes.
- The inserted text acknowledges the roles and responsibilities of Greater Wellington Regional Council, both as a regulatory authority, in managing the beds of rivers, and as a public body for implementing flood protection works.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.1	Wairarapa Inc trading as Go Wairarapa	NZ Winegrowers (FS 54)	Support

Discussion

Wairarapa Inc trading as Go Wairarapa (398.1) supports recognition of the role of the rural economy and that rural activity may generate effects on amenity values but that these should reasonably be expected. **NZ Winegrowers** supports this submission.

The submission from Wairarapa Inc also notes that the second sentence in paragraph 8 states *“Indeed, this source of development pressure has been a main driver for growth in the Wairarapa rather than an increase in population.”* The submission asks ‘What form of growth if not population needs to be defined. Is it rateable properties?’

Evidence Heard

Go Wairarapa noted the clarification of ‘growth’ in the Section 42A Report.

Commissioners’ Deliberations

The Commissioners noted the submitter’s comment clarifying the application of paragraph 8, and that no amendment to paragraph 8 is necessary.

Decision

Submission Reference: 398.1	Reject
FS54	Reject

Reasons

This decision is made for the following reasons:

- The existing paragraph clearly describes the nature of growth and pressures in the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
430.2	D Stanton	-	-

Discussion

D Stanton (430.2) opposes the third sentence in paragraph 7 of 4.1 which reads “...Therefore, potential new activities in the Rural Zone must be compatible with rural character in the scale of development and prevent imposing limitations on the operation of rural activities and their ability to contribute towards the economic wellbeing of the Wairarapa....” D Stanton considers that lifestyle subdivision down to 1ha lots will not contribute to the provision of lifestyle opportunities that protect the Wairarapa's rural character and the ability of primary producers to operate without hindrance.

Evidence Heard

D Stanton did not present evidence at the hearing.

Commissioners' Deliberations

The Commissioners noted the Section42A Report comments that this submission more appropriately related to the subdivision rules in Section 20 of the District Plan and is therefore is addressed in that decision report.

Decision

Submission Reference: 430.2 Reject

Reasons

This decision is made for the following reasons:

- The existing paragraph clearly describes the issue of reserve sensitivity in the rural environment.
- Matter raised by the submitter is addressed in the decisions relating to Section 20 – Subdivision Rules.

Submission Summary

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

523.1	K and M Williams	NZ Winegrowers (FS 54)	Support
-------	------------------	------------------------	---------

Discussion

K and M Williams (523.1) support the third and forth sentences of paragraph 6 of section 4.1 *“Primary production activities.....economic wellbeing of the Wairarapa.”* **NZ Winegrowers** supports this submission.

Evidence Heard

K and M Williams (523.1) presented evidence supporting the Section 42A Report recommendation of retaining this paragraph.

Commissioners’ Deliberations

The Commissioners noted the submitters support for the recommendation.

Decision

Submission Reference: 523.1 Accept
FS54 Accept

Reasons

This decision is made for the following reasons:

- The existing paragraph clearly describes the issue of the continuation of primary production activities in the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.4	Meridian Energy Ltd	Horticulture NZ (FS52) Mighty River Power Ltd (FS74)	Oppose Support

Discussion

Meridian Energy Ltd (521.4) seeks that the provisions of the Plan are amended to recognise that reverse sensitivity issues are not limited to primary production activities. **Mighty River Power Ltd** supports this submission and **Horticulture NZ** opposes this submission.

Evidence Heard

Meridian Energy Ltd (521.4) presented evidence endorsing the amendment to paragraph 8 recommended in the Section 42A Report, which added a reference to other lawfully established activities.

Mighty River Power Ltd (FS 74) in their evidence commented on the need to identify that a range of other activities establish in the rural environment, and it is important to protect these activities from reverse sensitivity effects.

Horticulture NZ (FS 52) noted that primary production activities were the predominant activities in the rural environment.

Commissioners' Deliberations

The Commissioners noted some submitters support for the recommendation as it recognised other activities are located in the rural environment, while primary production activities still dominate.

Decision

Submission Reference: 521.4	Accept in part
FS52	Accept in part
FS74	Accept in part

Decision Amendment: 4.1 Introduction

Amend the wording of the last sentence of paragraph 8 of section 4.1 as follows:

*"The need to provide such lifestyle opportunities in a manner that protects the rural character ~~and the ability of~~ **while maintaining and enabling** primary production **or other lawfully established activities to operate without unreasonable restriction** is a key challenge in the management of the rural environment."*

Reasons

This decision is made for the following reasons:

- The amended text better describes the issues associated with reverse sensitivity issues in the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.3	Meridian Energy Ltd	Horticulture NZ (FS52) Mighty River Power Ltd (FS74)	Oppose Support

Discussion

Meridian Energy Ltd (521.3) seeks that, in respect of rural character, the provisions in Chapter 4 are amended to focus on the effects of an activity rather than promoting a specific activity type. Amend the chapter to recognise that the rural environment and the activities that take place in it are constantly changing, and that activities other than primary production, while not generally permitted, are still recognised as appropriate within the zone subject to site-specific considerations. **Mighty River Power Ltd** supports this submission and **Horticulture NZ** opposes this submission.

Evidence Heard

Meridian Energy Ltd (521.3) presented evidence contending that the character in the rural area is influenced by a range of activities, not only primary production activities. This point was also made in the evidence of **Mighty River Power Ltd** (FS 74).

Horticulture NZ (FS 52) noted that primary production activities were the predominant activities in the rural environment.

Commissioners' Deliberations

The Commissioners acknowledge that the rural environment comprises of a range of activities. To better describe this character, the Commissioners support the wording proposed in the evidence of Meridian Energy, being the addition of text at the end of paragraph 3.

Decision

Submission Reference: 521.3	Accept
FS52	Reject
FS74	Accept

Decision Amendment: 4.1 Introduction

Amend the wording of paragraph 3 of section 4.1 by adding the following wording:

*“...around Wairarapa’s main towns. **The character of the rural environment is shaped by the different forms of primary production that occur there but also by the range of other activities that rely on a location in the rural area and which contribute to the economic and social fabric of the Districts.**”*

Reasons

This decision is made for the following reasons:

- The added text better describes the range of activities in the rural environment and the resultant rural character.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.2	Meridian Energy Ltd	Horticulture NZ (FS52) Mighty River Power Ltd (FS74)	Oppose Support

Discussion

Meridian Energy Ltd (521.2) seeks that Chapter 4 of the Plan be amended (including Objectives, Policies and Methods) to recognise that primary production is not the only activity that can be undertaken in the rural area and not the only one that will produce an economic

return. **Mighty River Power Ltd** supports this submission and **Horticulture NZ** opposes this submission.

Evidence Heard

Meridian Energy Ltd (521.2) presented evidence contending the character in the rural area is influenced by a range of activities, not only primary production activities. This point was also made in the evidence of **Mighty River Power Ltd** (FS 74).

Horticulture NZ (FS 52) noted that primary production activities were the predominant activities in the rural environment.

Commissioners' Deliberations

The Commissioners acknowledge the rural environment comprises a range of activities. To better describe this character, the Commissioners support the wording proposed in the evidence of Meridian Energy, being the addition of text at the end of paragraph 3.

Decision

Submission Reference: 521.3	Accept
FS52	Reject
FS74	Accept

Decision Amendment: 4.1 Introduction

Amend the wording of paragraph 3 of section 4.1 by adding the following:

*“...around Wairarapa’s main towns. **The character of the rural environment is shaped by the different forms of primary production that occur there but also by the range of other activities that rely on a location in the rural area and which contribute to the economic and social fabric of the Districts.**”*

Reasons

This decision is made for the following reasons:

- The added text better describes the range of activities in the rural environment and the resultant rural character.

4.2 Significant Resource Management Issues: All

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
392.5	S Corbett	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose

Discussion

S Corbett (392.5) opposes the Significant Resource Management Issues of 4.2 and considers that the Parliamentary Commissioner for the Environment's report 'Growing for Good' should be adopted as the foundation for all planning concerning the rural sector in the Wairarapa. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

S Corbett (392.5) did not present evidence at the hearing.

Commissioners' Deliberations

Ten (eleven following decisions on submissions – see below) “significant resource management issues” are listed in the District Plan. The listed issues cover the full breadth of pressures on the rural environment. The Commissioners consider the amendments to the issue statements 2, 3, 4, 5 and 11 outlined in the sections below better reflect the significant resource management issues in the rural Wairarapa, as they identify the full range of issue and there application in the Wairarapa. The Commissioners note that many of the listed issues are closely related to those in the Parliamentary Commissioner for the Environment report.

Decision

Submission Reference: 392.5	Accept in part
FS112	Accept in part
FS85	Accept in part

Reasons

This decision is made for the following reasons:

- The amended and added text outlined in the Issue statements for Issues 2, 3, 4, 5 and 11 below better describes the significant resource management issues in the rural environment.

4.2 Significant Resource Management Issues: Issue 1

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.6	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
427.3	NZ Winegrowers	-	-
523.2	K and M Williams	NZ Winegrowers (FS 54)	Support

Discussion

Federated Farmers of NZ (Inc) (524.6), **NZ Winegrowers** (427.3) and **K and M Williams** (523.2) seek that Issue 1 be retained. **NZ Winegrowers** supports the submissions of Federated Farmers of NZ (Inc) and K and M Williams.

Evidence Heard

Federated Farmers of NZ (Inc) (524.6), **NZ Winegrowers** (427.3) and **K and M Williams** (523.2) presented evidence supporting the Section 42A Report recommendation of retaining this Issue.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation.
--

Decision

Submission Reference: 524.6	Accept
FS54	Accept
427.3	Accept
523.2	Accept
FS54	Accept

Reasons

This decision is made for the following reasons:

- The existing Issue statement clearly describes the issue of safeguarding the life-supporting capacity of the Wairarapa's soil resources.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
399.1	D and J Gibbs	-	-

Discussion

D and J Gibbs (399.1) seeks that Issue 1 be amended to more positively affirm that the safeguarding of the ability of the Wairarapa soil resources to be used for productive purposes is a critical resource management issue.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

Issue 1 addresses the life-supporting capacity of soil resources, which includes the productive potential of the soil. The Commissioners consider the existing Issue statement
--

most appropriately describes the management of the soil resources in the Wairarapa, as it recognises soils as being finite, and need to be protected for both current and future generations.

Decision

Submission Reference: 399.1 Reject

Reasons

This decision is made for the following reasons:

- The existing Issue 1 most appropriately describes the matter in relation to the safeguarding of the soil resource in the Wairarapa.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
503.3	Wairarapa Organics	-	-

Discussion

Wairarapa Organics (503.3) have not identified the relief sought in respect of Issues 1 and 5, but the submission discusses prohibition of Genetically Modified Organisms.

Evidence Heard

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

Commissioners' Deliberations

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

Decision

Submission Reference: 503.3 Reject

Reasons

This decision is made for the following reasons:

- The management of genetically modified organisms is not a responsibility of territorial local authorities.

4.2 Significant Resource Management Issues: Issue 2

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.2	K and M Williams	NZ Winegrowers (FS54)	Support
525.2	Department of Conservation	NZ Winegrowers (FS54) L Reed (FS125)	Oppose Support
526.8	Greater Wellington Regional Council	-	-

Discussion

K and M Williams (523.2) seeks Issue 2 to be retained. **NZ Winegrowers** supports this submission.

The **Department of Conservation** (525.2) and **Greater Wellington Regional Council** (526.8) seek that the Significant Resource Management Issues recognise impacts on biodiversity values and that the protection of indigenous biodiversity is a key requirement under the RMA. **NZ Winegrowers** oppose the submission of the Department of Conservation and **L Reed** supports the submission of the Department of Conservation.

The **Department of Conservation** (525.2) seek an amendment to Issue 2 of 4.2 as follows:

“2. Providing for a wide choice of lifestyles in the rural environment at a location, scale and intensity that is appropriate to protect the general visual amenity, biodiversity values and rural character, particularly in areas of key public value, and avoiding standardised or obtrusive forms and patterns of development”.

Greater Wellington Regional Council (526.8) seek that a new Issue be inserted between Issues 1 and 2 as follows:

“Protecting the ecological integrity of areas of significant indigenous vegetation or habitats of significant biodiversity value, including areas which provide ecological links between such places.”

Evidence Heard

K and M Williams (523.2) endorsed the recommendation of amending Issue 2.

The **Department of Conservation** (525.2) and **Wellington Regional Council** (526.8) presented evidence stating they accepted the Section 42A report recommendation of amending the Issue statement.

NZ Winegrowers (FS 54) noted the importance of protecting the primary production activities in the Wairarapa.

Commissioners’ Deliberations

The Commissioners noted the submitters support for the recommendation. The Commissioners consider the recommended provisions are a clearer description of the issue relating to lifestyle choice in the rural environment and the attributes sought to protect.

Decision

Submission Reference: 523.2	Accept
FS 54	Accept in part
525.2	Accept
FS 54	Accept in part
FS 125	Accept in part
526.8	Accept in part

Decision Amendment: 4.2 Significant Resource Management Issues – Issue 2

Amend Significant Resource Management Issue 2 by adding the words “*biodiversity values*” as follows:

*“2. Providing for a wide choice of lifestyles in the rural environment at a location, scale and intensity that is appropriate to protect the general visual amenity, **biodiversity values** and rural character, ~~particularly in areas of key public value,~~ and avoiding standardised or obtrusive forms and patterns of development”.*

Reasons

This decision is made for the following reasons:

- The inserted text recognises the issue of biodiversity as a key attribute in the rural environment, and better describes the nature of this issue.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.4	NZ Winegrowers	Horticulture NZ (FS 52) Meridian Energy Ltd (FS 84)	Support Support

Discussion

NZ Winegrowers (427.4) seeks Issue 2 be amended by adding a reference to protecting the productive capacity of rural soils, and removing reference to “*particularly in areas of key public value.*” **Horticulture NZ** and **Meridian Energy Ltd** support this submission.

Evidence Heard

NZ Winegrowers (427.4) and **Horticulture NZ** (FS52) presented evidence noting that this Issue applies across the whole Wairarapa, not just to areas of key public value.

Commissioners’ Deliberations

The location, scale and intensity of development has a direct influence on the rural character of the Wairarapa. The Commissioners concur with the submitters, that the reference to “*areas of key public value*” is unclear, and is to be removed. However, soils are only

characteristic influencing land use, and the Commissioners do not consider this to be a significant resource management issue in the Wairarapa.

Decision

Submission Reference: 427.4	Accept in part
FS 52	Accept in part
FS84	Accept in part

Decision Amendment: 4.2 Significant Resource Management Issues – Issue 2

Amend Significant Resource Management Issue 2 by adding the words “*biodiversity values*” as follows:

*“2. Providing for a wide choice of lifestyles in the rural environment at a location, scale and intensity that is appropriate to protect the general visual amenity, **biodiversity values** and rural character, ~~particularly in areas of key public value,~~ and avoiding standardised or obtrusive forms and patterns of development”.*

Reasons

This decision is made for the following reasons:

- The amended Issue statement mostly appropriately describes of pressures from development and they are not location specific.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
437.1	A Johnson	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Meridian Energy Ltd (FS 84)	Oppose

Discussion

A Johnson (437.1) seeks that Issue 2 be amended by adding a sentence to recognise that obtrusive structures can degrade visual amenity and rural character such as structures and developments on skylines and ridgelines of hills and ranges. A Johnson seeks in (437.2) that a new Issue be added to 4.2 regarding the protection of prominent skylines and ridgelines from obtrusive development. A Johnson considers that skylines are subject to visual landscape amenity degradation if structures built on them are not sensitively designed or of a scale that detract from the rural character and amenity values. Colour and the reflective nature of structures also have an impact on the environment. **D Riddiford, Federated Farmers of NZ (Inc)** and **Meridian Energy Ltd** oppose this submission.

Evidence Heard

A Johnson (437.1) presented evidence highlighting that the rural character was a key attribute of what people valued about the Wairarapa. He considered built development on skylines was a major issue, and significantly degraded the rural character.

Federated Farmers of NZ (Inc) (FS85) and **Meridian Energy Ltd** (FS 84) presented evidence supporting the Section 42A recommendation of not adding a new Issue statement.

Commissioners' Deliberations

The Commissioners considered the existing wording of Issues 2 and 4 most appropriately described the Significant Resource Management Issues relating to the location and nature of development in the rural environment. The management of structures on skylines would be a matter for consideration in the upcoming landscape assessment noted in Section 9 Landscape of the Plan.

Decision

Submission Reference: 437.1	Reject
FS 85	Accept
FS 84	Accept

Reasons

This decision is made for the following reasons:

- The existing Issue statement mostly appropriately describes of pressures from development and the type of effects that may be generated, and it is not appropriate to add an Issue in relation to structures on skylines.

4.2 Significant Resource Management Issues: Issue 3

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.7	Federated Farmers of NZ (Inc)	-	-
523.2	K and M Williams	NZ Winegrowers (FS 54)	Support
521.7	Meridian Energy Ltd	Mighty River Power Ltd (FS 74)	Support
427.4	NZ Winegrowers	-	-

Discussion

Federated Farmers of NZ (Inc) (524.7) and **K and M Williams** (523.2) seek that Issue 3 be retained. **NZ Winegrowers** supports both of these submissions.

Meridian Energy Ltd (521.7) seeks that Significant Resource Management Issue 3 be amended to address reverse sensitivity issues as a whole – not just those that result from lifestyle residential developments adjacent to primary production. **Mighty River Power Ltd** supports this submission.

NZ Winegrowers (427.4) seeks that reference to adverse cumulative effects be removed from Issue 3.

Evidence Heard

Meridian Energy Ltd (521.7) presented evidence highlighting that once activities are lawfully established, reverse sensitivity effects need to be managed for all lawfully established activities, not just primary production activities. Meridian Energy Ltd requested a new Issue be added to recognise the reverse sensitivity effects for all ‘other’ activities lawfully established.

NZ Winegrowers (427.4) and (FS 54) presented evidence stating that the reference to “cumulative adverse impacts on the environment” in Issue 3 was unclear and ambiguous.

Federated Farmers of NZ (Inc) (524.7) and **K & M Williams** (523.2) presented evidence supporting the Section 42A recommendation to amend the Issue statements.

Commissioners’ Deliberations

For Issue 3, the Commissioners concur with the NZ Winegrowers, that the word ‘impact’ should be replaced with the word ‘effect’ to be consistent with the terminology used in the Act. However, the Commissioners consider the reference in the issue statement to “cumulative effects” to be the most appropriate description of particular effects generated by primary production activities in the Wairarapa. Certain facilities associated with primary production activities, such as frost protection devices, as standalone facilities can generate an acceptable level of adverse effects. However, if a number of these activities concentrate in a particular location, the cumulative effects of all these facilities can be a significant issue.

In terms of reverse sensitivity effects experienced by non-primary production activities in the rural environment, the Commissioners were not persuaded on the evidence presented that this is a ‘significant’ resource management issue in the Wairarapa. The Commissioners consider Issue 4 most appropriately recognises the ‘significant’ resource management issues for these “other” activities, which is their potential incompatibility and amenity conflict with the range of activities undertaken in the rural environment. The Commissioners consider Issue 4 better expresses the amenity conflicts between other activities, rather than a new Issue in relation to reverse sensitivity effects.

Decision

Submission Reference: 524.7	Accept
523.2	Accept
FS 54	Accept
521.7	Accept in part
FS 74	Accept in part
427.4	Accept in part

Decision Amendment: 4.2 Significant Resource Management Issues – Issue 3

Amend Significant Resource Management Issue 3 as follows:

“3. Recognising that primary production activities generate external effects that are generally an accepted part of the rural environment while ensuring that such effects do not have excessive or cumulative adverse ~~impacts~~ effects on the environment, particularly on amenity values and natural processes and systems.”

Reasons

This decision is made for the following reasons:

- The terminology of the District Plan is to be consistent with the terminology used in the Resource Management Act 1991.
- Cumulative effects from primary production activities are a particular issue, and not the effects from individual activities.

4.2 Significant Resource Management Issues: Issue 4

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.8	Meridian Energy Ltd	Mighty River Power Ltd (FS 74)	Support
523.3	K and M Williams	NZ Winegrowers (FS 54)	Support

Discussion

Meridian Energy Ltd (521.8) seeks that Issue 4 be deleted and replaced with an Issue that addresses the range of matters in Part 2 of the Act including the need to have particular regard to the benefits to be derived from the use and development of renewable energy, and the effects of climate change. **Mighty River Power Ltd** supports this submission.

K and M Williams (523.3) seeks that Issue 4 be amended to reflect that incompatibility between primary production activities and residential activities is often the result of inappropriate development being in too close proximity to rural activities. **NZ Winegrowers** supports this submission.

Evidence Heard

Meridian Energy Ltd (521.8) presented evidence stating that they supported the recommendation to Issue 4, but also requested the addition of a new Issue in relation to renewable energy generation facilities in the rural area.

Mighty River Power Ltd (FS 74) presented evidence endorsing the original submission made by Meridian Energy Ltd.

K & M Williams (523.3) presented evidence supporting the Section 42A recommendation to amend the Issue statements, with the addition of the word “established” before primary production activities.

NZ Winegrowers (FS 54) supports the recommendation in the Section 42A report amending Issue 4.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation for amending Issue 4. They also agree the wording suggested by K & M Williams better describes the Issue.

In terms of adding an Issue statement in the Rural Zone in relation to renewable energy generation facilities, the Commissioners concur with the submitters that this is a significant resource management issue for the Wairarapa. In particular, the Commissioners note the potential for small and large scale facilities, and the benefits and costs associated with such facilities. Therefore, the new Issue recognises the different scale of these facilities.

Decision

Submission Reference: 521.8	Accept in part
FS 74	Accept in part
523.3	Accept
FS 54	Accept

Decision Amendment: 4.2 Significant Resource Management Issues – Issue 4

Amend Issue 4 by adding the following sentence to it as follows:

“4. Providing for.....primary production activities. This may occur when new rural lifestyle development establishes in close proximity to established primary production activities. The operational requirements of primary production activities have effects which are to be anticipated and expected in the Rural Zone.”

Add a new Significant Resource Management Issue 11 as follows:

11. Providing for the establishment and operation of renewable energy generation facilities, recognising that these facilities can be small-scale independent facilities through to large scale connected facilities. Renewable energy generation facilities can introduce large and highly visible built elements and other operational effects into the rural landscape.

Reasons

This decision is made for the following reasons:

- There is potential for incompatible amenity conflicts in the rural area. The amended issue better describes that these conflicts are likely to arise between new residential development and existing primary production activities.
- The new Issue statement recognises the potential for further renewable energy generation facilities to be developed in the rural environment.

4.2 Significant Resource Management Issues: Issue 5

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.2	Wairarapa Inc trading as Go Wairarapa	-	-
526.9	Greater Wellington Regional Council	NZ Winegrowers (FS 54)	Support
503.3	Wairarapa Organics	-	-

Discussion

Wairarapa (Inc)/Go Wairarapa (398.2) seeks that the term “*unsustainable land use practices*” in Issue 5 needs to be defined if it is to be identified as a Significant Resource Management Issue.

Wairarapa Organics (503.3) have not identified the relief sought in respect of Issues 1 and 5.

Greater Wellington Regional Council (526.9) seek that Issue 5 be retained but considers that there need to be development of suitable Policies and Methods to support it. **NZ Winegrowers** supports this submission.

Evidence Heard

Greater Wellington Regional Council (526.9) supports the recommendation in the Section 42A report retaining Issue 5.

Commissioners’ Deliberations

The Commissioners noted the submitters support for the recommendation for retaining Issue 5.

The Commissioner consider the phrase “unsustainable land use practices” is clearly expressed in the Issue statement, and it must be read in the context of the Introduction for the Rural Zone.

As noted in the assessment below on adding a new Issue, recognising the role of ecosystems is also an important issue.

Decision

Submission Reference: 398.2	Reject
503.3	Accept
526.9	Accept in part
FS 54	Accept in part

Decision Amendment

Amend Significant Resource Management Issue 5 to read as follows:

*5. Unsustainable land use practices that degrade or modify the natural environment and its processes (for example, groundwater systems), **the role of indigenous biodiversity in ecosystems**, and its capacity to support life on an ongoing basis.*

Reasons

This decision is made for the following reasons:

- The amended Issue statement mostly appropriately describes the pressures from land use practices and their effects on the natural environment.
- The role of indigenous biodiversity in ecosystems is an important component of supporting life, therefore, the amended issue more clearly expresses this matter.

4.2 Significant Resource Management Issues: Issue 6

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.8	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155)	Support Support
521.9	Meridian Energy Ltd	-	-
526.9	Greater Wellington Regional Council	NZ Winegrowers (FS 54)	Support

Discussion

Meridian Energy Ltd (521.9) seeks that Issue 6 be retained as making better use of opportunities for self-sufficiency in the rural area to reduce cumulative effects of development on servicing and infrastructure is an appropriate issue to be addressed in the Plan.

Greater Wellington Regional Council (526.9) seeks that Issue 6 be retained and supports the desirability of self-sufficiency in the rural area but considers that there need to be development of suitable Policies and Methods to support it. **NZ Winegrowers** support this submission.

Federated Farmers of NZ (Inc) (524.8) seeks Issue 6 be deleted as it is not a Council function to foster self-sufficiency in the rural area. **J Diederich** and **K Reedy** support this submission.

Evidence Heard

Meridian Energy Ltd (521.9) supports the recommendation in the Section 42A report of retaining Issue 6.

Greater Wellington Regional Council (526.9) supports the recommendation in the Section 42A report retaining Issue 6.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation for retaining Issue 6.

The Wairarapa has some areas which are remote, and are located some distance from infrastructure networks and community services. Self-sufficiency, to varying degrees, has been a way of life for some Wairarapa areas, and can contribute to the overall sustainable management of the area as a whole. The Commissioner consider Issue 6 most appropriately recognises this as being significant in the Wairarapa, and that policies and methods need to provide for this.

Decision

Submission Reference: 521.9	Accept
526.9	Accept in part
FS 54	Accept in part
524.8	Reject
FS 157	Reject
FS 155	Reject

Reasons

This decision is made for the following reasons:

- The existing Issue statement mostly appropriately recognises the various solutions for servicing individuals and communities and is consistent with Part 2 of the Act.

4.2 Significant Resource Management Issues: Issue 8

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
437.1	A Johnson	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Meridian Energy Ltd (FS 84)	Oppose

Discussion

A Johnson (437.1) seeks that Issue 8 be retained. **D Riddiford, Federated Farmers of NZ (Inc)**, and **Meridian Energy Ltd** oppose this submission.

Evidence Heard

A Johnson (437.1) presented evidence highlighting the issue of intensive development in the rural environment, particularly, built development on skylines.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation for retaining Issue 8. The Commissioner consider the existing Issue statement most appropriately describes the nature of changing land uses in the rural environment.

Decision

Submission Reference: 437.1	Accept
FS 112	Reject
FS 85	Reject
FS 84	Reject

Reasons

This decision is made for the following reasons:

- The existing Issue statement mostly appropriately describes the pressures associated with intensification of land use and development.

4.2 Significant Resource Management Issues: Add New Issue

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.3	Department of Conservation	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Horticulture NZ (FS 52)	Oppose
		NZ Winegrowers (FS 54)	Oppose

Discussion

The **Department of Conservation** (525.3) seeks that a new Issue be added to 4.2 as subdivision or changes in land use like horticulture or agriculture can affect natural values in the Rural Zone. DOC suggests the following new Issue:

“Loss, disturbance or degradation to indigenous biodiversity as a result of land use practices and changing land use e.g. subdivision or changes in the type and intensity of horticulture and agriculture.”

NZ Winegrowers, D Riddiford, Federated Farmers of NZ (Inc) and Horticulture NZ oppose this submission.

Evidence Heard

Department of Conservation (525.3) presented evidence accepting the recommendation in the Section 42A report of accepting this submission in part, as the matter raised in relation to biodiversity could be incorporated into Issue 5.

Horticulture NZ (FS 52) and **NZ Winegrowers** (FS 54) also presented evidence endorsing the Section 42A report recommendation.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation of not adding a new Issue statement, but adding reference to the role of indigenous biodiversity in ecosystems in Issue 5. The Commissioners consider that this amendment is the most appropriate response to this matter.

Decision

Submission Reference: 525.3	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part
FS 54	Accept in part

Decision Amendment

Amend Significant Resource Management Issue 5 to read as follows:

*5. Unsustainable land use practices that degrade or modify the natural environment and its processes (for example, groundwater systems), **the role of indigenous biodiversity in ecosystems**, and its capacity to support life on an ongoing basis.*

Reasons

This decision is made for the following reasons:

- The role of indigenous biodiversity in ecosystems is an important component of supporting life, therefore, the amended issue more clearly expresses this matter.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.5	Meridian Energy Ltd	Mighty River Power Ltd (FS 74) Horticulture NZ (FS 52)	Support Oppose
521.6	Meridian Energy Limited		

Discussion

Meridian Energy Ltd (521.5 and 521.6) seeks Section 4.2 be re-worded to address Part II (the Purpose) of the Act as Section 4.2 fails to recognise that a range of other activities are appropriate in the Rural Zone and are integral to achieving the diversity and economic benefits discussed throughout the chapter. The submission also seeks for two new Issues to be added – (i) recognising that the Rural Zone is the most appropriate zone for a number of other activities other than primary production, and (ii) with regard to conflicting amenity expectations that any lawfully established activities are entitled to have reverse sensitivity issues reduced/managed as far as practicable. **Mighty River Power Ltd** supports this submission. **Horticulture NZ** opposes this submission.

Evidence Heard

Meridian Energy Ltd (521.5 and 521.6) presented evidence highlighting the need for new Issues in relation to renewable energy generation facilities in the rural area.

Mighty River Power Ltd (FS 74) presented evidence endorsing the original submission made by Meridian Energy Ltd.

Commissioners' Deliberations

As discussed above for Issue 4, the Commissioners concur with the submitters that a range of activities are undertaken in the rural areas, and the amended Issue 4 better describes this issue.

In addition, with increasing opportunities being explored for the establishment and operation of renewable energy generation facilities, this has become a significant resource management issue for the Wairarapa. In particular, the Commissioners note the potential for small and large scale facilities, and the benefits and costs associated with such facilities. Therefore, the new Issue recognises the different scale of these facilities.

Decision

Submission Reference: 521.5	Accept in part
FS 74	Accept in part
FS 52	Accept in part
521.6	Accept in part

Decision Amendment: 4.2 Significant Resource Management Issues – Issue 4

Amend Issue 4 by adding the following sentence to it as follows:

“4. Providing for.....primary production activities. This may occur when new rural lifestyle development establishes in close proximity to established primary production activities. The operational requirements of primary production activities have effects which are to be anticipated and expected in the Rural Zone.”

Add a new Significant Resource Management Issue 11 as follows:

11. Providing for the establishment and operation of renewable energy generation facilities, recognising that these facilities can be small-scale independent facilities through to large scale connected facilities. Renewable energy generation facilities can introduce large and highly visible built elements and other operational effects into the rural landscape.

Reasons

This decision is made for the following reasons:

- There is potential for incompatible amenity conflicts in the rural area. The amended issue better describes that these conflicts are likely to arise between new residential development and existing primary production activities.
- The new Issue statement recognises the potential for further renewable energy generation facilities to be developed in the rural environment.

Submission Summary

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

Discussion

Greater Wellington Regional Council (526.8) seek that a new Issue be inserted between Issues 1 and 2 as follows:

“Protecting the ecological integrity of areas of significant indigenous vegetation or habitats of significant biodiversity value, including areas which provide ecological links between such places.”

D Riddiford and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A Report recommendation of incorporating this matter into Issue 5.

Commissioners’ Deliberations

The Commissioners noted the submitter support for the recommendation of not adding a new Issue statement, but adding reference to biodiversity values in Issue 5. The Commissioners consider this amendment is the most appropriate response to this matter.

Decision

Submission Reference: 526.8	Accept in part
FS 112	Accept in part
FS 84	Accept in part

Decision Amendment

Amend Significant Resource Management Issue 5 to read as follows:

*5. Unsustainable land use practices that degrade or modify the natural environment and its processes (for example, groundwater systems), **the role of indigenous biodiversity in ecosystems**, and its capacity to support life on an ongoing basis.*

Reasons

This decision is made for the following reasons:

- The role of indigenous biodiversity in ecosystems is an important component of supporting life, therefore, the amended issue more clearly expresses this matter.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
437.2	A Johnson	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Meridian Energy Ltd (FS 84)	Oppose
		Mighty River Power Ltd (FS 74)	Oppose

Discussion

A Johnson (437.2) seeks that a new Issue be added to 4.2 regarding the protection of prominent skylines and ridgelines from obtrusive development. A Johnson considers that skylines are subject to visual landscape amenity degradation if structures built on them are not sensitively designed or are of a scale that detract from the rural character and amenity values. Colour and the reflective nature of structures also have an impact on the environment. **D Riddiford, Federated Farmers of NZ (Inc), Meridian Energy Ltd and Mighty River Power Ltd** oppose this submission.

Evidence Heard

A Johnson (437.2) presented evidence highlighting the issue of intensive development in the rural environment, particularly built development on skylines.

Meridian Energy Ltd (FS 84) presented evidence endorsing the Section 42A report recommendation of rejecting the original submission.

Commissioners' Deliberations

The Commissioners consider Issue statements 2 and 4 most appropriately address the matters raised by the submitter, in particular, Issue 2 identifies the need to protect the visual amenity and rural character. The Commissioners note that the Landscape chapter includes a method to undertake a Wairarapa wide landscape assessment which would investigate this issue further. Therefore, the Commissioners do not consider that it is appropriate to add a new Issue in respect of new development on skylines or ridgelines.

Decision

Submission Reference: 437.2	Reject
FS 112	Accept
FS 85	Accept
FS 84	Accept
FS 74	Accept

Reasons

This decision is made for the following reasons:

- The existing Issue statements mostly appropriately describe the pressures and landscape change in the rural environment and the need to protect the visual amenity and rural character.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
17.2	Transit NZ	-	-

Discussion

Transit New Zealand (17.2) seeks the addition of a new Issue to recognise that providing for the maintenance of the integrity of the arterial road network is an issue within the Rural Zones.

Evidence Heard

Transit New Zealand (17.2) presented no specific evidence on this matter, but highlighted the importance of the State Highway network and potential friction with activities in the Rural Zone.

Commissioners' Deliberations

The Commissioners consider the new Issue requested in relation to the integrity of the arterial road network is most appropriately addressed in Section 17 Transportation of the Plan. This issue is not specific to the Rural Zone, but also applies to the urban zones.

Decision

Submission Reference: 17.2 Reject

Reasons

This decision is made for the following reasons:

- The existing Issue statements in the Transportation chapter clearly express this issue.

4.3.1 Objective Rur1 – Protection of Rural Character & Amenity

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.4	Department of Conservation	L Reed (FS 124) D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52) Meridian Energy Ltd (FS 84)	Support Oppose Oppose Support Oppose
526.10	Greater Wellington Regional Council	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose

		Meridian Energy Ltd (FS 84)	Oppose
523.4	K and M Williams	NZ Winegrowers (FS 54)	Support
378.1	P Percy	Enaki Investments (FS 92)	Support
276.1	V Read	-	-

Discussion

K and M Williams (523.4), **P Percy** (378.1) and **V Read** (276.1) seek Objective 4.3.1 be retained. **NZ Winegrowers** supports the submission of K and M Williams, and **Enaki Investments** supports the submission of P Percy.

The **Department of Conservation** (525.4) seeks that either Objective 4.3.1 be amended to include recognition of the need to protect natural values and character, or that the following two new Objectives are added:

“To maintain and enhance the open spaces, natural features and ecological systems which are part of the rural character”

“To ensure that land use changes and development do not compromise the natural and physical environment or character of the rural zone.”

L Reed and **Horticulture NZ** support this submission. **D Riddiford**, **Federated Farmers of NZ (Inc)**, and **Meridian Energy Ltd** oppose this submission.

Greater Wellington Regional Council (526.10) seeks that Objective 4.3.1 be amended to add ‘natural character’ and ‘indigenous biodiversity’ as follows:

“To maintain and enhance the natural character, indigenous biodiversity and the amenity values of the Rural Zone, as appropriate to the predominant land use and consequential environmental quality of different rural character areas within the Wairarapa.”

D Riddiford, **Federated Farmers of NZ (Inc)** and **Meridian Energy Ltd** oppose this submission.

Greater Wellington Regional Council (526.10) also seeks that the amended Objective 4.3.1 be supported with a new Policy as follows:

“Maintain and enhance areas of significant indigenous vegetation or habitats of significant biodiversity value.”

Evidence Heard

K & M Williams (523.4) and **P Percy** (378.1) separately presented evidence requesting Objective 4.3.1 be retained as notified.

Department of Conservation (525.4) presented evidence requesting a new objective be inserted into the Rural Zone in relation to maintaining and enhancing the natural features, ecological systems and natural environment.

Greater Wellington Regional Council (526.10) presented evidence highlighting the application of the terms ‘natural character’ and ‘natural values’ and their relation to amenity and biodiversity.

Commissioners’ Deliberations

One of the most valued characteristics of the Wairarapa is the rural landscape, both for local residents and visitors to the area. The Commissioners consider that the existing Objective

most appropriately achieves sustainable management of the rural resources, as the amenity values of the area change over time as a result of land use change. However, the Commissioners also recognise that the rural area reflects elements of the natural character, depending on the degree of environmental change that has historically occurred. The Commissioners have concluded that amending the Objective to refer to natural character is appropriate, as the rural environment does exhibit elements of natural character which are to be maintained and enhanced.

The Commissioners were not persuaded to add a new Objective in relation to indigenous biodiversity or the natural environment. This Objective more appropriately fits in the District-Wide chapters, including the Indigenous Biodiversity, Freshwater Environment and Coastal Environment chapters.

Decision

Submission Reference: 525.4	Reject
FS 124	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
FS 84	Accept
526.10	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 84	Accept in part
523.4	Accept in part
FS 54	Accept in part
378.1	Accept in part
FS 92	Accept in part
276.1	Accept in part

Decision Amendment: 4.3.1 Objective Rur1 – Protection of Rural Character & Amenity

Amend Objective 4.3.1 by adding the following words:

4.3.1 Objective Rur1 – Protection of rural character & Amenity

*To maintain and enhance the amenity values of the Rural Zone, **including natural character**, as appropriate to the predominant land use and consequential environmental quality of different rural character areas within the Wairarapa.*

Reasons

This decision is made for the following reasons:

- The amended Objective most appropriately recognises the land uses in the rural environment have a direct correlation with the rural character and amenity values. Amending the Objective acknowledges that the natural character can be a constant attribute underpinning any land use change, maintaining and enhancing the base environmental quality.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.11	Horticulture NZ	Mighty River Power Ltd (FS 71) NZ Winegrowers (FS 54)	Support Support

Discussion

Horticulture NZ (492.11) seeks that either a definition for ‘Rural Character’ is added to the Plan or, alternatively, a description of rural character is included in 4.3.2 Policy Rur1. **Mighty River Power Ltd** and **NZ Winegrowers** support this submission.

Evidence Heard

Horticulture NZ (492.11) presented detailed evidence highlighting the use of the phrase ‘rural character’ in the Plan, and noted that it was defined in the Plan. A definition of rural character was presented in evidence.

Mighty River Power Ltd (FS 71) presented evidence noting that any definition of rural character must recognise primary production activities are not the only element making up the Rural Zone, as other activities are undertaken in the Rural Zone which contribute to rural character.

Commissioners’ Deliberations

The Commissioners concur with the submitters that further guidance is required in the Plan as to what is ‘rural character’. A definition, in terms of Chapter 27 “Definitions” is not considered the most appropriate provision for achieving the Objective, as the term ‘rural character’ is not applied in any rules as an enforceable performance standard. Instead, the Commissioners considered amending the fourth paragraph and associated bullet points in the ‘Section 4.1 Introduction’ is the most appropriate provision for defining rural character. The Commissioners found the evidence from the submitters helpful in describing the rural character, and have used this as the basis for the amended text, as well as inserting specific Wairarapa characteristics.

Decision

Submission Reference: 492.11	Accept in part
FS 71	Accept in part
FS 54	Accept in part

Decision Amendment: Consequential Change: 4.1 Introduction

Amend the fourth paragraph of Section 4.1 as follows:

*While rural properties vary in size, **the rural environment is** they are typically characterised by **the following elements:** ~~low building coverage, limited impervious areas and the visual dominance of vegetation. While some buildings associated with primary production activities can be reasonably large and utilitarian, they are an accepted part of the environment, and usually represent a small part of site coverage. Other typical elements are~~*

- ***Open space, natural landscapes, and vegetation predominate over the built environment; including skylines generally free of structures and vistas of ranges, hills and valleys***
- ***Working productive landscape, with a wide range of agricultural, horticultural and forestry purposes, with potential for associated effects, including noises and odours;***
- *Large areas of exotic and indigenous vegetation, including pasture, crops, forest and scrublands;*
- ***Range of built forms, from reasonably large utilitarian buildings associated with primary production, through to small utility buildings;***
- ***Place where people live and work, with low population density;***
- *A road network ranging from unsealed local roads with low traffic volumes to busy State Highways; and*
- *Allotments self-serviced in terms of water supply and wastewater disposal.*

Reasons

This decision is made for the following reasons:

- The amended text better describes the mix of elements contributing to rural character, providing improved context for the provisions in the Rural Zone.

4.3.2 Rur1 Policies: Oppose All

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
327.2	Telecom NZ Ltd	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose
328.2	New Zealand Police (Information and Technology Group)	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose

Discussion

NZ Police (328.2) seeks that either Policy 4.3.2(d) be deleted or the structure of the Plan be amended so that there is a stand alone Network Utilities section.

Telecom NZ Ltd (327.2) opposes 4.3.2 and also seeks that the structure of the Plan contain a stand-alone Network Utilities section.

D Riddiford and **Federated Farmers of NZ (Inc)** oppose the submissions of NZ Police and Telecom NZ Ltd.

Both **NZ Police** and **Telecom NZ Ltd** seek that the general standards controlling the bulk and location of buildings in the Environmental Zones not apply to network utilities, due to their functional requirements and the essential public good service that they provide.

Evidence Heard

No specific evidence was presented in relation to this matter.

Commissioners' Deliberations

The Proposed Plan has a defined structure, with Environmental Zones and District-Wide Issues addressing particular matters. The Commissioners consider this structure works well, but acknowledge that this approach can result in potential overlap between the two parts of the Plan (Zones and District-Wide Issues).

Each Zone has a different character and amenity which is reflected in the individual Zone chapters. This distinction is reflected in the provisions, with any specific requirements for District-Wide issues noted separately. The Commissioners consider the policies in 4.3.2 Rur1 specifically apply to the Rural Zone, and are the most appropriate for achieving Objective 4.3.1 Rur1 – Protection of Rural Character and Amenity.

Decision

Submission Reference: 328.2	Reject
FS 112	Accept
FS 85	Accept
327.2	Reject
FS 112	Accept
FS 85	Accept

Reasons

This decision is made for the following reasons:

- The District Plan adopts a hybrid structure, with cross references between Environmental Zones and District-Wide Issues. The policies in the Rural Zone are the most appropriate for achieving the Rural Zone objectives, as they specifically apply to the significant resource management issues that relate to the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
506.5	S and S Chipp	-	-

Discussion

S and S Chipp (506.3) opposes the Policies in 4.3.2 and considers that rather than make so many changes the Councils should work with the existing zones and seek to change zones where appropriate in consultation with land users and affected parties.

Evidence Heard

No specific evidence was presented in relation to this matter.

Commissioners' Deliberations

The Rural (Special) Zone has been delineated based on a set of criteria, including flood hazards, reverse sensitive issues associated with key infrastructure and intensive areas of primary production, and future urban growth areas. The Rural (Conservation Management) Zone applies to the land held by public agencies for conservation purposes, such as the State Forest Parks. The remainder of the rural area is identified as Rural (Primary Production) Zone. The Commissioners consider these zonings provide the most appropriate framework for achieving the objectives for the Rural Zone.

Decision

Submission Reference: 506.3 Reject

Reasons

This decision is made for the following reasons:

- The rural zonings provide the basis for implementing the methods in the District Plan. The different rural zones are based on clear criteria, and provide a spatial tool for defining the extent of these different areas.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.5	Department of Conservation	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Meridian Energy Ltd (FS 84)	Oppose
		NZ Winegrowers (FS 54)	Oppose
		The Pike Family Partnership (FS 128)	Support
		The Pike Family Trust – Atheldoon (FS 129)	Support
		L Reed (FS 130)	Support
		A Lamb (FS 131)	Support
		M Lamb (FS 132)	Support
		D Lamb (FS 133)	Support
		L Lamb (FS 134)	Support
		The A R and M A Lamb Partnership (FS 135)	Support

Discussion

The **Department of Conservation** (525.5) oppose the Policies in 4.3.2, and seek that they either be amended to address the effects of activities so that they are useful for assessing

and avoiding, remedying or mitigating the impact of new development, or alternatively, that the following three new Policies are added as follows:

“Ensure that any adverse effects of use and development on the natural and physical environment of the rural zone are avoided, remedied or mitigated.”

“Ensure that activities in the rural zone do not adversely impact upon the water quality and aquatic habitat of lakes, water courses, wetlands and coastal waters.”

Provide for rural subdivision and development which avoids remedies or mitigates impacts of the development on the natural and physical values present at the site as well as on adjacent or downstream environments.”

NZ Winegrowers, D Lamb, M Lamb, L Lamb, A Lamb, The AR and MA Lamb Partnership, L Reed, The Pike Family Partnership, and The Pike Family Trust – Atheldoon support this submission. **D Riddiford, Federated Farmers of NZ (Inc), and Meridian Energy Ltd** oppose this submission.

Evidence Heard

Department of Conservation presented evidence accepting the recommendation to amend the wording of Policy 4.3.2(d).

Commissioners’ Deliberations

The Commissioners noted the submitters support for the recommendation. This matter is further discussed in Policy 4.3.2(d) below. However, the Commissioners consider it is not appropriate to add further policies as originally requested by the submitters. Rather, that the existing policy be amended to better describe the management approach.

Decision

Submission Reference: 525.5	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 84	Accept in part
FS 54	Accept in part
FS 128	Accept in part
FS 129	Accept in part
FS 130	Accept in part
FS 131	Accept in part
FS 132	Accept in part
FS 133	Accept in part
FS 134	Accept in part
FS 135	Accept in part

Consequential Change: Decision Amendment: Policy 4.3.2(d)

Amend Policy 4.3.2(d) by adding the following words:

*(d) Maintain and enhance the amenity values, **including natural character**, of the differing Rural character areas through appropriate controls over subdivision and the bulk, location and nature of activities and buildings, to ensure activities and buildings are consistent with the rural character and including an appropriate scale, density and level of environmental effects.*

Reasons

This decision is made for the following reasons:

- The amendment to Policy 4.3.2(d) below better describes the matter of natural values and indigenous biodiversity in the rural environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
503.2	Wairarapa Organics	Horticulture NZ (FS 52)	Oppose

Discussion

Wairarapa Organics (503.2) seeks that the proposed Plan recognise and protect the special nature of organic farming in the identification of its Rural primary, conservation and special zones. **Horticulture NZ** opposes this submission.

Evidence Heard

No specific evidence was presented in relation to this matter.

Commissioners' Deliberations

The Commissioners acknowledge and recognise the contribution and value of organic farming practices in the Wairarapa. However, the District Plan does not seek to manage the type of primary production systems used, as the issues apply to all types of activities.

Decision

Submission Reference: 503.2 Reject
FS 52 Accept

Reasons

This decision is made for the following reasons:

- The Rural Zone policies do not differentiate between the different forms of primary production, to allow flexibility for people to adopt whichever productive systems suits them. This policy framework is considered the most appropriate for achieving the objective for the Rural Zone.

4.3.2 Rur1 Policies: Policy (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.5	K and M Williams	D Riddiford (FS 112) Federated Farmers of NZ (Inc)	Support Support

		(FS 85) NZ Winegrowers (FS 54)	Support
427.5	NZ Winegrowers	-	-
524.9	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155) NZ Winegrowers (FS 54)	Support Support Support

Discussion

K and M Williams (523.5) seeks that Policy 4.3.2(a) be amended to more accurately reflect how the character of the rural primary production area of the Rural Zone will be maintained and enhanced. **D Riddiford, Federated Farmers of NZ (Inc)** and **NZ Winegrowers** support this submission.

NZ Winegrowers (427.5) seek Policy 4.3.2(a) be retained.

Federated Farmers of NZ (Inc) (524.9) opposes Policies 4.3.2 (a-c) and is concerned with the accuracy of the boundary delineations, criteria for identification, and lack of consultation regarding these zones. Federated Farmers supports the identification of zones as a method for dealing with different needs within the broader Rural Zone. **J Diederich, K Reedy** and **NZ Winegrowers** support this submission.

Evidence Heard

K and M Williams presented evidence noting the purpose and application of Policy 4.3.2(a). They requested revised wording of this policy to provide better clarity.

Commissioners' Deliberations

Policy 4.3.2(a) is one of three policies which provide the basis for identifying the different Rural Zones, being Primary Production, Conservation Management and Special. Policy 4.3.2(a) relates to identifying areas of primary production, which form a large proportion of the Wairarapa. The Commissioners concur with the policy wording suggested by K and M Williams, as this wording provides better clarity to the purpose of the policy. However, 'character areas' is a term used elsewhere in the Plan to apply to special and discrete areas, and the overlay of an Environmental Zone. Therefore, this phrase is to be removed to avoid any potential confusion. This amended wording also needs to apply to policies 4.3.2 (b) and (c), as they are currently drafted in a similar manner.

Decision

Submission Reference: 523.5	Accept in part
427.5	Accept in part
524.9	Reject
FS 112	Accept in part
FS 85	Accept in part
FS 54	Accept in part
FS 157	Reject
FS 155	Reject

Decision Amendment: Policy 4.3.2(a)

Amend Policy 4.3.2(a) as follows:

*(a) Identify ~~those character~~ areas **within** of the Rural Zone where the predominant land use is primary production, which needs to operate and develop effectively – Rural (Primary Production) Zone.*

Decision Amendment: Consequential Change: Policy 4.3.2(b)

Amend Policy 4.3.2(b) as follows:

*(a) Identify ~~those character~~ areas **within** of the Rural Zone where the predominant land use is conservation management, and which are primarily managed by public agencies – Rural (Conservation Management) Zone.*

Decision Amendment: Consequential Change: Policy 4.3.2(c)

Amend Policy 4.3.2(c) as follows:

*(a) Identify ~~those character~~ areas **within** of the Rural Zone where there are particular land use issues that require special management approaches, including urban growth, flood hazards, and the operational requirements of key infrastructure facilities and intensive primary production activities – Rural (Special) Zone.*

Reasons

This decision is made for the following reasons:

- The amended text better describes the purpose of the policies and avoids confusion over terminology used.

4.3.2 Rur1 Policies: Policy (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.9	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155) NZ Winegrowers (FS 54)	Support Support Support

Discussion

Federated Farmers of NZ (Inc) (524.9) oppose Policies 4.3.2 (a-c) and are concerned with the accuracy of the boundary delineations, criteria for identification, and lack of consultation regarding these zones. Federated Farmers support the identification of zones as a method for dealing with different needs within the broader Rural Zone. **J Diederich, K Reedy** and **NZ Winegrowers** support this submission.

Evidence Heard

No evidence was presented on this matter.

Commissioners' Deliberations

Policy 4.3.2(b) is one of three policies which provide the basis for identifying the different Rural Zones, being Primary Production, Conservation Management and Special. Policy 4.3.2(b) relates to identifying areas set aside for conservation management purposes, such as State Forest Parks. As discussed above for Policy 4.3.2(a), the Commissioners determined that the wording of this Policy could be improved as a consequential change.

Decision

Submission Reference: 524.9	Reject
FS 54	Reject
FS 157	Reject
FS 155	Reject

Decision Amendment: Consequential Change: Policy 4.3.2(b)

Amend Policy 4.3.2(b) as follows:

*(a) Identify ~~those character~~ areas **within** of the Rural Zone where the predominant land use is conservation management, and which are primarily managed by public agencies – Rural (Conservation Management) Zone.*

Reasons

This decision is made for the following reasons:

- The amended text better describes the purpose of the policies and avoids confusion over terminology used.

4.3.2 Rur1 Policies: Policy (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.5	NZ Winegrowers	-	-
498.3	Wairarapa Public Health	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
526.12	Greater Wellington Regional Council	The Pike Family Partnership (FS 145) The Pike Family Trust – Atheltoon (FS 144) L Reed (FS 146) A Lamb (FS 147) M Lamb (FS 148) D Lamb (FS 149) L Lamb (FS 150) The A R and M A Lamb	Support Support Support Support Support Support Support Support

		Partnership (FS 151)	
524.9	Federated Farmers of NZ (Inc))	J Diederich (FS 157) K Reedy (FS 155) NZ Winegrowers (FS 54)	Support Support Support
274.1	Martinborough Vineyard Estates Ltd	NZ Winegrowers (FS 54)	Support
492.12	Horticulture NZ	-	-
326.1	Tse Group Ltd	Wairarapa Aggregates Ltd (FS 36)	Support

Discussion

NZ Winegrowers (427.5) seek Policy 4.3.2(c) be retained.

Wairarapa Public Health (498.3) seek that Policy 4.3.2(c) be amended to include reference to 'water supply catchment protection'. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose this submission.

Greater Wellington Regional Council (526.12) supports Policy 4.3.2(c) but seeks that it be amended by adding the following words, as other areas could also potentially be included because they possess an underlying environmental importance, constraint or vulnerability. GWRC suggest the following amendment to Policy 4.3.2(c):

"Identify those character areas of the Rural Zone in which there are particular land use issues or environmental characteristics or constraints that require specific management approaches"

D Lamb, M Lamb, L Lamb, A Lamb, The AR and MA Lamb Partnership, L Reed, The Pike Family Partnership, and The Pike Family Trust – Atheldoon support this submission.

Federated Farmers of NZ (Inc) (524.9) opposes Policies 4.3.2 (a-c) and are concerned with the accuracy of the boundary delineations, criteria for identification, and lack of consultation regarding these zones. Federated Farmers support the identification of zones as a method for dealing with different needs within the broader Rural Zone. **J Diederich, K Reedy** and **NZ Winegrowers** support this submission.

Martinborough Vineyard Estates Ltd (274.1) supports 4.3.2(c) but seeks further discussion and wider input as to how the conversion of the rural environment to urban areas will be managed. **NZ Winegrowers** supports this submission.

Horticulture NZ (492.12) seeks that the definition of 'intensive primary production' be clarified and the extent to which the Rural (Special) Zone is required; or alternatively delete 'intensive primary production' areas from the Rural (Special) Zone; or replace 'intensive primary production' with intensive farming.

Tse Group Ltd (326.1) opposes the Rural (Special) Zone and its provisions. **Wairarapa Aggregates Ltd** supports this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence endorsing the recommendation in the Section 42A Report.

Horticulture NZ presented evidence highlighting the inconsistency in the terminology used in the Plan in relation to 'intensive primary production' and 'intensive farming'.

Commissioners' Deliberations

Policy 4.3.2(c) is one of three policies which provide the basis for identifying the different Rural Zones, being Primary Production, Conservation Management and Special. Policy 4.3.2(c) relates to identifying areas which have special characteristics which require a different management framework. The Commissioners concur with Greater Wellington Regional Council that the Rural (Special) Zone criteria is better described by adding reference to environmental characteristics and constraints. Similarly, the Commissioners also concur with Wairarapa Public Health, that one of the criteria is 'surface' water supply catchment areas.

The Commissioners consider the existing phrase 'intensive primary production activities' should be retained, as it is not intended to apply to only 'intensive farming' as defined in the Plan. The Commissioners note that the explanatory text following this Policy clearly articulates the type and nature of 'intensive primary production activities', minimising the potential for confusion to arise.

Decision

Submission Reference: 427.5	Accept
498.3	Accept in part
FS 112	Reject
FS 85	Reject
FS 52	Reject
526.12	Accept
FS 144	Accept
FS 145	Accept
FS 146	Accept
FS 147	Accept
FS 148	Accept
FS 149	Accept
FS 150	Accept
FS 151	Accept
524.9	Reject
FS 157	Reject
FS 155	Reject
FS 54	Reject
274.1	Reject
FS 54	Reject
492.12	Reject
326.1	Reject
FS 36	Reject

Decision Amendment: Policy 4.3.2(c)

Amend Policy 4.3.2(c) as follows:

*(c) Identify ~~those character~~ areas **within** of the Rural Zone in which there are particular land use issues **or environmental characteristics or constraints***

*that require specific management approaches, including urban growth, flood hazards, **surface water supply catchment protection**, and the operational requirements of key infrastructural facilities and intensive primary production activities – Rural (Special) Zone.*

Reasons

This decision is made for the following reasons:

- The amended text better describes the purpose and application of the policy and avoids confusion over terminology used.

4.3.2 Rur1 Policies: Policy (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.6	K and M Williams	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) NZ Winegrowers (FS 54)	Support Support Support
525.5	Department of Conservation	-	-

Discussion

K and M Williams (523.6) seeks that Policy 4.3.2(d) be amended to recognise that control over subdivision includes the ability to decline applications where primary production activities would be unlawfully restricted. **D Riddiford, Federated Farmers of NZ (Inc)** and **NZ Winegrowers** support this submission.

The **Department of Conservation** (525.5) seeks Policy 4.3.2(d) be amended by adding the words “(d) Maintain and enhance the amenity and natural values of the....”

Evidence Heard

K & M Williams presented evidence endorsing the recommendation in the Section 42A Report of retaining the policy unchanged.

The Department of Conservation presented evidence requesting Policy 4.3.2(d) recognise ‘natural’ values.

Commissioners’ Deliberations

The Commissioners concur with the discussion in the Section 42A report and the comment from K & M Williams, that the matter of subdivision is most appropriately addressed in Section 18 of the District Plan.

In terms of natural values, the Commissioners refer submitters to the deliberations above for Objective Rur1 4.3.1. The Commissioners consider including a reference to natural character is appropriate, as this is an important element in the rural environment.

Decision

Submission Reference: 523.6	Reject
FS 112	Reject
FS 85	Reject
FS 84	Reject
525.5	Accept in part

Decision Amendment: Policy 4.3.2(d)

Amend Policy 4.3.2(d) by adding the following words:

*(d) Maintain and enhance the amenity values, **including natural character**, of the differing Rural character areas through appropriate controls over subdivision and the bulk, location and nature of activities and buildings, to ensure activities and buildings are consistent with the rural character and including an appropriate scale, density and level of environmental effects.*

Reasons

This decision is made for the following reasons:

- The amended Policy acknowledges that the natural character can be a constant attribute underpinning any land use change, and maintaining and enhancing the base environmental quality.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
328.2	New Zealand Police (Information and Technology Group)	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose
327.2	Telecom NZ Ltd	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose

Discussion

NZ Police (Information and Technology Group) (328.2) seeks that either Policy 4.3.2(d) be deleted or the structure of the Plan be amended so that there is a stand alone Network Utilities section. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Telecom NZ Ltd (327.2) seeks that the structure of the Plan be amended so that there is a stand-alone Network Utilities section, and that the general standards controlling the bulk and location of buildings in the Environmental Zones do not apply. **Federated Farmers of NZ (Inc)** opposes this submission.

Evidence Heard

NZ Police (Information and Technology Group) and **Telecom NZ** presented evidence requesting that the structure of the Plan be amended to separate Network Utilities into a stand alone chapter, with no overlap with other chapters.

Commissioners' Deliberations

As discussed above in the section on "Policy 4.3.2 – All Policies", the Proposed Plan has a distinct structure, with Environmental Zones and District-Wide Issues addressing particular matters. The Commissioners consider this structure works well, but acknowledge that this approach can result in potential overlap between the two parts of the Plan (Zones and District-Wide Issues).

Each Zone has a different character and amenity which is reflected in the individual Zone chapters. This distinction is reflected in the provisions, with any specific requirements for District-Wide issues noted separately. The Commissioners consider the policies in 4.3.2 Rur1 specifically apply to the Rural Zone, and are the most appropriate for achieving Objective 4.3.1 Rur1 – Protection of Rural Character and Amenity.

Decision

Submission Reference: 328.2	Reject
FS 112	Accept
FS 85	Accept
327.2	Reject

Reasons

This decision is made for the following reasons:

- The District Plan adopts a hybrid structure, with cross references between Environmental Zones and District-Wide Issues. The policies in the Rural Zone are the most appropriate for achieving the Rural Zone objectives, as they specifically apply to the significant resource management issues that relate to the rural environment.

4.3.2 Rur1 Policies: Add a New Policy (e)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.11	Greater Wellington Regional Council	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Horticulture NZ (FS 52)	Oppose
		Meridian Energy Ltd (FS 84)	Oppose
		NZ Winegrowers (FS 54)	Oppose
		The Pike Family Partnership (FS 136)	Support
		The Pike Family Trust – Atheldoon (FS 137)	Support

		L Reed (FS 138)	Support
		A Lamb (FS 139)	Support
		M Lamb (FS 140)	Support
		D Lamb (FS 141)	Support
		L Lamb (FS 142)	Support
		The A R and M A Lamb Partnership (FS 143)	Support

Discussion

Greater Wellington Regional Council (526.11) seeks that a new Policy (e) be added as there is no policy to recognise the value of support for the maintenance and enhancement of indigenous biodiversity. **D Lamb, M Lamb, L Lamb, A Lamb, The AR and MA Lamb Partnership, L Reed, The Pike Family Partnership, and The Pike Family Trust – Atheldoon** support this submission. **D Riddiford, Federated Farmers of NZ (Inc), Horticulture NZ and Meridian Energy Ltd** oppose this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence stating that an amendment to existing Policy (d) would address their original submission, rather than the addition of a new policy.

Commissioners' Deliberations

The Commissioners noted the evidence of Greater Wellington Regional Council, and consider that the submission point has been addressed in Policy 4.3.2(d) above.

Decision

Submission Reference: 526.11	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
FS 84	Accept
FS 54	Accept
FS 136	Reject
FS 137	Reject
FS 138	Reject
FS 139	Reject
FS 140	Reject
FS 141	Reject
FS 142	Reject
FS 143	Reject

Reasons

This decision is made for the following reasons:

- Indigenous biodiversity matters are most appropriately addressed in Section 11 of the District Plan. The amendment to existing Policy 4.3.2(d) better addresses the matter of natural character in the rural environment.

4.3 Add a New Objective and Policies – Arterial Road Network

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
17.3	Transit NZ	-	-

Discussion

Transit NZ (17.3) seeks that a new Objective, associated Policies and Explanation be added to the Rural Chapter, relating to maintaining the integrity of the arterial road network within the Rural Zones of the Wairarapa.

Evidence Heard

Transit NZ presented evidence highlighting the high speed traffic environment of State Highways in the rural environment, and therefore a new objective and policies should be added to Section 4 – Rural Zone.

Commissioners' Deliberations

The Commissioners recognise the different environments that the State Highways pass through, with the rural areas having the highest traffic speed. However, the Commissioners consider the distinction in traffic environments are most appropriately recognised in Section 17 – Transportation, of the District Plan, and not through the addition of new objectives and policies in the Rural Zone.

Decision

Submission Reference: 17.3 Reject

Reasons

This decision is made for the following reasons:

- The interaction between State Highways and land uses is most appropriately addressed in the policy framework in Section 17 of the District Plan.

4.3.3 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.6	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose
515.6	Juken NZ Ltd, Forestry Wairarapa	Waipine (FS 103)	Support
427.6	NZ Winegrowers	Horticulture NZ (FS 52)	Support

285.5	Forestry Wairarapa Cluster Group	Transpower NZ Ltd (FS 16)	Support
-------	--	---------------------------	---------

Discussion

The **Department of Conservation** (525.6) seeks 4.3.3 be amended by adding a paragraph in relation to adverse effects on wildlife and the natural environment. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

Department of Conservation presented evidence accepting and supporting the recommendation in the Section 42A report of adding further text to the explanation to elaborating on the effects on the natural environment.

Commissioners' Deliberations

As discussed above for the objective and policies, the Commissioners do not consider it appropriate to add new provisions in relation to the natural environment and indigenous biodiversity, as they are addressed in other sections in the District Plan.

The Commissioners concluded that the existing explanation, in particular paragraph 1, most appropriately expresses the policy application in relation to the natural environment.

Decision

Submission Reference: 525.6	Reject
FS 112	Reject
FS 85	Reject

Reasons

This decision is made for the following reasons:

- The existing Explanation most appropriately describes the values and policy direction for the rural environment in terms of natural values.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
515.3	Juken NZ Ltd, Forestry Wairarapa	Waipine (FS 103)	Support
427.6	NZ Winegrowers	Horticulture NZ (FS 52)	Support
285.5	Forestry Wairarapa Cluster Group	Transpower NZ Ltd (FS 16)	Support

Discussion

Juken NZ Ltd, Forestry Wairarapa (515.3) and Forestry Wairarapa Cluster Group (285.5) seek 4.3.3 be amended by defining the term “*inappropriate*” on line 2 of paragraph 5 or, alternatively, qualify the term with the use of examples. **Waipine** supports the submission of Juken NZ Ltd, Forestry Wairarapa, and **Transpower NZ Ltd** supports the submission of Forestry Wairarapa Cluster Group.

NZ Winegrowers (427.6) seek 4.3.3 be amended by deleting the word “generally” from the second sentence of the fourth paragraph; and amending the third sentence of the fourth paragraph. The proposed amendments to the second and third sentences of paragraph four read as follows:

“....The purpose of the Rural (Special) Zone is to recognise that such sporadic and unplanned intensification is ~~generally~~ inappropriate in these parts of the rural environment, and to place limitations as necessary to avoid future problems. The conversion of rural environment to urban areas should be ~~carefully managed and evaluated~~ avoided unless the strict standards set out in this Plan are met.”

Horticulture NZ supports this submission.

Evidence Heard

Juken NZ Ltd, Forestry Wairarapa and Forestry Wairarapa Cluster Group presented evidence identifying the use of subjective terms, such as the word “inappropriate”.

NZ Winegrowers presented evidenced outlining the issues associated using the wording ‘generally’.

Commissioners’ Deliberations

The Commissioners concur with the sentiments of the submitters, in that the District Plan should avoid the use of ‘subjective’ terms and phrases. However, the District Plan does not seek to create an absolutely fixed or constrained position on promoting sustainable management. There will always be variables in managing the environment, and the District Plan must make provision for these variables to be evaluated through the RMA processes.

The Commissioners consider adding examples to demonstrate ‘inappropriate’ would better describe the circumstances for these policies.

Decision

Submission Reference: 515.3	Accept in part
FS 103	Accept in part
427.6	Reject
FS 52	Reject
285.5	Accept in part
FS 16	Accept in part

Decision Amendment: 4.3.3 Explanation

Amend sentences 1 and 2 of paragraph 5 of 4.3.3 as follows:

*“Threats to the environmental quality and character of the Rural Zone include buildings and structures ~~of inappropriate~~ **that due to their** location, scale, or*

density, are not in keeping with the established rural amenity and character. This character is where buildings are at a relatively low non-urban density with generous setbacks from external property boundaries and where the height, scale, density and number of buildings do not dominate the landscape. Activities that can have external effects.....”

Reasons

This decision is made for the following reasons:

- The amended Explanation text most appropriately describes the threats to the rural environment posed by built development.

4.3.4 Objective Rur2 – Enabling Primary Production

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.10	Federated Farmers of NZ (Inc)	-	-
521.10	Meridian Energy Ltd	Horticulture NZ (FS 52) Mighty River Power Ltd (FS 74) Wairarapa Aggregates Ltd (FS 36)	Support Support Support
503.4	Wairarapa Organics	-	-
359.1	D & M McKenzie	-	-
378.2	P Percy	-	-
523.7	K and M Williams	NZ Winegrowers (FS 54)	Support

Discussion

Federated Farmers of NZ (Inc) (524.10), **D M^cKenzie** (359.1) **P Percy** (378.2) and **K and M Williams** (523.7) seek that Objective 4.3.4 be retained. **NZ Winegrowers** supports the submission of K and M Williams.

Wairarapa Organics (503.4) does not state the relief sought to Objective 4.3.4, but seeks protection for the organics industry and prohibition of GMO's.

Meridian Energy Ltd (521.10) seeks that either a new Objective and associated Policies are added that provide for and enable other appropriate diverse and economic land use activities and afford these other activities the same level of protection from reverse sensitivity effects as primary production activities; or Objective 4.3.4 be amended to recognise these activities. **Horticulture NZ**, **Mighty River Power Ltd** and **Wairarapa Aggregates Ltd** support this submission.

Evidence Heard

P Percy, K and M Williams and **NZ Winegrowers** presented evidence expressing support for the Section 42A report recommendation of retaining 4.3.4 Objective Rur2.

Meridian Energy Ltd presented evidence highlighting the need for an additional objective and associated policies for non-primary production activities for the Rural Zone.

Commissioners' Deliberations

The Commissioners note the support for 4.3.4 Objective Rur2.

The Commissioners concur that the Rural Zone policy framework needs to better recognise the non-primary production land uses, which the District Plan seeks to enable. However, a new suite of specific objective and policies is not considered the most appropriate, as similar policy direction apply to both primary production and non-primary production land uses. Therefore, the Commissioners have revised Objective Rur2 to reflect the above matters.

As discussed under the Significant Resource Management Issues section above, the Commissioners do not consider it appropriate to include the management of genetically modified organisms in the District Plan.

Decision

Submission Reference: 524.10	Accept in part
521.10	Accept in part
FS 52	Accept in part
FS 74	Accept in part
FS 36	Accept in part
503.4	Reject
359.1	Accept in part
378.2	Accept in part
523.7	Accept in part
FS 54	Accept in part

Decision Amendment: 4.3.4 Objective Rur2

Amend 4.3.4 Objective Rur2 to read as follows:

*Objective Rur2 – ~~Enabling~~ **Provision for Primary Production and Other Activities***

*To enable primary production **and other land uses** to function efficiently and effectively in the Rural Zone, while ~~its potential~~ **the** adverse effects are ~~reasonably~~ avoided, remedied, or mitigated.*

Decision Amendment: 4.3.5 Policies Rur2

Amend 4.3.5 Policies Rur2 to read as follows:

(a) Provide for primary production activities as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any

adverse effects of primary production activities without unreasonably affecting landowners' ability to use their land productively.

*(b) **Provide for other land uses as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.***

*~~(b)~~(c) Ensure activities that are potentially sensitive to the adverse external effects of primary production **and other** activities, particularly those **activities** with significant external effects, are either appropriately sited, **managed** or **restricted** ~~are otherwise controlled to~~ **avoid or** mitigate such effects.*

*~~(c)~~(d) Ensure that new primary production **and other** activities that may have significant external adverse effects are appropriately sited from sensitive land uses or are otherwise controlled to avoid or mitigate such effects.*

*~~(d)~~(e) Provide interface controls on primary production **and other** activities that may have adverse effects on adjoining activities.*

Decision Amendment: 4.3.6 Explanation

Amend the Explanation for 4.3.4 Objective Rur2 and 4.3.5 Policies Rur2 to read as follows:

*The ongoing prosperity of the Wairarapa is largely dependent upon its continued and evolving primary production sector **and ancillary activities**. It is imperative that primary production activities are enabled to occur without unnecessary hindrance or controls: this policy also seeks to provide for those activities that are commonly associated with, and ancillary to, primary production (such as fruit packing).*

This policy means accepting that some external effects will occur as a common part of primary production activities. Accordingly, residents living in the rural environment need to recognise the accepted management practices of these activities, including agricultural spraying, the use of farm machinery, the seasonal operation of birdscarers, frost protection devices, odour, and night harvesting that may occur.

Therefore, in managing the Wairarapa's productive rural environment, environmental standards need to facilitate the ongoing operation of rural activities carried out in the Wairarapa, while avoiding significant cumulative or excessive adverse effects.

In addition, many other activities are appropriate in a rural setting and can establish and function without compromising the efficient and effective functioning of primary production activities. The Plan provides for these other activities, subject to environmental standards being met to protect the environmental quality and amenity values of the rural environment.

*It is also important to minimise the occurrence of reverse sensitivity, that phenomenon in which sensitive land uses, particularly residential activities located in close proximity to primary production **and other** activities, have unreasonable expectations about the level of amenity values which they wish to enjoy. This can affect established land uses and result in conflict and ongoing difficulties in environmental management. This policy will require*

controls on siting of such activities to avoid or mitigate the potential for such adverse effects to occur.

*Conversely, it is important that new primary production **and other** activities with potential to create significant adverse external effects, are controlled to avoid future conflicts. This policy may require controls on the siting of some activities or appropriate setback requirements.*

Reasons

This decision is made for the following reasons:

- The amended Objective most appropriately achieves the purpose of the Act for the Rural Zone, as it enables a range of activities, while minimising the adverse effects.
- The revised policies provide better clarity and purpose for achieving the amended Objective. The policies enable a wide range of activities and provide clear direction on the level of adverse effects in the Rural Zone.
- The revised Explanation better describes the reasons for the policies and how they could be implemented through the methods in the District Plan.

4.3.5 Policies Rur2: Policy (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.7	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52) Meridian Energy Ltd (FS 84) NZ Winegrowers (FS 54)	Oppose Oppose Oppose Oppose Oppose
524.11	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
427.7	NZ Winegrowers	-	-
359.2	D & M McKenzie	-	-
523.8	K and M Williams	NZ Winegrowers (FS 54)	Support

Discussion

Federated Farmers of NZ (Inc) (524.11), **NZ Winegrowers** (427.7) and **D & M McKenzie** (359.2) seek Policy 4.3.5(a) be retained. **NZ Winegrowers** supports the submission of Federated Farmers of NZ (Inc).

The **Department of Conservation** (525.7) seeks Policy 4.3.5(a) be amended by deleting the last part of the sentence as follows:

“(a) Provide for primary production activities as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any

adverse effects of primary production activities ~~without unreasonably affecting landowners' ability to use their land productively.~~"

D Riddiford, Federated Farmers of NZ (Inc), Horticulture NZ, Meridian Energy Ltd and NZ Winegrowers oppose this submission.

K and M Williams (523.8) seeks that Policy 4.3.5(a) be amended by inserting the word "reasonably" as follows:

"(a) Provide for primary production activities as permitted activities in the Rural (Primary production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to reasonably avoid, remedy or mitigate any adverse effects of primary production activities without unreasonably affecting landowners' ability to use their land productively."

NZ Winegrowers supports this submission.

Evidence Heard

NZ Winegrowers presented evidence expressing support for 4.3.5 Policy (a) Rur2 to be retained.

The Department of Conservation presented evidence requesting that the last part of Policy (a) be deleted, as it is unnecessary, subjective and contrary to the RMA.

K & M Williams presented evidence accepting the recommendation in the Section 42A report to retain Policy (a) as unchanged, highlighting the importance of the last part of the existing policy.

Commissioners' Deliberations

The Commissioners note the support for 4.3.5 Policy (a) from some submitters.

The policy provides for the establishment and efficient operation of primary production activities, with a minimum of regulatory controls to achieve this. The Commissioners consider that the existing wording of the policy most appropriately achieves the objectives for the Rural Zone, as it balances of need for enabling activities to be undertaken, while ensuring any significant adverse effects can be avoided, remedied or mitigated.

Decision: 4.3.5 Policies Rur2: Policy (a)

Submission Reference: 525.7	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
FS 84	Accept
FS 54	Accept
524.11	Accept
FS 54	Accept
427.7	Accept
359.2	Accept
523.8	Reject
FS 54	Accept

Reasons

This decision is made for the following reasons:

- The existing policy expresses that primary production activities are to be provided for in the Rural Zone, while managing the adverse effects. The policy most appropriately meets the requirements of the Act by allowing for the effective and efficient functioning of these activities.

4.3.5 Policies Rur2: Policy (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.9	K and M Williams	NZ Winegrowers (FS 54)	Support
524.11	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
521.11	Meridian Energy Ltd	Horticulture NZ (FS 52) Mighty River Power Ltd (FS 74)	Support Support
427.7	NZ Winegrowers	-	-
359.2	D & M McKenzie	-	-
378.2	P Percy	-	-

Discussion

Federated Farmers of NZ (Inc) (524.11), **NZ Winegrowers** (427.7) and **D & M McKenzie** (359.2) seek Policy 4.3.5(a) be retained. **NZ Winegrowers** supports the submission of Federated Farmers of NZ (Inc).

K and M Williams (523.9) seeks that Policy 4.3.5(b) and Explanation 4.3.6 be amended to recognise that activities that are potentially sensitive to the adverse external effects of primary production may not be appropriate in the Rural Zone, regardless of siting and other controls. They state that there is a need to be able to decline activities where siting and other controls do not adequately address issues of reverse sensitivity. **NZ Winegrowers** supports this submission.

P Percy (378.2) seeks that Policy (b) be amended to provide stronger control for Councils to be able to decline resource consent applications.

Meridian Energy Ltd (521.11) seeks that Policy 4.3.5(b) be amended to all activities, not only primary production activities. **Horticulture NZ** and **Mighty River Power Ltd** support this submission.

Evidence Heard

NZ Winegrowers presented evidence expressing support for 4.3.5 Policy (b) Rur2 to be retained.

Meridian Energy presented evidence highlighting the need for the policy to relate to non-primary production activities in the Rural Zone.

K & M Williams presented evidence accepting the recommendation in the Section 42A report to retain Policy (b) as unchanged, highlighting a potential issue with the use of the word 'Controlled'.

P Percy presented evidence requesting Policy (b) be strengthened to provide more guidance for assessing resource consent applications.

Commissioners' Deliberations

The Commissioners note the support for 4.3.5 Policy (b) from some submitters.

To better clarify the purpose and application of the policy, the Commissioners concur with the intent of the evidence presented by Williams and Percy. Accordingly, Policy (b) has been amended to better express how activities could be managed.

The Commissioners also concur that the Rural Zone policy framework needs to better recognise the non-primary production land uses, which the District Plan seeks to enable. As discussed above for the Objective, a new policy would effectively recognise this matter.

Decision: 4.3.5 Policies Rur2: Policy (b)

Submission Reference: 524.11	Accept
427.7	Accept
359.2	Accept
523.9	Accept in part
521.11	Accept in part
378.2	Accept in part
FS 54	Accept in part
FS 52	Accept in part
FS 74	Accept in part

Decision Amendment: 4.3.5 Policies Rur2

Add new 4.3.5 Policy (b) and amend existing Policy (b) to (c) to read as follows:

(b) Provide for other land uses as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.

~~(b)~~(c) Ensure activities that are potentially sensitive to the adverse external effects of primary production and other activities, particularly those activities with significant external effects, are either appropriately sited, managed or restricted are otherwise controlled to avoid or mitigate these such effects.

Reasons

This decision is made for the following reasons:

- The new policy provides for other activities in the Rural Zone, which is the most appropriate framework for ensuring these activities can establish and operate in a similar manner to primary production activities.
- Amending the existing policy recognises that there are a range of activities undertaken in the Rural Zone, which may have some incompatible effects between activities. The amended policy better describes that these amenity conflicts need be managed.

4.3.5 Policies Rur2: Policy (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.11	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
359.2	D & M McKenzie	-	-
427.7	NZ Winegrowers	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose

Discussion

Federated Farmers of NZ (Inc) (524.11) and **D & M McKenzie** (359.2) seek Policy 4.3.5(c) be retained. **NZ Winegrowers** supports the submission of Federated Farmers of NZ (Inc).

NZ Winegrowers (427.7) seek that Policy 4.3.5(c) be amended as follows:

“(c) Ensure that new primary production activities that may have significant external adverse effects are appropriately sited from sensitive land uses or are otherwise controlled to avoid or mitigate such effects by utilising buffer areas and other similar mechanisms where appropriate.”

D Riddiford, **Federated Farmers of NZ (Inc)**, and **Horticulture NZ** support this submission.

Evidence Heard

NZ Winegrowers presented evidence highlighting that primary production activities are usually an existing activity, and would be more appropriate to require new residential activities to provide for interface controls.

Horticulture NZ presented evidence opposing the introduction of buffer zones as submitted by NZ Winegrowers.

Commissioners' Deliberations

The Commissioners note the support for 4.3.5 Policy (c) from some submitters.

The District Plan places an obligation on activities to internalise their adverse effects. However, the nature of some primary production activities means that it can prove difficult to fully internalise their effects, especially some temporary effects such as noise.

Buffer zones can be effectively in minimising conflicts between activities, but can result in the inefficient use of the land resource.

The Commissioners consider that the existing policy most appropriately describes and manages this matter, as it refers to siting or other techniques that may be required to manage new primary production activities.

Decision: 4.3.5 Policies Rur2: Policy (c)

Submission Reference: 524.11	Accept
FS 54	Reject
359.2	Accept
427.7	Reject
FS 122	Reject
FS 85	Reject
FS 52	Reject

Reasons

This decision is made for the following reasons:

- The existing policy is effective in ensuring new primary production activities internalise their adverse effects from neighbouring sensitive land uses, either by siting or other methods. This policy ensures that the objective is achieved by enabling a wide range of activities to take place in the Rural Zone.

4.3.5 Policies Rur2: Policy (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.11	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
359.2	D & M McKenzie	-	-
427.7	NZ Winegrowers	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose

Discussion

Federated Farmers of NZ (Inc) (524.11) and **D & M McKenzie** (359.2) seek Policy 4.3.5(d) be retained. **NZ Winegrowers** support the submission of Federated Farmers of NZ (Inc).

NZ Winegrowers (427.7) seek that Policy 4.3.5(d) be replaced/amended with the following:

“Use interface control mechanisms such as buffer areas and restrictive covenants on activities adjoining primary production activities that may adversely affect the operation of those productive activities.”

D Riddiford, Federated Farmers of NZ (Inc) and **Horticulture NZ** support this submission.

Evidence Heard

NZ Winegrowers presented evidence highlighting that primary production activities are usually an existing activity, and that would be more appropriate to require new residential activities to provide for interface controls.

Horticulture NZ presented evidence opposing the introduction of buffer zones as submitted by NZ Winegrowers.

Commissioners' Deliberations

The Commissioners note the support for 4.3.5 Policy (d) from some submitters.

As discussed above for Policy (c), the District Plan places an obligation on activities to internalise their adverse effects. However, the nature of some primary production activities can prove difficult to fully internalise their effects, especially some temporary effects such as noise. The Commissioners consider that the existing policy most appropriately describes and manages this matter, as it refers to siting or other techniques that may be required to manage new primary production activities.

Decision: 4.3.5 Policies Rur2: Policy (d)

Submission Reference: 524.11	Accept
FS 54	Reject
359.2	Accept
427.7	Reject
FS 122	Reject
FS 85	Reject
FS 52	Reject

Reasons

This decision is made for the following reasons:

- The existing policy is effective in ensuring interface controls are used as a primary tool for managing the effects between primary production activities and neighbouring properties, irrespective of the adjoining land use. This policy ensure the objective is achieved by enabling a wide range of activities to take place in the Rural Zone.

4.3.5 Policies Rur2: Add a New Policy

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.12	Meridian Energy Ltd	Mighty River Power Ltd (FS 74)	Support
48.1	S Butcher	-	-

Discussion

Meridian Energy Ltd (521.12) seeks that a new Policy be added to provide for diversity of land use and economic activities within the rural zone. **Mighty River Power Ltd** supports this submission.

S Butcher (48.1) seeks that two new Policies be added to permit dwellings on existing Titles in the Rural Zone, and to control reverse sensitivity issues when an application is made for a subdivision.

Evidence Heard

Meridian Energy presented evidence highlighting the need for the policy to relate to non-primary production activities in the Rural Zone.

S Butcher presented evidence requesting more control be included in the District Plan for managing reverse sensitivity issues.

Commissioners' Deliberations

As discussed above for 4.3.5 Policy (b), the Commissioners determined a new policy was required in relation to non-primary production land uses.

In terms of reverse sensitivity issues, the Commissioners are consider 4.3.5 policies (c) and (d), in combination with the policies for subdivision in Section 18 of the District Plan, already provide for the relief sought.

Decision: 4.3.5 Policies Rur2: Policy (d)

Submission Reference: 521.12	Accept in part
FS 74	Accept in part
48.1	Reject

Decision Amendment: 4.3.5 Policies Rur2

Add new policy to 4.3.5 to read as follows:

(b) Provide for other land uses as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.

Reasons

This decision is made for the following reasons:

- The new policy provides for other activities in the Rural Zone, which is the most appropriate framework for ensuring these activities can establish and operate in a similar manner to primary production activities.

4.3.6 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.10	K and M Williams	-	-
524.12	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
427.8	NZ Winegrowers	Horticulture NZ (FS 52)	Support
359.3	D & M McKenzie	-	-
430.3	D Stanton	-	-
492.13	Horticulture NZ	NZ Winegrowers (FS 54)	Support
35.3	S Burt	-	-
35.4	S Burt	-	-

Discussion

Federated Farmers of NZ (Inc) (524.12) and **D & M McKenzie** (359.3) support Explanation 4.3.6. **NZ Winegrowers** supports this submission.

K and M Williams (523.10) seeks Explanation 4.3.6 be amended to recognise that activities that are potentially sensitive to the adverse external effects of primary production may not be appropriate in the Rural Zone regardless of siting and other controls.

NZ Winegrowers (427.8) seek that the first four paragraphs of Explanation 4.3.6 be retained, and that the last paragraph be replaced with the following:

“It is important that interface controls such as buffer areas and restrictive covenants are used to control the siting of activities adjoining primary productive areas that may affect the operation of those primary productive areas. New primary production activities must take into account the existing environment however the focus must be on maintaining and enabling productive uses in the Rural Zone.”

Horticulture NZ supports this submission.

Horticulture NZ (492.13) seeks that the last sentence of paragraph 4 of 4.3.6 be amended by adding the word ‘sensitive’ in order to provide clarity about which activities are being referred to. **NZ Winegrowers** supports this submission.

Evidence Heard

K and M Williams presented evidence expressing support for the recommendation in the Section 42A Report adding the word ‘sensitive’ to the last sentence.

NZ Winegrowers presented evidence requesting further text be added to the Explanation with examples of interface controls.

Horticulture NZ presented evidence endorsing the recommendation in the Section 42A report of adding the reference to ‘sensitive’ activities.

Commissioners' Deliberations

The Commissioners note the support for 4.3.6 Explanation.

As discussed above for 4.3.5 policies, the existing 4.3.6 Explanation text is considered to be the most appropriately explain how the policies are to be implemented. Adding specific reference to examples is not considered appropriate in the policy explanation. However, it is appropriate to include reference in the Methods for implementing the policies. This matter is discussed further below.

The Commissioners concur that the last sentence referring to 'sensitive' activities better describes the intent of this paragraph.

Decision: 4.3.6 Explanation

Submission Reference: 524.12	Accept
FS 54	Accept
359.3	Accept
523.10	Accept in part
427.8	Reject
FS 52	Reject
492.13	Accept
FS 54	Accept

Decision Amendment: 4.3.6 Explanation

Amend the last sentence of paragraph 4 as follows:

*This policy will require controls on siting of such **sensitive** activities to avoid or mitigate the potential for such adverse effects to occur."*

Reasons

This decision is made for the following reasons:

- The amended sentence better describes the intent of paragraph 4, as it clarifies the siting controls apply to the new sensitive activities.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
430.3	D Stanton	-	-
35.3	S Burt	-	-
35.4	S Burt	-	-

Discussion

S Burt (35.3, 35.4) seeks that the provisions be amended as it is considered that allowing subdivision to a minimum lot size of 1ha will increase the likelihood of hindrance to primary production activities, and will increase, not minimise, the occurrence of reverse sensitivity to the intrusion of surrounding primary production activities.

D Stanton (430.3) does not state the relief sought in respect of Explanation 4.3.6 but considers that the subdivision standards that allow subdivision down to 1ha will increase the likelihood of hindrance to primary production activities, which she believes is in conflict with the opening statement in Explanation 4.3.6 which states:

“The ongoing prosperity of the Wairarapa is largely dependent upon its continued and evolving primary production sector. It is imperative that primary production activities are enabled to occur without unnecessary hindrance or controls....”

Evidence Heard

No evidence was presented on this matter.

Commissioners’ Deliberations

The Commissioners acknowledge the points raised by the submitters in relation to 4.3.6 Explanation. The matters raised are more appropriately addressed in Section 18 of the Plan relating to subdivision, and have been assessed by the Commissioners in that Section in the discussion on minimum lot size standards.

Decision: 4.3.6 Explanation

Submission Reference: 430.3	Reject
35.3	Reject
35.4	Reject

Reasons

This decision is made for the following reasons:

- The matters raised by the submitters most appropriately relate to subdivision, which is addressed in Section 18.

4.3.7 Objective Rur3 – Interzone Management

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.13	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
262.1	Smallwood Family Trust and Berwick Holdings	-	-

Discussion

Federated Farmers of NZ (Inc) (524.13) seeks Objective 4.3.7 be retained. **NZ Winegrowers** supports this submission.

Smallwood Family Trust and Berwick Holdings (262.1) seeks that sections 4.3.7 – 4.3.9 either be deleted or alternatively specific guidelines for those on the urban fringe should be developed to avoid any unnecessary legal battles. They also consider that reverse sensitivity needs to be addressed within the Objective.

Evidence Heard

James and Jane Smallwood presented evidence expressing concern about residential development and subdivision adjoining their dairy farm. In particular, they highlighted the obligation created by 4.3.7 Objective Rur3 on primary production activities to protect the amenity values of adjoining zones.

Commissioners' Deliberations

The Significant Resource Management Issues for the Rural Zone recognise that there is potential for amenity conflicts between different zones, in particular, the Rural Zone and Residential Zone. Objective Rur3 aims to manage these conflicts by ensuring activities in the Rural Zone are operated in a manner which recognise the different amenity values in adjoining urban areas. The Commissioners acknowledge the points raised by the submitters in relation to different amenity expectations. However, on balance, the Commissioners consider that it is the most appropriate objective to address this issue for existing situations. Where new primary production activities are established, or new residential subdivisions that occur, through the implementation of this objective, interface measures would need to be implemented, such as setbacks.

Decision: 4.3.7 Objective Rur3

Submission Reference: 524.13	Accept
FS 54	Accept
262.1	Reject

Reasons

This decision is made for the following reasons:

- The objective is the most appropriate as it recognises the potential for amenity conflict between zones, and places an obligation on activities to internalise their effects.

4.3.8 Rur3 Policy

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.14	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support

427.9	NZ Winegrowers	Horticulture NZ (FS 52)	Support
-------	----------------	-------------------------	---------

Discussion

Federated Farmers of NZ (Inc) (524.14) seeks Policy 4.3.8 be retained. **NZ Winegrowers** supports this submission.

NZ Winegrowers (427.9) seek Policy 4.3.8 be amended by adding the following words to the end of the sentence to read as follows:

“4.3.8 Rur3 Policy

(a) Manage the effects of Rural Zone activities to ensure that the environmental qualities and characteristics in the adjoining zones are not unreasonably degraded, bearing in mind their location adjacent to a functioning primary production environment.”

Horticulture NZ supports this submission.

Evidence Heard

NZ Winegrowers and **Horticulture NZ** presented evidence supporting the recommendation in the Section 42A Report amending the policy.

Commissioners’ Deliberations

The Commissioners concur with the submitters, that the amendment to the policy better reflects the relationship between rural and residential neighbouring properties. The relationship requires some ‘give and take’, where primary production activities must recognise that they are operating next to residential properties, while residential activities must recognise that they are located on the edge of a residential area.

Decision: 4.3.8 Rur3 Policy

Submission Reference: 524.14	Accept
FS 54	Accept
427.9	Accept
FS 52	Accept

Decision Amendment: 4.3.8 Rur3 Policy

Amend Policy 4.3.8 to read as follows:

4.3.8 Rur3 Policy

*(a) Manage the effects of Rural Zone activities to ensure that the environmental qualities and characteristics in the adjoining zones are not unreasonably degraded, **bearing in mind their location adjacent to a functioning primary production environment.***

Reasons

This decision is made for the following reasons:

- The amended policy better describes the relationship between activities in the Rural Zone and adjoining zones, as it recognises both parties in the relationship have a role to play in managing amenity expectations.

4.3.9 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.14	Horticulture NZ	NZ Winegrowers (FS 54)	Support

Discussion

Horticulture NZ (492.14) seeks that the Explanation be amended to recognise that while new activities in the Rural Zone may reasonably have a higher threshold placed on them, it should be clear that existing use rights will apply to existing activities. **NZ Winegrowers** supports this submission.

Evidence Heard

Horticulture NZ presented evidence supporting the recommendation in the Section 42A Report amending the explanation.

Commissioners' Deliberations

The Commissioners concur with the submitters, that the amendment to the explanation better reflects the requirements for new activities near the Rural Zone boundary. The Commissioners also consider these requirements apply to existing activities which may intensify or change in scale.

Decision: 4.3.9 Explanation

Submission Reference: 492.14 Accept
FS 54 Accept

Decision Amendment: 4.3.9 Explanation

Amend the second paragraph as follows:

*Requirements **for new or expanding activities in near** the Rural Zone **near the zone boundary, boundaries** may include more compatible design of structures, more effective visual screening, setbacks of dense planting and buildings, and more restrictive noise levels than the Rural Zone standards would generally require.*

Reasons

This decision is made for the following reasons:

- The amended explanation better describes the relationship between activities in the Rural Zone and adjoining zones, as it recognises the requirements that are focused on new or expanding activities.

4.3.10 Methods to Implement Rural Zone Policies: All

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.15	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support

Discussion

Federated Farmers of NZ (Inc) (524.15) seeks that the Methods in 4.3.10 be retained. **NZ Winegrowers** supports this submission.

Evidence Heard

No specific evidence was presented in relation to this point.

Commissioners' Deliberations

The Commissioners noted the support for these Methods.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: All

Submission Reference: 524.15 Accept
FS 54 Accept

Reasons

This decision is made for the following reasons:

- The existing Methods provide a range of tools for the Councils to carry out their functions under the Act. A mix of regulatory and non-regulatory methods are considered the most appropriate tools for promoting sustainable management in the rural environment.

4.3.10 Methods to Implement Rural Zone Policies: Method (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.11	K and M Williams	NZ Winegrowers (FS 54)	Support
427.10	NZ Winegrowers	-	-
521.13	Meridian Energy Ltd	Mighty River Power Ltd (FS 74)	Support

Discussion

K and M Williams (523.11) and **NZ Winegrowers** (427.10) seek that Method (a) be retained. **NZ Winegrowers** supports the submission of K and M Williams.

Meridian Energy Ltd (521.13) seeks that Method (a) be amended to read:

~~“Provision for primary production as the principal land use in most of the Rural Zone. Provide for a range of activities within the Rural Zone, with environmental standards as appropriate to protect the character, amenity and function of the Rural Zone while allowing for the efficient functioning and development of primary production activities sustainably manage the district’s natural and physical resources.”; and~~

They request that new Methods be added to address the Purpose of the Act and the full range of values associated with the rural zone (including the benefits to be derived from the use and development of renewable energy); and that a new Method be added to provide for diversification and increased economic productivity when assessing applications for resource consent in the Rural Zone.

Mighty River Power Ltd supports this submission.

Evidence Heard

K & M Williams presented evidence supporting retaining Method (a) unchanged.

Meridian Energy Ltd presented evidence highlighting that the Plan already has rules permitting a range of non-primary production activities and that the Methods should reflect this application.

Commissioners’ Deliberations

As discussed above, the Commissioners concur that the Rural Zone policy framework needs to better recognise the non-primary production land uses, which the District Plan seeks to enable. To bring the Methods inline with the policy amendments made above, a new Method (b) is to be added for non-primary production activities.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (a)

Submission Reference: 523.11	Accept
427.10	Accept
521.13	Accept in part
FS 54	Accept
FS 74	Accept in part

Decision Amendment: 4.3.10 Methods

Add the following Method as follows:

(b) Provision for other land use activities in most of the Rural Zone, with environmental standards as appropriate to protect the character, amenity and function of the Rural Zone.

Reasons

This decision is made for the following reasons:

- The new Method provides better clarify and application for implementing the policies, as it supports a wide range of non-primary production activities to be undertaken in the Rural Zone.

4.3.10 Methods to Implement Rural Zone Policies: Method (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.10	K and M Williams	NZ Winegrowers (FS 54)	Support
427.10	NZ Winegrowers	-	-
503.3	Wairarapa Organics	L Reed (FS 114) D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Support Oppose Oppose Oppose

Discussion

K and M Williams (523.10) and **NZ Winegrowers** (427.10) seek that Method (b) be retained. **NZ Winegrowers** support the submission of K and M Williams.

Wairarapa Organics (503.3) seek Method (b) be amended to place strict liability controls on all damages to the environment, health, and economy, which result from the activity and expansion of genetically modified organisms, and have precautionary principles in the Plan. **L Reed** supports this submission. **D Riddiford**, **Federated Farmers of NZ (Inc)**, and **Horticulture NZ** oppose this submission.

Evidence Heard

K & M Williams and **NZ Winegrowers** presented evidence supporting retaining Method (b) unchanged.

Wairarapa Organics presented evidence requesting a method prohibiting the growing of genetically modified organisms in the Wairarapa.

Commissioners' Deliberations

The Commissioners noted the support for Method (b) from some submitters.

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

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (b)

Submission Reference: 523.10 Accept
FS 54 Accept

427.10 Accept

503.3 Reject

FS 114 Reject

FS 112 Accept

FS 85 Accept

FS 52 Accept

Decision Amendment: Consequential Change

Re-number Method (b) to Method (c) with the addition of the new Method under the previous decision.

Reasons

This decision is made for the following reasons:

- The management of genetically modified organisms is not a responsibility of territorial local authorities.

4.3.10 Methods to Implement Rural Zone Policies: Method (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.10	K and M Williams	NZ Winegrowers (FS 54)	Support
427.10	NZ Winegrowers	-	-

Discussion

K and M Williams (523.10) and **NZ Winegrowers** (427.10) seek that Method (d) be retained. **NZ Winegrowers** support the submission of K and M Williams.

Evidence Heard

K & M Williams and **NZ Winegrowers** presented evidence supporting retaining Method (d) unchanged.

Commissioners' Deliberations

The Commissioners noted the support for Method (d) from submitters.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (d)

Submission Reference: 523.10 Accept

FS 54 Accept

427.10 Accept

Decision Amendment: Consequential Change

Re-number Method (c) to Method (d) with the addition of the new Method under the previous decision.

Reasons

This decision is made for the following reasons:

- Method (d) identifies it is an efficient and effective method of using the resource consent process to determine whether non-complying activity should be allowed to establish in the Rural Zone.

4.3.10 Methods to Implement Rural Zone Policies: Method (e)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.10	K and M Williams	NZ Winegrowers (FS 54)	Support
427.10	NZ Winegrowers	-	-

Discussion

K and M Williams (523.10) seeks that Method (e) be retained. **NZ Winegrowers** support this submission.

NZ Winegrowers (427.10) seek that the following words be added to the end of Method (e) to read as follows:

“(e) Conditions on resource consents, such as consent notices and covenants on Certificates of Title to control the effects of activities that may raise issues of reverse sensitivity in the Rural Environment.”

Evidence Heard

K & M Williams presented evidence supporting retaining Method (d) unchanged.

NZ Winegrowers presented evidence supporting the recommendation in the Section 42A Report to amend Method (e) to refer to examples.

Commissioners' Deliberations

As discussed above for the policies, the Commissioners consider it is most appropriate for the Methods to detail specific mechanisms that can be used to implement the policies. For example, to assist with managing reverse sensitivity issues, covenants and consent notices are a tool available. The Commissioners concur with the submitter, that stating reverse sensitivity in the Method would better describe the purpose and intent of Method (e).

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (e)

Submission Reference: 523.10 Accept
FS 54 Accept

427.9 Accept in part

Decision Amendment: 4.3.10 Methods to Implement Rural Zone Policies: Method (e)

Amend Method (e) to read as follows:

(f) Conditions on resource consents, such as consent notices and covenants on Certificates of Title to control the effects of activities, including reverse sensitivity in the Rural Environment.

Reasons

This decision is made for the following reasons:

- The amended Method (f) better describes the utilisation of consent notices and covenants to be used for reverse sensitivity issues, as part of imposing conditions of consent.

4.3.10 Methods to Implement Rural Zone Policies: Method (f)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.10	NZ Winegrowers	-	-
490.1	N M ^c Donald and S Kingsford	B & M Opie (FS 5) NZ Winegrowers (FS 54)	Support Support
399.2	D & J Gibbs	-	-

Discussion

NZ Winegrowers (427.10) seeks that Method (f) be retained.

N M^cDonald and S Kingsford (490.1) oppose Method (f) by introducing the term 'rural-residential' in to the Method. **B & M Opie** and **NZ Winegrowers** support this submission.

D & J Gibbs (399.2) seeks that Method (f) be amended to add information about neighbourhood property activities to LIMS.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners consider 'rural-residential' is a well recognised and understood term. Therefore, it is appropriate to retain its use for Method (f).

Method (f) recognises that information about the zoning of a property should be included in a Land Information Memoranda (LIM) report. However, LIMs are issued by District Councils under the Local Government and Official Information Act, therefore, it is outside the jurisdiction of the Commissioners to include a requirement about what LIM reports are to

contain in the District Plan. Notwithstanding this, the Commissioners would strongly encourage the District Council to include information in LIM reports about any resource consents near a subject property.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (f)

Submission Reference: 427.10 Accept

490.1 Reject
FS 5 Reject
FS 54 Reject

399.2 Reject

Decision Amendment: Consequential Change

Re-number 4.3.10 Method (f) to Method (g) with the addition of the new Method under the above decision.

Reasons

This decision is made for the following reasons:

- The existing Method (f) mostly appropriately describes the role education and information can provide in implementing the policies for the Rural Zone.

4.3.10 Methods to Implement Rural Zone Policies: Method (i)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.15	Horticulture NZ	NZ Winegrowers (FS 54)	Support
515.7 515.8	Juken NZ Ltd, Forestry Wairarapa	Waipine (FS 103)	Support
526.13	Greater Wellington Regional Council	-	-
522.1	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Windy Peak Trust (FS 102)	Oppose
285.7 285.6	Forestry Wairarapa Cluster Group	Transpower NZ Ltd	Support

Discussion

Greater Wellington Regional Council (526.13) supports Method (i).

Horticulture NZ (492.15) seeks that Method (i) be amended to refer to not only the relevant Industry Codes of Practice, but also to relevant NZ Standards; and that Method (i)iv be amended to refer to the latest edition of NZS 8409 – NZS 8409:2004 Management of Agrichemicals. **NZ Winegrowers** supports this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.1), **Juken NZ Ltd, Forestry Wairarapa** (515.7, 515.8) and **Forestry Wairarapa Cluster Group** (285.6, 285.7) also seek that Method (i)iv be amended to not refer to the 1999 edition but to the latest 2004 edition of NZS 8409. **Windy Peak Trust** opposes the submission of the Planning Departments of Masterton, Carterton and South Wairarapa District Councils. **Waipine** supports the submission of Juken NZ Ltd, Forestry Wairarapa.

Juken NZ Ltd, Forestry Wairarapa (515.7, 515.8) and **Forestry Wairarapa Cluster Group** (285.6, 285.7) advise in respect of Method (i)i that while the NZ Forest Code of Practice, Second Edition, June 1993, is still in existence, the organisation (LIRO) now does not exist. The submitter advises that a review to develop a replacement Code of Practice is currently underway. **Waipine** supports the submission of Juken NZ Ltd, Forestry Wairarapa.

Evidence Heard

Greater Wellington Regional Council presented evidence stating that they accepted the Section 42A report recommendation to retain Method (i).

Horticulture NZ presented evidence stating that they accepted the Section 42A report recommendation to amend Method (i) to refer to an additional New Zealand standard.

Juken NZ Ltd, Forestry Wairarapa and **Forestry Wairarapa Cluster Group** presented evidence supporting the Section 42A Report recommendation of updating the agrichemical Code of Practice reference. They also requested that the Forestry Code of Practice reference all be updated.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report recommendation, that the list of Codes of Practice and NZ Standards should be up to date.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (i)

Submission Reference: 492.15	Accept
FS 54	Accept
515.8	Accept
515.7	Accept
FS 103	Accept
526.13	Accept
522.1	Accept
FS 102	Reject
285.6	Accept
285.7	Accept
FS 16	Accept

Decision Amendment: 4.3.10 Methods to Implement Rural Zone Policies: Method (i)

Amend Method (i) to read as follows:

~~(i)(j)~~ Education to encourage the adoption and compliance with relevant industry Codes of Practice **and New Zealand Standards (NZS)**, including –

~~i. New Zealand Forest Code of Practice, Second Edition, June 1993, New Zealand Logging Industry Research Organisation (LIRO) New Zealand Environmental Code of Practice for Plantation Forestry, New Zealand Forest Owners Association, 2007~~

~~ii.....~~

~~iii.....~~

~~iv. NZS 8409: 1999 2004 Code of Practice for the Management of Agrichemicals~~

Reasons

This decision is made for the following reasons:

- The amended Method has the most up to date references to Codes of Practice and NZ Standards, ensuring the effective implementation of the policies.

4.3.10 Methods to Implement Rural Zone Policies: Method (k)

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

Discussion

Greater Wellington Regional Council (526.13) supports Method (k) in so far that it promotes a co-ordinated approach with the Policies and Rules of the Regional Policy Statement, but seeks that it be amended to give effect to the Regional Policy Statement.

Evidence Heard

Greater Wellington Regional Council presented evidence stating that they accepted the Section 42A report recommendation of rejecting amending Method (k).

Commissioners' Deliberations

The Commissioners note that Method (k) would need to be updated once the new Regional Policy Statement is operative.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Method (k)

Submission Reference: 526.13 Reject

Decision Amendment: Consequential Change

Re-number Method (k) to Method (l) with the addition of the new Method under the above decision.

Reasons

This decision is made for the following reasons:

- The existing Method (k) accurately reflects the requirements under the Resource Management Act 1991 in terms of the relationship between Regional Policy Statement and the District Plan.

4.3.10 Methods to Implement Rural Zone Policies: Add New Methods

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.14 521.15	Meridian Energy Ltd	Mighty River Power Ltd (FS 74)	Support

Discussion

Meridian Energy Ltd (521.14 and 521.15) seeks that new Methods are added to 4.3.10 to address the Purpose of the Act and the full range of values associated with the rural zone (including the benefits to be derived from the use and development of renewable energy), and that a new Method is added to provide for diversification and increased economic productivity when assessing applications for resource consent in the Rural Zone. **Mighty River Power Ltd** supports this submission.

Evidence Heard

Meridian Energy Ltd presented evidence highlighting the Plan already has rules permitting a range of non-primary production activities and that the Methods should reflect this application.

Commissioners' Deliberations

As discussed above in Method (b), the Commissioners concur that the Rural Zone policy framework needs to better recognise the non-primary production land uses, which the District Plan seeks to enable. To bring the Methods inline with the policy amendments made above, a new Method (b) is to be added for non-primary production activities.

Decision: 4.3.10 Methods to Implement Rural Zone Policies: Add New Methods

Submission Reference: 521.14	Accept in part
521.15	Accept in part
FS 74	Accept in part

Decision Amendment: 4.3.10 Methods

Add the following Method as follows:

(b) Provision for other land use activities in most of the Rural Zone, with environmental standards as appropriate to protect the character, amenity and function of the Rural Zone.

Reasons

This decision is made for the following reasons:

- The new Method provide better clarify and purpose for implementing the policies, as it supports a wide range of non-primary production activities to be undertaken in the Rural Zone.

4.3.11 Principal Reasons for Adoption

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.11	NZ Winegrowers	-	-
524.16	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support

Discussion

NZ Winegrowers (427.11) and **Federated Farmers of NZ (Inc)** (524.16) seek that section 4.3.11 be retained.

Evidence Heard

NZ Winegrowers presented evidence supporting the Section 42A Report recommendation of retaining the Principal Reasons for Adoption.

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation, and concur with the Section 42A report recommendation of retaining the principal reasons for adoption.

Decision: 4.3.11 Principal Reasons for Adoption

Submission Reference: 427.11 Accept
FS 54 Accept

524.16 Accept

Reasons

This decision is made for the following reasons:

- The existing text in the Principal Reasons for Adoption clearly describes the basis for implementing the Methods to achieve the Rural Zone objectives.

4.4 Anticipated Environmental Outcomes: (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.17	Federated Farmers of NZ (Inc)	NZ Winegrowers (FS 54)	Support
427.12	NZ Winegrowers	-	-
523.12	K and M Williams	-	-
238.1	R Scott	-	-
239.1	S Scott	-	-

Discussion

Federated Farmers of NZ (Inc) (524.17), **NZ Winegrowers** (427.12), **K and M Williams** (523.12), **R Scott** (238.1) and **S Scott** (239.1) seek that 4.4 (a) be retained. **NZ Winegrowers** supports the submission of Federated Farmers of NZ (Inc).

Evidence Heard

NZ Winegrowers and **K and M Williams** presented evidence supporting the Section 42A Report recommendation of retaining Anticipated Environmental Outcome (a).

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation, and concur with the Section 42A report recommendation of retaining Anticipated Environmental Outcome (a).

Decision: 4.4 Anticipated Environmental Outcomes: (a)

Submission Reference: 524.17	Accept
FS 54	Accept
427.12	Accept
523.12	Accept
238.1	Accept
239.1	Accept

Reasons

This decision is made for the following reasons:

- The existing Outcome (a) appropriately describes one of the key outcomes being sought for the Rural Zone.

4.4 Anticipated Environmental Outcomes: (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.12	K and M Williams	-	-
427.12	NZ Winegrowers	-	-

Discussion

NZ Winegrowers (427.12) and **K and M Williams** (523.12) seek that 4.4 (b) retained.

Evidence Heard

NZ Winegrowers and **K and M Williams** presented evidence supporting the Section 42A Report recommendation of retaining Anticipated Environmental Outcome (b).

Commissioners' Deliberations

The Commissioners noted the submitters support for the recommendation, and concur with the Section 42A report recommendation of retaining Anticipated Environmental Outcome (b).

Decision: 4.4 Anticipated Environmental Outcomes: (b)

Submission Reference: 427.12 Accept
523.12 Accept

Reasons

This decision is made for the following reasons:

- The existing Outcome (b) appropriately describes one of the key outcomes being sought for the Rural Zone.

4.4 Anticipated Environmental Outcomes: (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.12	NZ Winegrowers	-	-

Discussion

NZ Winegrowers (427.12) seeks that 4.4(c) be replaced with the following:

"Maintaining and enabling primary production activities within the Rural Zone while, to the extent possible, providing the appropriate level of amenity in zones adjoining the Rural Zone."

Evidence Heard

NZ Winegrowers presented evidence highlighting that it is not practicable for some primary production activities to fully internalise all adverse effects.

Commissioners' Deliberations

As discussed above in the policy framework, the Commissioners believe that there is a balance to be found in the relationship between activities in the Rural Zone and in any adjoining zones. Each zone has certain amenity expectations, and that in locations where two zones meet, these expectations may not be fully achieved. However, the Commissioners consider the existing wording of Outcome (c) most appropriately describes the ultimate outcome being sought.

Decision: 4.4 Anticipated Environmental Outcomes: (c)

Submission Reference: 427.12 Reject

Reasons

This decision is made for the following reasons:

- The existing Outcome (c) appropriately describes one of the key outcomes being sought for the Rural Zone.

4.4 Anticipated Environmental Outcomes: (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.18	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155)	Support Support

Discussion

Federated Farmers of NZ (Inc) (524.18) seek that 4.4(d) be deleted as it is not a Council function to foster self-sufficiency in the rural area. Whether self-sufficiency is achieved will depend on the commercial decisions made by the individual resource users. **J Diederich** and **K Reedy** support this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

As discussed above in the policy framework, there are some areas in the Wairarapa which are remote, and are located some distance from infrastructure networks and community services. Self-sufficiency, to varying degrees, has been a way of life for some Wairarapa areas, and can contribute to the overall sustainable management of the area as a whole. The

Commissioners consider Outcome (d) most appropriately recognises this as being significant in the Wairarapa, and should be encouraged as an important outcome for the Rural Zone.

Decision: 4.4 Anticipated Environmental Outcomes: (d)

Submission Reference: 524.18 Reject
FS 157 Reject
FS 155 Reject

Reasons

This decision is made for the following reasons:

- The existing Outcome (d) appropriately describes one of the key outcomes being sought for the Rural Zone, as it supports self-sustainability and reduced impact on the natural environment.

4.4 Anticipated Environmental Outcomes: Add New Outcome

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
17.4	Transit NZ	-	-

Discussion

Transit New Zealand (17.4) seek that two additional Anticipated Environmental Outcomes be added to Section 4.4 in relation to the integrity of the arterial road network in the Rural Zone and the relationship between the Rural Zone and adjoining urban and township zones.

Evidence Heard

Transit NZ presented evidence highlighting the importance of the State Highway network in the rural environment.

Commissioners' Deliberations

The Commissioners recognise the different environments that the State Highways pass through, with the rural areas having the highest traffic speed. However, the Commissioners consider that the distinctions in traffic environments are most appropriately recognised in Section 17 – Transportation of the District Plan, and not through the addition of new outcomes in the Rural Zone.

Decision: 4.4 Anticipated Environmental Outcomes: Add New Issue

Submission Reference: 17.4 Reject

Reasons

This decision is made for the following reasons:

- The existing Outcomes appropriately describe all the key outcomes being sought for the Rural Zone, with the Outcomes sought for Transportation in Section 17 of the Plan.

4.5.1 Permitted Activities: Add a New Permitted Activity

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
438.2	Wairarapa Aggregates Ltd	Java Trust Ltd (FS 40)	Oppose

Discussion

Wairarapa Aggregates Ltd (438.2) seeks that a new Permitted Activity (4.5.1(c)) be added as follows:

“4.5.1(c)

Sand, rock, gravel and other mineral processing, and stockpiling, sale and distribution associated with gravel extraction on the four sites identified below, are a permitted activity provided it complies with the permitted activity standards.

Operation of aggregate processing facilities with associated sales, distribution and stockpiling on sites legally described as Part Section 11 Block XIII Kopuranga Survey District and part Old river, Part Section 133 Taratahi District, and Lot 1 DP 5375, Lot 1 DP 48740.

With regard to the Noise Standard in the Rural Zone, Wairarapa Aggregates seek the following (or similar) text to be inserted into Rule 4.5.2(e)(i):

....except that in terms of the permitted activities set out in Rule 4.5.1(c), the standard shall be met in relation only at the notional boundary of dwellings existing as at the 26th of August 2006.’

Java Trust Ltd opposes this submission.

Evidence Heard

Wairarapa Aggregates Ltd presented evidence requesting that the existing stone and mineral extraction operations be recognised by listing them as a permitted activity.

Commissioners’ Deliberations

In rural Wairarapa, there are a wide range of existing activities which contribute to the economic and social well being of the area. The Rural Zone adopts an effects-based approach to activities, whereby all activities are permitted unless they are specifically listed as Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity. The Commissioners do not consider it to be the most effective or efficient approach to list existing activities as permitted with site specific rules, as there are a significant number of such activities in the Wairarapa.

Decision: 4.5.1 Permitted Activities: Add a New Permitted Activity

Submission Reference: 438.2 Reject
FS 40 Accept

Reasons

This decision is made for the following reasons:

- Listing activities on individual sites with specific rules is not considered the most efficient or effective approach, as there are a significant number of activities in the Rural Zone which would have similar circumstances, and is inconsistent with the effects based approach adopted in the District Plan.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.2	Tomlinson & Carruthers	-	-
247.1	D Freeman	-	-

Discussion

Tomlinson & Carruthers (273.2) seek that the Permitted Activities be amended to adopt Rule 2.7.1 of the Operative Carterton District Plan and its applicable definitions.

D Freeman (247.1) seeks that a list of permitted activities be included for the rural zone and that criteria are clearer and more consistent.

Evidence Heard

Tomlinson & Carruthers presented evidence requesting the addition of a list of permitted activities.

Commissioners' Deliberations

As discussed above, there are a wide range of activities undertaken in rural Wairarapa which contribute to the economic and social well being of the area. The Rural Zone adopts an effects-based approach to activities, whereby all activities are permitted unless they are specifically listed as a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity. The Commissioners do not consider it to be the most effective or efficient approach to list permitted activities.

Decision: 4.5.1 Permitted Activities: Add a New Permitted Activity

Submission Reference: 273.2 Reject
247.1 Reject

Reasons

This decision is made for the following reasons:

- Listing permitted activities is not the most efficient or effective approach, as all activities are permitted unless listed under a different activity status, and is inconsistent with the effects based approach adopted in the District Plan.

4.5.2 Standards for Permitted Activities: General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
284.1	Wellington Regional Winegrowers	NZ Winegrowers (FS 54)	Partial Support
273.5	Tomlinson & Carruthers	-	-

Discussion

Wellington Regional Winegrowers (284.1) support Section 4.5. **NZ Winegrowers** partially support this submission.

Tomlinson & Carruthers (273.5) seek a minor technical amendment to Rules 4.5.2(a-c) to include punctuation at the end of each standard.

Evidence Heard

Tomlinson & Carruthers presented evidence supporting the recommendation in the Section 42A report to amend clause 4.5.2(a) – (c).

Commissioners' Deliberations

The Commissioners concur with the minor amendments to the rules.

Decision: 4.5.2 Standards for Permitted Activities: General

Submission Reference: 284.1	Accept
273.5	Accept
FS 54	Accept

Decision Amendment: 4.5.2 Standards for Permitted Activities: General

Amend 4.5.2(a) to (c) by punctuating each standard.

Reasons

This decision is made for the following reasons:

- The amended text would assist Plan users.

4.5.2 Standards for Permitted Activities: (a) Maximum Building Height

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
441.9	Genesis Power Ltd	Mighty River Power Ltd (FS 69)	Support
264.8	D Riddiford	-	-

Discussion

Genesis Power Ltd (441.9) seeks that 4.5.2(a) be amended so that there is a consistent maximum building height in the District Wide Rules and in the Rural Zone Rules. **Mighty River Power Ltd** supports this submission.

D Riddiford (264.8) opposes 4.5.2(a) as it restricts energy generation facilities, such as wind turbines.

Evidence Heard

D Riddiford presented evidence requesting that the height limits should not apply to energy generation facilities.

Commissioners' Deliberations

The maximum height standard seeks to manage the obtrusive nature that taller structures can have in the rural environment. However, the Commissioners recognise that not all tall structures have similar effects on rural landscapes, such as narrow towers and masts having less impact. The Commissioners consider having different height standards for different types of structures is the most efficient and effective approach, as the standards correlate with the potential adverse effects the structures may have. Therefore, consistency between the Rural Zone standards and District Wide standards (such as for network utilities) is not supported by the Commissioners.

Decision: 4.5.2(a) Maximum Building Height

Submission Reference: 441.9	Reject
FS 69	Reject
264.8	Reject

Reasons

This decision is made for the following reasons:

- The existing difference in standards between Rural Zone and District Wide Issues is the most effective and efficient approach for managing the height of structures.

Submission Summary

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

295.1	Upper Hutt Developments Ltd	-	-
-------	-----------------------------	---	---

Discussion

Upper Hutt Developments Ltd (295.1) seeks that 4.5.2(a) be amended to add a separate permitted activity standard for residential activities limiting the height of those buildings to 10m.

Evidence Heard

Upper Hutt Developments Ltd presented evidence supporting the recommendation in the Section 42A report for a 10m maximum building height for dwellings only.

Commissioners' Deliberations

The Commissioners concur with the submitter that revising the maximum building height for dwellings to 10m would assist in maintaining the rural character of the Wairarapa. 15m high residential buildings could dominate the visual amenity of the rural environment, and be out of character with the valued qualities and attributes low building forms for residential buildings. This amendment would be effective in achieving the objective in the Plan for maintaining and enhancing the rural character.

Decision: 4.5.2(a) Maximum Building Height

Submission Reference: 295.1 Accept

Decision Amendment: 4.5.2(a) Maximum Building Height

Amend 4.5.2(a) to read as follows:

- “(a) *Maximum Building Height*
- ~~(i) 15 metres~~
- (i) **Dwellings: 10 metres.**
- (ii) **Other Buildings: 15 metres.”**

Reasons

This decision is made for the following reasons:

- Two maximum height limits are an effective approach to enabling a range of activities, while ensuring that the rural character is maintained.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
437.3	A Johnson	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose

Discussion

A Johnson (437.3) seeks that 4.5.2(a) be amended so that buildings on prominent skylines are limited to a maximum height of 5m. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

A Johnson (437.1) presented evidence highlighting that the rural character was a key attribute of what people valued about the Wairarapa. He requested a maximum height limit of 5m for buildings on prominent skylines.

Commissioners' Deliberations

The Commissioners acknowledge that there is potential for tall buildings to be constructed on the skyline of hills in the Wairarapa. Inappropriately sited or designed buildings could degrade the rural character in the immediate locality. However, the Plan does not identify prominent skylines or ridgelines. At this time, the Commissioners do not consider it the most effective or efficient option to introduce a height standard for skylines, as it would be difficult to enforce as skylines are not identified. Notwithstanding the above, the Commissioners note that the Plan includes a method to undertake a Wairarapa wide landscape assessment, which would identify any outstanding landscapes, such as ridgelines. An outcome of this assessment could be a new rule being added to the District Plan to address this matter.

Decision: 4.5.2(a) Maximum Building Height

Submission Reference: 437.3	Reject
FS 112	Accept
FS 85	Accept

Reasons

This decision is made for the following reasons:

- The amended maximum height standards are considered the most efficient and effective to manage the construction of buildings on skylines to maintain rural character.

4.5.2 Standards for Permitted Activities: (b) Minimum Building Setback (excluding dwellings)

4.5.2(b)(ii) 25 metres from the front road boundary of unsealed roads

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
239.11	S Scott	Horticulture NZ (FS 52)	Oppose
238.13	R Scott	-	-

Discussion

S Scott (239.11) seeks 4.5.2(b)(ii) be amended to provide a greater setback to protect the open space outlook in rural areas. **Horticulture NZ** opposes this submission.

R Scott (238.13) seeks that 4.5.2 (b)(i) be amended to have a minimum setback of 20m and 4.5.2 (b)(ii) be amended to have a minimum setback of 50m.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The 25m setback from unsealed roads is to manage the potential dust nuisance created by traffic on these roads. The Commissioners consider a 25m setback to be sufficient to reduce the potential for dust to travel from the road to a building. Increasing the setback to 50m is considered too large, and could result in the inefficient use of the land resource along the front of a property.

Decision: 4.5.2(b)(ii)

Submission Reference: 239.11	Reject
FS 52	Accept
238.13	Reject

Reasons

This decision is made for the following reasons:

- The existing setback of 25m is considered an effective and efficient distance for reducing the potential for dust nuisance to adversely effect activities undertaken in buildings, while also ensuring the efficient use of the rural land resource.

4.5.2(b)(iii) 10 metres from all other boundaries

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
454.1	Adamson Land Surveyors	Horticulture NZ (FS 52)	Oppose
30.1	Martinborough Estate Ltd	-	-
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Adamson Land Surveyors (FS 32) Windy Peak Trust (FS 102)	Support Oppose
55.2	The Cabbage Tree Vineyard	-	-

48.2	S Butcher	-	-
272.1	J Read	-	-
212.2	H Rogers	-	-
201.3	P Hedley	-	-
273.3	Tomlinson & Carruthers	-	-
224.1	S Courteney	-	-
238.13	R Scott	-	-

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2), **Adamson Land Surveyors** (454.1), and **Martinborough Estate Ltd** (30.1) seek 4.5.2(b)(iii) be amended to reduce the setback from 10m to 5m. With a reduction of the setback to 5m the **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2) also seek that a new 'Maximum Height to Boundary' standard of '3m height at the boundary with a 45° recession plane' be added.

The Cabbage Tree Vineyard (55.2) seeks that 4.5.2(b) be amended to use 10m as the side yard both for dwellings and other buildings in rural zones. **S Butcher** (48.2) seeks that Section 4.5.2 be amended to refer to "25m or 1/10 the title dimension, whichever is the lesser" in relation to dwelling setbacks. **J Read** (272.1) seeks that setbacks are made realistic (including a greater setback for new subdivision). **H Rogers** (212.2) seeks that 4.5.2 be amended to leave the rural boundary requirements as per the current district plan. **P Hedley** (201.3) opposes the setting back off the road of a building in the rural area. **Tomlinson & Carruthers** (273.3) seek that 4.5.2(b) be amended to be 1 metre from other buildings. **S Courteney** (224.1) seeks the reinstatement of the setbacks as per the previous Masterton District Plan. **R Scott** (238.13) seeks that 4.5.2 (b)(iii) be amended to have a minimum setback of 25m.

Adamson Land Surveyors support the submission of the Planning Departments of Masterton, Carterton and South Wairarapa District Councils and **Horticulture NZ, Telecom NZ Ltd** and **Windy Peak Trust** oppose it. **Horticulture NZ** opposes the submission of Adamson Land Surveyors.

Evidence Heard

Adamson Land Surveyors, The Cabbage Tree Vineyard and **Tomlinson & Carruthers** presented evidence supporting the recommendation in the Section 42A report reducing the setback from 10m to 5m.

S Butcher presented evidence requesting that the setback should be reduced to smaller than 5m, as some properties were only 40m wide. He noted a percentage of the width of the property could be used as a setback distance.

J Read presented evidence supporting the recommendation of reducing the setback to 5m, but noted that the setback standard still failed to address the main issues in the Rural Zone.

S Courteney presented evidence requesting that the setbacks in the Operative Masterton District Plan replaced the Proposed Plan standards.

Horticulture NZ presented evidence strongly opposing the recommendation to reduce the setback to 5m, as it would be inadequate to manage reverse sensitivity issues.

Commissioners' Deliberations

There is a balance to be found in setting the standard for building setback for buildings (excluding dwellings). Firstly, the main purpose of a building setback is to protect neighbouring properties from the adverse effects created by the size and use of the building. The closer the building is to a boundary, the greater the potential is for the building to adversely affect a neighbouring property. Secondly, the further a building is sited from a boundary, the potentially greater the encroachment is into the useable area of rural land. Examples were demonstrated at the hearing where a 10m setback would result in the inefficient use of the rural land resource. Conversely, the Commissioners are aware of situations where large buildings located near a boundary degraded the amenity values of a neighbouring property. On balance, the Commissioners consider a 5m setback to be the most efficient and effective distance for buildings in the rural area, as it provides for the efficient use of rural land. In addition, the Commissioners noted that a tall building closer to a boundary can result in increased shading and a dominating effect. Therefore, a new maximum height to boundary standard is to be introduced to manage these effects.

Decision: 4.5.2(b)(iii)

Submission Reference: 454.1	Accept
FS 32	Accept
30.1	Accept
522.2	Accept
FS 102	Reject
FS 32	Accept
55.2	Reject
48.2	Reject
272.1	Accept in part
212.2	Reject
201.3	Reject
273.3	Reject
224.1	Reject
238.13	Reject

Decision Amendment: 4.5.2(b)(iii)

Amend 4.5.2(b)(iii) to read as follows:

“(iii) 40 5 metres from all other boundaries”

Add a new standard to 4.5.2 as follows:

(b) Maximum Height to Boundary

(i) 3 metres height at the boundary with a 45° recession plane.

Consequential Amendment:

Re-number 4.5.2(b) – (k) to 4.5.2(c) – (l).

Reasons

This decision is made for the following reasons:

- The 5m setback from other boundaries for buildings is the most efficient and effective option for managing the location of buildings. 5m is sufficient distance to minimise the potential for buildings to detract from the amenity of adjoining properties.
- The new height to boundary standard is effective in managing the level of shading and dominance from neighbouring buildings.

4.5.2(b)(iv) 20 metres from any Significant Waterbody listed in Appendix 1.9

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.8	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Windy Peak Trust (FS 102)	Oppose
496.1	Wellington Fish and Game Council	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
264.8	D Riddiford	-	-

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2) seek that an Exception be added to 4.5.2(b)(iv) as follows:

“Exception:

Bridges are excluded from complying with setback standards in relation to a waterbody.”

Windy Peak Trust opposes this submission.

Wellington Fish and Game Council (496.2) seeks 4.5.2(b)(iv) be amended by increasing the setback from 20m to 50m, and the **Department of Conservation** (525.8) seeks 4.5.2(b)(iv) be amended to increase the 20m setback distance that would protect esplanade reserve or esplanade strip properties. **D Riddiford** (264.8) seeks that 4.5.2(b)(iv) be amended as it constrains aquaculture activities.

D Riddiford, Federated Farmers of NZ (Inc) and **Horticulture NZ** oppose the submission of Wellington Fish and Game Council. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose the submission of the Department of Conservation.

Evidence Heard

Wellington Fish and Game Council presented evidence highlighting the issues associated with the management of land adjacent to waterbodies and the need for a larger setback.

Department of Conservation presented evidence highlighting the importance of the natural character, amenity, natural values and access of waterbodies, and the need for larger setbacks.

D Riddiford presented evidence highlighting that some activities are by their very nature required to be located close to waterbodies.

Horticulture NZ presented evidence opposing any increase in the setback distances.

Commissioners' Deliberations

The setback from significant waterbodies is required for a number of reasons, including future esplanade reserves/strips, access, natural character and values, water quality and amenity values. As noted in evidence at the hearings, a 20m setback would allow a building to be constructed which could immediately abut the edge of a current or future esplanade reserve. The Commissioners consider this situation as undesirable, as it could lead to conflicts with the purpose of the esplanade reserve. Therefore, an effective setback distance would be 25m, as this additional 5m would provide sufficient distance to mitigate the effects.

The exception for bridges is considered an effective and efficient standard to enable these structures to be constructed.

Decision: 4.5.2(b)(iv)

Submission Reference: 525.8	Accept
FS 112	Reject
FS 85	Reject
FS 52	Reject
522.2	Accept
FS 102	Reject
496.1	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part
264.8	Reject

Decision Amendment: 4.5.2(b)(iv)

Amend Rule 4.5.2(b)(iv) to read as follows:

(iv) 20 25 metres from any Significant Waterbody listed in Appendix 1.9

Add the following Exception to 4.5.2(b):

(viii) Bridges are excluded from complying with setback standards in relation to a waterbody.

Reasons

This decision is made for the following reasons:

- 25m is the most efficient and effective setback distance as it protects the values of the waterbodies, and ensures the protection of the purpose of esplanade reserves.
- Excluding bridges from compliance with the setbacks would provide an efficient approach for these types of structures.

4.5.2(b)(v) 5 metres from any other waterbody

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.8	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Adamson Land Surveyors (FS 32) Horticulture NZ (FS 52) Windy Peak Trust (FS 102)	Support Oppose Oppose
522.16	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	-	-
496.1	Wellington Fish and Game Council	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
264.8	D Riddiford	-	-

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2) seek that an Exception be added to 4.5.2(b)(v) as follows:

“Exception:

Bridges are excluded from complying with setback standards in relation to a waterbody.”

Windy Peak Trust opposes this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.16) request add a new Rule to Rules 4.5.2(b) requiring a 5 metres from any waterbody, and in the South Wairarapa District add a rule requiring a 20 metre setback from the banks of any river and stream which has an average width of 3 metres or more.

Wellington Fish and Game Council (496.2) seek that the setback be increased from 5m to 20m, and the **Department of Conservation** (525.8) seek that the 5m setback be increased

to a larger setback to protect natural character and to avoid future hazards. **D Riddiford** (264.8) seeks that 4.5.2 (b)(v) be amended as it constrains aquaculture activities.

D Riddiford, Federated Farmers of NZ (Inc) and **Horticulture NZ** oppose the submission from Wellington Fish and Game Council. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose the submission of the Department of Conservation.

Evidence Heard

Wellington Fish and Game Council presented evidence highlighting the issues associated with the management of land adjacent to waterbodies and the need for a larger setback.

Department of Conservation presented evidence highlighting the importance of the natural character, amenity, natural values and access of waterbodies, and the need for larger setbacks.

D Riddiford presented evidence highlighting that some activities by their very nature require to be located close to waterbodies.

Horticulture NZ presented evidence opposing any increase in the setback distances.

Commissioners' Deliberations

Waterbodies not listed as 'significant' in the District Plan have variable qualities, in terms of their natural, recreation, ecological and aesthetic values. The existing 5m setback provides a baseline setback for all waterbodies recognising this variability. Increasing the setback to 10m is not considered the most effective or efficient option, as it would result in areas of land being restricted from built development, where the values may not be affected. However, some of the larger waterbodies in the South Wairarapa which are not identified as 'significant' in the Plan, have some qualities which do warrant an additional level of control. The Commissioners consider a 20m setback for these larger waterbodies is appropriate, as their values could be compromised by built development near their margins. The 20m setback distance and 3 metre width of the river bed is to be consistent with the provisions for esplanade reserves/strips requirements of the Act, to avoid potential conflicts in the future.

The Commissioners concur with the amendment in the Department of Conservation evidence, that adding the term 'bed' to the definition of river bed width assists with this rule's implementation.

Decision: 4.5.2(b)(v)

Submission Reference: 525.8	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part
522.2	Accept
FS 32	Accept
FS 52	Reject
FS 102	Reject
522.16	Accept
496.1	Reject
264.8	Reject

Decision Amendment: 4.5.2(b)(v)

Add the following Exception to 4.5.2(b):

(viii) Bridges are excluded from complying with setback standards in relation to a waterbody.

Add the following to 4.5.2(b):

(vi) In the South Wairarapa District, 20 metres of the banks of any river and stream whose bed which 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).

Reasons

This decision is made for the following reasons:

- 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.
- Excluding bridges from compliance with the setbacks would provide an efficient approach for these types of structures.

4.5.2 Standards for Permitted Activities (c) Minimum Dwelling Setback

4.5.2 Standards for Permitted Activities: (c) Minimum Dwelling Setback

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
515.10	Juken NZ Ltd, Forestry Wairarapa	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Transpower NZ (FS 16) Waipine (FS 103)	Support Support Support Support
427.13	NZ Winegrowers	-	-
298.7	Ravensdown Fertiliser Co- operative Ltd	-	-
224.1	S Courteney	-	-

Discussion

NZ Winegrowers (427.13) seek 4.5.2(c) be retained as it assists in creating a buffer between residential dwellings and rural activities in the Rural Zone.

Ravensdown Fertiliser Co-operative Ltd (298.7) seeks 4.5.2(c) be retained as it will reduce the likelihood of reverse sensitivity effects on existing sites in Industrial Zones.

Juken NZ Ltd, Forestry Wairarapa (515.10) seek 4.5.2(c) be amended so that the requirement for a setback applies to all buildings, not just dwellings. **D Riddiford, Federated Farmers of NZ (Inc), Transpower NZ Ltd and Waipine** support this submission.

S Courteney (224.1) seeks the reinstatement of the setbacks as per the previous Masterton District Plan.

Evidence Heard

NZ Winegrowers presented evidence highlighting the rationale for the existing setbacks, and that these should be unchanged.

Ravensdown Fertiliser Co-operative Ltd presented evidence endorsing the Section 42A report recommendation of retaining the existing setbacks.

S Courteney presented evidence requesting that the setbacks in the Operative Masterton District Plan replace the Proposed Plan standards.

Commissioners' Deliberations

The Commissioners note the support for retaining the suite of dwelling setback provisions, and have considered this support in each of the deliberations below on the separate setbacks.

As discussed further below, the existing suite of setbacks are considered to be the most efficient and effective distance for managing the siting of dwellings in the Rural Zone.

In terms of setbacks for buildings other than dwellings, this matter has been addressed in the section above in relation to Rule 4.5.2(b).

Decision: 4.5.2(c)

Submission Reference: 427.13	Accept
298.7	Accept
515.10	Reject
FS 112	Reject
FS 85	Reject
FS 16	Reject
FS 103	Reject
224.1	Reject

Reasons

This decision is made for the following reasons:

- The existing suite of dwelling setbacks are the most efficient and effective setback distances for dwellings in the Rural Zone.

- 4.5.2(c)(i) 10 metres from the front road boundary of sealed roads**
(ii) 25 metres from the front road boundary of unsealed roads

Submission Summary

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

Number		Number	Support/Oppose
279.2	M and M Rogers	-	-
239.11	S Scott	-	-
273.3	Tomlinson & Carruthers	-	-
238.13	R Scott	-	-
212.2	H Scott	-	-

Discussion

M and M Rogers (279.2) seeks the setbacks to remain as in the operative Carterton District Plan being 8m from front boundaries. **S Scott** (239.11) seeks to amend 4.5.2(c)(ii) to provide a larger setback to protect the open space outlook in rural primary areas. **Tomlinson & Carruthers** (273.3) seeks that the front boundary setback be 10 metres. **R Scott** (238.13) seeks that 4.5.2 (c)(i) be amended to have a minimum setback of 20m and 4.5.2 (c)(ii) be amended to have a minimum setback of 50m.

H Scott (212.2) requests 4.5.2(c) be amended to make the rural boundary requirements the same as per the current district plan.

Evidence Heard

Tomlinson & Carruthers presented evidence requesting consistency for front boundary setbacks.

Commissioners' Deliberations

The Commissioners consider that maintaining an open character along front road boundaries is an important quality in rural Wairarapa. A 10m setback distance for a dwelling is considered the most efficient and effective option, as it requires a building to be setback far enough from the front road boundary to allow planting in front of it, while not occupying a large portion of land. To effectively mitigate the effects from a dust nuisance from unsealed roads, a 25m setback is considered the minimum.

Decision: 4.5.2(c)(i) & (ii)

Submission Reference: 279.2	Reject
239.11	Reject
212.2	Reject
273.3	Reject
238.13	Reject

Reasons

This decision is made for the following reasons:

- Existing setbacks are the most efficient and effective distances to maintain an open rural character and minimise dust nuisance.

4.5.2(c)(iii) 25 metres from all other boundaries

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
454.1	Adamson Land Surveyors	Horticulture NZ (FS 52)	Oppose
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	D & M McKenzie (FS 111) Adamson Land Surveyors (FS 32) L Reed (FS 116) Horticulture NZ (FS 52) NZ Winegrowers (FS 54)	Oppose Support Oppose Oppose Support
279.2	M and M Rogers	-	-
361.1	S Meyrick	-	-
30.1	Martinborough Estate Ltd	-	-
55.2	The Cabbage Tree Vineyard	-	-
247.3	D Freeman	-	-
272.1	J Read	-	-
56.2	1880 Cottage Company Ltd	-	-
273.3	Tomlinson & Carruthers	-	-
238.13	R Scott	-	-
221.1	J C Hall & N K Hall-Fernandez Family Trust	-	-

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2), **Martinborough Estate Ltd** (30.1) and **Adamson Land Surveyors** (454.1) seek 4.5.2(c)(iii) be amended by reducing the setback from 25m to 5m. **S Meyrick** (361.1) seeks the setback to be reduced from 25m to 10m. **M and M Rogers** (279.2) seeks the setbacks to remain as in the operative Carterton District Plan being 5m from side boundaries and 8m from rear boundaries.

The Cabbage Tree Vineyard (55.2) seeks that 4.5.2(c) be amended to use 10m as the side yard both for dwellings and other buildings in rural zones. **D Freeman** (247.3) opposes the setback of 25m for dwellings from the boundary. D Freeman also opposes the 10m restriction for accessory buildings from a boundary. **J Read** (272.1) seeks that the setbacks be made more realistic and could be greater for new subdivisions.

The **1880 Cottage Company Ltd** (56.2) seeks an amendment to allow secondary buildings to be erected close to existing dwellings, without the 25 metre exclusion. **Tomlinson & Carruthers** (273.3) seeks that the side boundary setback be 5 metres. **R Scott** (238.13) seeks that 4.5.2 (c)(iii) be amended to have a minimum setback of 25m. **J C Hall & N K Hall-Fernandez Family Trust** (221.1) seek to amend Rule 4.5.2(c) as this plan will make it unworkable to build on a 1 acre block that is only 40m in width.

Horticulture NZ opposes the submission from Adamson Land Surveyors. **Adamson Land Surveyors** and **NZ Winegrowers** support the Planning Departments submission, and **D & M M^cKenzie, L Reed** and **Horticulture NZ** oppose the Planning Departments submission.

Evidence Heard

Adamson Land Surveyors, The Cabbage Tree Vineyard, J Read and **Tomlinson & Carruthers** presented evidence supporting the Section 42A report recommendation of reducing the setback to 5m, highlighting the flexibility it would provide for landowners.

Horticulture NZ and **NZ Winegrowers** presented evidence opposing the Section 42A report recommendation of reducing the setback, the potential for conflict between new residential dwellings and primary production activities.

Commissioners' Deliberations

As discussed above, a balance is required between providing flexibility as to where a dwelling can be sited, while enabling primary production activities and other neighbouring activities to function in an efficient and effective manner. The Commissioners consider a 25m setback is the most appropriate distance for achieving the objectives for the rural area, of enabling a range of land uses and maintaining the character and amenity.

However, the Commissioners also recognise that the historic fragmentation of land has resulted in some properties not having sufficient width or land area to comply with this setback. The Commissioners have concluded that the addition of a smaller setback for existing smaller properties would be an efficient and effective approach, as it would allow increased flexibility for these properties, while also contributing towards the overall objectives. In addition, a height to boundary standard is also considered effective in managing the effects from building on neighbouring properties.

Decision: 4.5.2(c)(iii))

Submission Reference: 454.1	Accept in part
FS 52	Accept in part
522.2	Accept in part
FS 111	Accept in part
FS 116	Accept in part
FS 32	Accept in part
FS 54	Accept in part
FS 52	Accept in part
361.1	Accept in part
279.2	Accept in part
30.1	Accept in part
55.2	Accept in part
247.3	Accept in part
272.1	Accept in part
56.2	Reject
273.3	Accept in part
238.13	Accept in part
221.1	Accept in part

Decision Amendment: 4.5.2(c)(iii)

Add an Exception to Rule 4.5.2(c) to read:

Exception:

(x) 10m from all other boundaries if the Certificate of Title for the site was issued before 29 March 2008, or resource consent to subdivide was granted for the site before 29 March 2008.

Add a new standard to 4.5.2 as follows:

(b) Maximum Height to Boundary

(i) 3 metres height at the boundary with a 45° recession plane.

Reasons

This decision is made for the following reasons:

- Existing setbacks are at the most efficient and effective distances to maintain an open rural character and minimise reverse sensitivity conflicts.
- There are some existing small allotments in the Rural Zone which could not comply with the 25m setback, therefore, it is efficient and effective to provide an exception for these sites.
- A height to boundary setback is an efficient and effective tool for managing adverse effects from buildings on adjoining properties.

4.5.2(c)(iv) 20 metres from any Significant Waterbody listed in Appendix 1.9

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.19	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155) NZ Winegrowers (FS 54)	Support Support Support
496.1	Wellington Fish and Game Council	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
525.8	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose

Discussion

Federated Farmers of NZ (Inc) (524.19) seek 4.5.2(c)(iv) be amended to reduce the setback from 20m to 5m from a significant water body. **J Diederich, K Reedy** and **NZ Winegrowers** support this submission.

Wellington Fish and Game Council (496.1) seek 4.5.2(c)(iv) be amended by increasing the setback from 20m to 50m, and the **Department of Conservation** (525.8) seek the 20m

setback to be increased to protect Esplanade Reserve or Strip properties. **D Riddiford, Federated Farmers of NZ (Inc) and Horticulture NZ** oppose the submissions of Wellington Fish and Game Council and the Department of Conservation.

Evidence Heard

Wellington Fish and Game Council presented evidence highlighting the issues associated with the management of land adjacent to waterbodies and the need for a larger setback.

Department of Conservation presented evidence highlighting the importance of the natural character, amenity and natural values and access of waterbodies, and the need for larger setbacks.

D Riddiford presented evidence highlighting some activities by their very nature required to be located close to waterbodies.

Horticulture NZ presented evidence opposing any increase in the setback distances.

Commissioners' Deliberations

As discussed above for buildings, a balance is required between providing flexibility as to where a dwelling can be sited, while enabling primary production activities and other neighbouring activities to function in an efficient and effective manner.

The setback from significant waterbodies exists for a number of reasons, including future esplanade reserves/strips, access, natural character and values, natural hazards, water quality and amenity values. As noted in evidence at the hearings, a 20m setback would allow a dwelling to be constructed which could immediately abut the edge of a current or future esplanade reserve. The Commissioners consider this situation to be undesirable, as it could lead to conflicts with the purpose of the esplanade reserve. Therefore, an effective setback distance would be 25m, as this additional 5m would provide sufficient distance to mitigate the effects.

Decision: 4.5.2(c)(iv)

Submission Reference: 524.19	Reject
FS 157	Reject
FS 155	Reject
FS 54	Reject
496.1	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part
525.8	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part

Decision Amendment: 4.5.2(c)(iv)

Amend Rule 4.5.2(c)(iv) to read as follows:

(iv) ~~20~~ 25 metres from any Significant Waterbody listed in Appendix 1.9

Reasons

This decision is made for the following reasons:

- 25m is the most efficient and effective setback distance as it protects the values of the waterbodies, and ensures the protection of the purpose of esplanade reserves.

4.5.2(c)(v) 5 metres from any other waterbody

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.8	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
496.1	Wellington Fish and Game Council	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
526.14	Greater Wellington Regional Council	Horticulture NZ (FS 52) L Reed (FS 116)	Oppose Support
522.16	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	-	-

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.16) request add a new Rule to Rules 4.5.2(b) requiring a 5 metres from any waterbody, and in the South Wairarapa District add a rule requiring a 20 metre setback from the banks of any river and stream which has an average width of 3 metres or more.

Greater Wellington Regional Council (526.14) seek 4.5.2(c)(v) be amended so that the setback is increased from 5m to 10m, **Wellington Fish and Game Council** (496.1) seek the setback to be increased from 5m to 20m, and the **Department of Conservation** (525.8) seek the 5m setback to be increased to protect the natural character and avoid future hazards.

L Reed supports the submissions of Greater Wellington Regional Council and Wellington Fish and Game Council. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose the submissions of Wellington Fish and Game Council and the Department of Conservation. **Horticulture NZ** opposes the submission from Greater Wellington Regional Council.

Evidence Heard

Greater Wellington Regional Council presented evidence highlighting the flood risks associated with smaller streams, and suggested a 10m setback.

Wellington Fish and Game Council presented evidence highlighting the issues associated with the management of land adjacent to waterbodies and the need for a larger setback.

Department of Conservation presented evidence highlighting the importance of the natural character, amenity and natural values and access of waterbodies, and the need for larger setbacks.

D Riddiford presented evidence highlighting that some activities by their very nature are required to be located close to waterbodies.

Horticulture NZ presented evidence opposing any increase in the setback distances.

Commissioners' Deliberations

Waterbodies not listed as 'significant' in the District Plan have variable qualities, in terms of their natural, recreation, ecological and aesthetic values. The existing 5m setback provides a baseline setback for all waterbodies recognising this variability. Increasing the setback to 10m is not considered the most effective or efficient option, as it would result in areas of land being restricted from built development where the values may not be affected. However, some of the larger waterbodies in the South Wairarapa which are not identified as 'significant' in the Plan, have some qualities which do warrant an additional level of control. The Commissioners consider that a 20m setback for these larger waterbodies is appropriate, as their values could be compromised by built development near their margins. The 20m setback distance and 3 metre width of the river bed is to be consistent with the provisions for esplanade reserves/strips requirements of the Act, to avoid potential conflicts in the future.

The Commissioners acknowledge the potential for flood risks associated with some of the smaller waterbodies. However, the mapping of the flood hazard areas in the Wairarapa should identify the location and extent of this flooding.

The Commissioners concur with the amendment in the Department of Conservation evidence, adding the term 'bed' to the definition of river bed width assists with this rule's implementation.

Decision: 4.5.2(c)(v)

Submission Reference: 522.16	Accept
496.1	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
525.8	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
526.14	Reject
FS 52	Accept
FS 116	Reject

Decision Amendment: 4.5.2(c)

Add the following to Rule 4.5.2(c):

(v) In the South Wairarapa District, 20 metres of the banks of any river and stream whose bed which 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 4.5.2(c) from (v) – (viii) to (vi) – (iv):

Reasons

This decision is made for the following reasons:

- 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.

4.5.2(c)(vi) 35 metres from the edge of a plantation forest

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.20	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155)	Support Support
515.10	Juken NZ Ltd, Forestry Wairarapa	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Transpower NZ (FS 16) Waipine (FS 103)	Support Support Support Support
285.8 285.9	Forestry Wairarapa Cluster Group	Transpower NZ (FS 16)	Support
398.4	Wairarapa Inc/Go	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Transpower NZ (FS 16)	Oppose Oppose Support
526.14	Greater Wellington Regional Council	L Reed (FS 116)	Support

Discussion

Wairarapa Inc trading as Go Wairarapa (398.4), Juken NZ Ltd, Forestry Wairarapa (515.10) and Forestry Wairarapa Cluster Group (285.8 and 285.9) seek that the building setback from the edge of a plantation forest be increased from the prescribed 35m to 50m as this is the height of a mature plantation forest. Juken NZ Ltd also consider that the setback should apply to all buildings and not just dwellings. **D Riddiford, Federated Farmers of NZ**

(Inc), **Transpower NZ Ltd** and **Waipine** support the submission of **Juken NZ Ltd**, **Forestry Wairarapa**. **Transpower NZ Ltd** supports the submission of **Forestry Wairarapa Cluster Group**. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose the submission of **Wairarapa Inc** trading as **Go Wairarapa** and **Transpower NZ Ltd** support it.

Federated Farmers of NZ (Inc) (524.20) seek that the setback be reduced from 35m to 20m from the edge of a plantation forest under separate ownership. **J Diederich** and **K Reedy** support this submission.

Greater Wellington Regional Council (526.14) seek that 4.5.2(c)(vi) be amended by adding the words “*under separate ownership*” at the end of the sentence. This is so that the rule only applies from the edge of plantation forests under separate ownership. **L Reed** supports this submission.

Evidence Heard

Juken NZ Ltd, Forestry Wairarapa presented evidence highlighting the need for a larger setback for dwellings and other buildings from the edge of a plantation forest.

Greater Wellington Regional Council presented evidence highlighting that the setback from plantation forest should only apply where the forest is under separate ownership.

Commissioners’ Deliberations

The setback from plantation forests is for a number of reasons, including minimising effects of shading, falling debris and nuisances during harvesting. The height of the plantation forest varies over the lifecycle of the plantation, with the mature height reached part way through this rotation period depending on planted species and growing conditions. Given this variable height during the growing cycle, 35m is considered the most appropriate setback distance, as it effectively avoids the effects created by the forests. A 50m setback is considered too large, as it would constrain the efficient use of the land resource with de minimus effectiveness in reducing the effects created by plantations. In addition, applying this setback to all buildings is not considered an effective or efficient option, as the purpose of the setback is to protect the health and wellbeing of residents.

The Commissioners concur with the submitters that the setback should only apply to plantations forests on separate properties.

Decision: 4.5.2(c)(vi)

Submission Reference: 398.4	Reject
FS 112	Reject
FS 85	Reject
FS 16	Reject
515.10	Reject
FS 112	Reject
FS 85	Reject
FS 16	Reject
FS 103	Reject
524.20	Reject
FS 157	Reject
FS 155	Reject
526.14	Accept

FS 116 Accept

285.8 Reject

285.9 Reject

FS 16 Reject

Decision Amendment: 4.5.2(c)(vi)

Amend the following to 4.5.2(c)(vi):

~~(vi)~~(vii) 35 metres from the edge of a plantation forest **under separate ownership**.

Reasons

This decision is made for the following reasons:

- 35m setback from plantation forests is the most efficient and effective setback distance as it maintains a sufficient buffer for new dwellings from the potential adverse effects of these forests.

4.5.2(c)(vii) 150 metres from an effluent distribution area, effluent holding pond or oxidation pond (excluding waste disposal areas associated with domestic septic tanks located on an adjacent site).

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.21	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155) L Reed (FS 116)	Support Support Oppose
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	D & M McKenzie (FS 111) Adamson Land Surveyors (FS 32) L Reed (FS 116) Horticulture NZ (FS 52) NZ Winegrowers (FS 54)	Oppose Support Oppose Oppose Oppose

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2) seek that 4.5.2(c)(vii) be amended by increasing the setback from 150m to 300m from an effluent distribution area, effluent holding pond, and deleting the words “*located on an adjacent site*”. **Adamson Land Surveyors** support this submission and **D M^cKenzie, L Reed, NZ Winegrowers** and **Horticulture NZ** oppose it.

Federated Farmers of NZ (Inc) (524.21) seeks that the setback be reduced from 150m to 50m from an effluent holding pond or oxidation pond that is under separate ownership. **J Diederich** and **K Reedy** support this submission and **L Reed** opposes it.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The nature of effluent distribution areas, effluent holding ponds or oxidation ponds gives rise to potentially significant effects, particularly odour. To avoid potential future residents in the rural area being adversely affected by these effects, a buffer (setback) distance is required. The Commissioners are aware of specific cases where the 150m setback has not been effective in avoiding these effects. Therefore, an increase to 300m is considered a more effective approach.

Decision: 4.5.2(c)(vii)

Submission Reference: 522.2	Accept
FS 111	Reject
FS 32	Accept
FS 116	Reject
FS 52	Reject
FS 54	Reject

524.21	Reject
FS 157	Reject
FS 155	Reject
FS 116	Accept

Decision Amendment: 4.5.2(c)(vii)

Amend 4.5.2(c)(vii) to read as follows:

*~~“(vii) 150~~ **300** metres from an effluent distribution area, effluent holding pond or oxidation pond (excluding waste disposal areas associated with domestic septic tanks).”*

Reasons

This decision is made for the following reason:

- A 300m setback from effluent distribution area, effluent holding pond or oxidation pond is the most efficient and effective setback distance as it maintains a sufficient buffer for new dwellings from the potential adverse effects of these facilities.

4.5.2(c)(viii) 500 metres from any intensive farming activity

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.22	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155) L Reed (FS 116)	Support Support Oppose
526.14	Greater Wellington	L Reed (FS 116)	Support

	Regional Council		
--	------------------	--	--

Discussion

Federated Farmers of NZ (Inc) (524.22) seeks 4.5.2(c)(viii) be deleted, and that an assessment of each intensive farming activity be undertaken to establish in respect of each the appropriate separation distance. Federated Farmers also seeks that 4.5.2(c)(viii) be amended to reduce the minimum dwelling setback from 500m to 100m. Federated Farmers considers that separation distances to industry should not be automatic but applied after an analysis of the particular circumstances. If separation distances are adopted then they must only be attached to those industries that currently exist and are identified. For new activities the requirement for internalisation of adverse effects is greater than on existing activities. **J Diederich** and **K Reedy** support this submission and **L Reed** opposes it.

Greater Wellington Regional Council (526.14) seek 4.5.2(c)(viii) be amended by adding the words “*under separate ownership*” at the end of the sentence. **L Reed** supports this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence highlighting that the setback from intensive farming activities should only apply where the operation is under separate ownership.

Commissioners’ Deliberations

Intensive farming activities are permitted in the Rural Zone, subject to compliance with minimum standards, including a setback from existing neighbouring dwellings. Rule 4.5.2(c)(viii) protects existing intensive farming operations from the establishment of new residential dwellings near these existing facilities. The operators of existing intensive farming activities were queried by the Commissioners during the hearing process, with support expressed for a 500m setback. The Commissioners consider the existing 500m setback to be the most efficient and effective method of avoiding the potential effects from these activities on new residents.

The Commissioners concur with the submitters that the setback should only apply to intensive farming activities on separate properties.

Decision: 4.5.2(c)(viii)

Submission Reference: 524.22	Reject
FS 157	Reject
FS 155	Reject
FS 116	Accept

526.14	Accept
FS 116	Accept

Decision Amendment: 4.5.2(c)(viii)

Amend 4.5.2(c)(viii) to read as follows:

*(viii) 500 metres from any intensive farming activity **under separate ownership.***

Reasons

This decision is made for the following reasons:

- A 500m setback from intensive farming activities is the most efficient and effective setback distance as it maintains a sufficient buffer for new dwellings from the potential adverse effects of these facilities.

4.5.2 Standards for Permitted Activities: (d) Number of Dwellings

4.5.2(d)(i) In the Rural (Primary Production) Zone, one dwelling per Certificate of Title under 2 hectares, and two dwellings per Certificate of Title 2 hectares and over

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.23	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155)	Support Support
427.14	NZ Winegrowers	Horticulture NZ (FS52)	Support
298.7	Ravensdown Fertiliser Co-operative Ltd.	-	-
233.3	A and F Warren	-	-
331.5	S Murphy and D Harris	-	-
239.12	S Scott	Horticulture NZ (FS52)	Oppose
378.3	P Percy	-	-
401.1 401.2	E Crofoot	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Support Support
402.1 402.2	A Crofoot	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Support Support
430.4	D Stanton	-	-
258.2	J Cameron	J Cameron (FS 152)	Support
419.3	Prairie Holm Trust	-	-
35.5	S Burt	-	-
182.3	M & D Doyle	-	-
247.2	D Freeman	-	-
264.8	D Riddiford	-	-
251.2	G Vermeer	-	-
230.1	R, A & J Boyne	-	-

424.2	C Harrison	-	-
201.2	P Hedley	-	-
68.2	D Kinnell	-	-
416.2	J le Grove	-	-
106.2	P & G Mather	-	-
192.1	A McLeod	-	-
238.14	R Scott	-	-
174.2	P Taylor	-	-
17.5	Transit New Zealand	-	-

Discussion

Ravensdown Fertiliser Co-operative Ltd (298.7) seeks 4.5.2(d) be retained as control on the number of dwellings will reduce the likelihood of reverse sensitivity effects on existing sites in the Industrial Zone.

S Murphy and D Harris (331.5) seek 4.5.2(d) be amended and consider that one dwelling per Title is inappropriate where large blocks of land are under a single Title. They want it brought in line with other areas by replacing the number of dwellings permitted with a minimum lot size of 4ha in the interim until specific area management plan is initiated.

A and F Warren (233.3) opposes 4.5.2(d)(i) and seeks that it be reviewed as it will seriously restrict their farming and related activities on their farm.

P Percy (378.3) opposes 4.5.2(d)(i) and seeks that it be reviewed to more appropriately control dwelling density including an assessment and analysis of the density of dwellings that the rural environment can sustain in terms of rural character, natural and visual qualities or amenity values. Include clear policy justification for the density and make amendments to objectives, policies and rules as necessary. The proposed density is not consistent with the Objectives and Policies in the Plan.

D Stanton (430.4) opposes 4.5.2(d)(i) and seeks that it be amended to allow the current allowance of 1 dwelling per lot in the Carterton Rural Zone. To double to 2 dwellings per lot 2ha and over will not contribute to preserving the rural character of the district.

S Scott (239.12) seeks 4.5.2(d)(i) be amended to provide for 1 dwelling per 10ha Title or more, in order to protect the open space outlook in rural areas.

E and A Crofoot (401.1 & 2/402.1 & 2) seeks 4.5.2(d)(i) be amended to allow 2 dwellings per 10ha Title or similar that recognises on large blocks of land there is no issue with housing density. **D Riddiford** and **Federated Farmers of NZ (Inc)** support these submissions.

NZ Winegrowers (427.14) seeks 4.5.2(d)(i) be amended to provide for 1 dwelling per Title below 20ha, and 2 dwellings per title over 20ha. **Horticulture NZ** support in part this submission.

Federated Farmers of NZ (Inc) (524.23) seek 4.5.2(d)(i) be amended to provide for 1 dwelling per Title under 20ha, 2 dwellings per Title between 20-100ha, and 4 dwellings per title over 101ha. **J Diederich** and **K Reedy** support this submission.

J Cameron (258.2) opposes one dwelling per Certificate of Title which will constrain communities being able to grow. **J Cameron** supports this submission.

Prairie Holm Trust (419.3) seeks 4.5.2(d)(i) be deleted citing farmers should not be having to have the unnecessary consent fees when needing to erect accommodation for employees.

S Burt (35.5) opposes two dwellings per Certificate of Title which will do nothing to preserve the rural character of the district.

M & D Doyle (182.3), **D Freeman** (247.2) and **D Riddiford** (264.8), **R Scott** (238.14) seek that 4.5.2 be amended to allow more than one dwelling per title.

G Vermeer (251.2) seeks that 4.5.2(d) & 21.1.25 be amended to one dwelling per 1000m² which is the case for the present MDC plan.

R, A & J Boyne (230.1) seek that 4.5.2(d) be amended to allow more than one dwelling per title if dwelling is either (i) Situated 500 metres from neighbouring property; or (ii) If less than 500 metres only permitted with neighbour consent; or (iii) For the sole use by aged relative.

C Harrison (424.2) seeks 4.5.2(d) be amended to allow for any section under 2000m² can only have one dwelling.

P Hedley (201.2), **D Kinnell** (68.2), **J le Grove** (416.2), **P & G Mather** (106.2), **A McLeod** (192.1), **P Taylor** (174.2) seek that 4.5.2 be deleted.

Transit NZ (17.5) seeks that 4.5.2(d)(i) be amended to restrict properties to one dwelling if access to the property is from a State Highway or the Masterton Heavy Traffic Bypass.

Evidence Heard

Ravensdown Fertiliser Co-operative Ltd presented evidence supporting the Section 42A report of retaining a rule to manage the number of dwellings on a site.

S Murphy and D Harris presented evidence commenting that the restriction on the number of dwellings was too onerous.

A and F Warren presented evidence that the restriction on the number of dwellings on large farms would restrict farming operations.

P Percy presented evidence querying whether the dwelling density would achieve the objectives and policies for the Rural Zone.

A & E Crofoot presented evidence requesting that the number of dwellings be based on the size of a property, rather than Certificate of Title.

NZ Winegrowers presented evidence supporting the Section 42A report recommendation. However, they submit that the standard should be 1 dwelling per 20 hectares and 2 dwellings per 20+ hectares, to better provide for productive and economic land units.

G Vermeer presented evidence expressing concern about only allowing one dwelling per property.

Transit NZ presented evidence highlighting the importance of the State Highway network, and that a restriction should be placed on the number of dwellings on a site with access from a State Highway.

Commissioners' Deliberations

The density of residential dwellings in the rural area influences the character, amenity and efficient use of the rural land resource. The greater the density of dwellings, the potentially greater the loss of rural land resource, degradation of rural character and amenity, and potential increase in reverse sensitivity issues. The performance standard for the number of dwellings needs to correspond with the minimum rural subdivision standards. 4 hectares is the baseline density for the Rural Zones, therefore, the base for the number of dwellings per site should correlate with this size.

The Commissioners consider that the number of dwellings should correlate with the size of the property, as it is the most efficient and effective approach for managing the effects from additional dwellings. The Commissioners queried submitters at the hearing about the most appropriate number of dwellings and the corresponding size of properties. Given the size of properties and the nature of activities in the Rural Zone, 100 hectares and three dwellings were considered the most efficient and effective level of density, without potentially compromising the qualities of the rural area. Therefore, the Commissioners concur with the Section 42A report recommendation.

Decision: 4.5.2(d)(i)

Submission Reference: 524.23	Accept in part
FS 157	Accept in part
FS 155	Accept in part
427.14	Reject
FS 52	Reject
298.7	Accept
233.3	Accept in part
331.5	Accept in part
239.12	Accept in part
FS 52	Accept in part
378.3	Accept in part
401.1&2	Accept in part
FS 112	Accept in part
FS 85	Accept in part
402.1&2	Accept in part
FS 112	Accept in part
FS 85	Accept in part
430.4	Accept in part
238.14	Accept in part
FS 152	Accept in part
419.3	Accept in part
35.5	Accept in part
182.3	Accept in part
247.2	Accept in part
264.8	Accept in part
251.2	Reject
230.1	Accept in part
424.2	Accept in part
201.2	Accept in part
68.2	Accept in part
416.2	Reject
106.2	Reject
192.1	Reject
174.2	Reject

17.5 Reject

Decision Amendment: 4.5.2(d)(i)

(i) Amend 4.5.2(d)(i) by deleting the existing clause (i) and replacing it as follows:

*“(i) In the Rural (Primary Production) Zone, one dwelling per Certificate of Title under ~~2~~ 4 hectares, ~~and two dwellings per Certificate of Title 2~~ **between 4 – 100 hectares, and three dwellings per Certificate of Title over 100 hectares in size and over.***

Reasons

This decision is made for the following reasons:

- Rationing the number of dwellings based on the size of the property is considered the most efficient and effective mechanism to manage the overall density of dwellings on a rural property.
- Two dwellings per site between 4-100 hectares and three dwellings per site over 100 hectares is considered an appropriate level of development to enable the efficient use and development of rural properties, while maintaining the rural character and qualities of the rural environment.

4.5.2(d)(ii) In the Rural (Special) Zone, one dwelling per Certificate of Title

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
460.1	Java Trust Ltd	-	-
443.1	Juken NZ Ltd	-	-
379.1	R Dunlop	-	-
239.12	S Scott	Horticulture NZ (FS52)	Oppose
471.1	D and R Broadmore	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Support Support Support
419.3	Prairie Holm Trust	-	-
368.5	Oops!! Ltd	-	-
273.4	Tomlinson & Carruthers	-	-

Discussion

Juken NZ Ltd (443.1) supports 4.5.2(d)(ii) as it recognises and provides for potential conflicts that can arise from intensifying activity in areas surrounding land zoned for industrial use and, in particular, reverse sensitivity issues.

R Dunlop (379.1) opposes 4.5.2(d)(ii) as there are situations where a second dwelling would be important i.e. for a homestay where you did not want the particular people staying in your

house or for an elderly relative. This can be easily changed to use the same conditions as for the pasture rural zoned land.

S Scott (239.11) seeks 4.5.2(d)(ii) be amended to provide for 1 dwelling per 10ha or more to protect the open space outlook.

Java Trust Ltd (460.1) and **D and R Broadmore** (471.1) seeks 4.5.2(d)(ii) be amended to allow 2 dwellings per Title that is 2ha and over.

Prairie Holm Trust (419.3) seeks 4.5.2(d)(ii) be deleted citing farmers should not be having to have the unnecessary consent fees when needing to erect accommodation for employees.

Oops!! Ltd (368.5) seeks that 4.5.2(d)(ii) be amended to allow two dwellings per Certificate of Title for 2 hectares and over in the Rural (Special) Zone.

Tomlinson & Carruthers (273.4) seek that 4.5.2 (d)(ii) be deleted.

Evidence Heard

R Dunlop presented evidence querying the rationale for one dwelling per property in the Rural (Special) Zone, when the other Rural Zone allowed two dwellings.

Tomlinson and Carruthers presented evidence contending that one dwelling per site was too restrictive, and highlighting the need for staff and tourism accommodation.

Commissioners' Deliberations

As discussed above for the Rural (Primary Production) Zone, the greater the number of dwellings on a site, the greater the potential for adverse effects. Areas are zoned as Rural (Special) depending on a number of factors, such as natural hazards, proximity to key infrastructure, future urban growth areas and proximity to intensive primary production areas. The Commissioners consider it is efficient and effective to limit the number of dwellings per site in these locations, as there is greater potential for adverse effects to result. A case-by-case assessment would be most appropriate to increase the number of dwellings on a site above one, to ensure that the adverse effects from the additional dwelling(s) would be avoided, remedied or mitigated.

Decision: 4.5.2(d)(ii)

Submission Reference: 443.1	Accept
239.12	Reject
FS 52	Accept
379.1	Reject
460.1	Reject
471.1	Reject
FS 112	Reject
FS 85	Reject
FS 52	Reject
419.3	Reject
368.5	Reject
273.4	Reject

Reasons

This decision is made for the following reasons:

- Restricting the number of dwellings to one dwelling in the Rural (Special) Zone is considered the most efficient and effective tool, given the potential for different adverse effects in these locations.
- A case-by-case assessment through the resource consent process would provide an efficient mechanism to determine whether an increase in the number of dwellings above one would be appropriate on the subject site.

4.5.2(d)(iii) In the Coastal Environment Management Area within the Rural (Primary Production) Zone, one dwelling per Certificate of Title

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
34.1 34.2	J and M McGuinness	-	-
401.1 401.2	E Crofoot	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Support Support
402.1 402.2	A Crofoot	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Support Support
290.5	K Reedy	-	-
264.8	D Riddiford	-	-
68.2	D Kinnell	-	-
283.3	S & G Saunders	-	-

Discussion

J and M McGuinness (34.1 and 34.2) seeks 4.5.2(d)(iii) be amended to either legalise the area definition in consultation and agreement with landowners acknowledging existing infrastructure and future potential requirements or delete the area definition from the plan. They state that it does not allow for existing multiple dwellings or the effect on existing extensive pastoral farming operations.

E and A Crofoot (401.1&2/402.1&2) seeks 4.5.2(d)(iii) be amended to allow 2 dwellings per 10ha Title or similar that recognises that on large blocks of land there is not an issue with housing density. They consider that a limit of 1 dwelling per title in the coastal area is overly restrictive for a number of large coastal properties. **D Riddiford** and **Federated Farmers of NZ (Inc)** support these submissions.

K Reedy (290.5) and **D Riddiford** (264.8) oppose the restriction of 1 dwelling per title in the coastal area. **D Woodhouse** (18.3) opposes 4.5.2(d)(iii) and seeks more consultation and consideration with farmers regarding all matters. **D Kinnell** (68.2) opposes the limit of one dwelling per title because it takes no account of the size of the title and coastal landowners should not be singled out for special provisions. **S & G Saunders** (283.3) seeks to delete 4.5.2(d)(iii) which restricts the number of dwellings to one on coastal properties.

Evidence Heard

J and M M^cGuinness and **A and E Crofoot** separately presented evidence that limiting the number of dwellings in the coastal environment unduly constrained an efficient, large scale farming operation, as it did not provide for worker accommodation.

Commissioners' Deliberations

As discussed above for the Rural (Special) Zone, the greater the number of dwellings on a site, the greater the potential for adverse effects. The Coastal Environment Management Area has been identified as having special qualities, in terms of its landscape and cultural values, as well as the potential for natural hazards. All subdivision in the Coastal Environment Management Area is a discretionary activity, with the effects of each subdivision proposal assessed on a case-by-case basis. Restricting dwellings to one per Certificate of Title would only allow existing undeveloped properties to be built on. The Commissioners consider this limitation to be the most efficient and effective approach, as any additional increase would require an assessment, to ensure the adverse effects from the additional dwelling(s) were avoided, remedied or mitigated.

Decision: 4.5.2(d)(iii)

Submission Reference: 34.1	Reject
34.2	Reject
401.1&2	Reject
FS 112	Reject
FS 85	Reject
402.1&2	Reject
FS 112	Reject
FS 85	Reject
290.5	Reject
264.8	Reject
18.3	Reject
68.2	Reject
283.3	Reject

Reasons

This decision is made for the following reasons:

- Restricting the number of dwellings to one dwelling in the Coastal Environment Management Area is considered the most efficient and effective tool, given the sensitivity of this environment and the potential for significant adverse effects.
- A case-by-case assessment through the resource consent process would provide an efficient mechanism to determine whether an increase in the number of dwellings above one, would be appropriate on the subject site.

4.5.2(d) Exception(i) The above standard does not apply to papakainga housing

Submission Summary

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

34.1	J and M McGuinness	-	-
------	--------------------	---	---

Discussion

J and M McGuinness (34.1) seeks Exception (i) in 4.5.2(d) be deleted, as it is an entirely undemocratic variance.

Evidence Heard

J and M McGuinness presented evidence querying the rationale for exempting papakainga housing for compliance with the limit on the number of dwellings.

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 the 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 a Controlled Activity to be the most appropriate activity status. This activity status would ensure a case-by-case assessment was undertaken for each proposal, with control reserved for access, parking and infrastructure/servicing.

Decision: 4.5.2(d) Exception (i)

Submission Reference: 34.1 Accept in part

Decision Amendment: 4.5.2(d) Exception (i)

Delete exception from 4.5.2(d)(i) as follows:

~~*Exception: (i) The above standard does not apply to papakainga housing.*~~

Add a new rule to 4.5.3 as a Controlled Activity as follows:

(c) Papakainga housing that does not comply with the number of dwellings in Rule 4.5.2(d).

The matters over which control is reserved are:

(i) Access and parking

(ii) Requirements for infrastructure and servicing

Reasons

This decision is made for the following reasons:

- Controlled activity status is considered to be the most appropriate mechanism for enabling papakainga housing, as it provides for the relationship of Maori with their ancestral land, while ensuring that the adverse effects of this housing are avoided, remedied or mitigated.

4.5.2 Standards for Permitted Activities: (e) Noise Limits

4.5.2(e)(i) Noise Limits

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
359.4	D & M MacKenzie	-	-
524.24	Federated Farmers of NZ (Inc)	L Reed (FS 118) NZ Winegrowers (FS 54) Horticulture NZ (FS 52)	Oppose Support Support
492.16	Horticulture NZ	NZ Winegrowers (FS 54)	Support
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	L Reed (FS 118) NZ Winegrowers (FS 54) Horticulture NZ (FS 52) D & M MacKenzie (FS 111) Telecom NZ Ltd (FS 17)	Support Oppose Oppose Oppose Oppose
438.3	Wairarapa Aggregates Ltd	L Reed (FS 118)	Oppose
523.13	K and M Williams	-	-
274.2	Martinborough Vineyard Estates Ltd	-	-

Discussion

D & M MacKenzie (359.4) seeks 4.5.2(e)(i) be retained. **K and M Williams** (523.13) seek 4.5.2(e)(i) be retained as the exclusion of mobile sources associated with primary production (such as tractors and harvesters) from the noise limit provisions is consistent with the objectives and policies for protecting primary production activities.

Martinborough Vineyard Estates Ltd (274.2) supports 4.5.2(e), but seeks recognition in regard to existing activities in rural areas.

The Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.2) seek that 4.5.2(e)(i) be amended as follows:

"The sound level from activities....in the stated time-frames, ~~when assessed at any point within the notional boundary....Residential Zone~~

- Daytime 7.00am-7.00pm 50dBA L10 at any notional boundary of any dwelling
- Daytime 7.00am-7.00pm 55dBA L10 at boundary of any site within the Rural or Residential Zone

They state that as more 'lifestylers' move onto smaller lots conflicts can arise between noise generated from primary production activities and those living near these activities. They seek that noise limits should be assessed at the notional boundary, where a dwelling exists, and at the boundary of any site in either the Residential or Rural Zones. **L Reed** supports this

submission, and **Horticulture NZ, D & M MacKenzie, NZ Winegrowers, and Telecom NZ** oppose this submission.

Horticulture NZ (492.16) seek 4.5.2(e)(i) be amended so the noise limits do not apply to the notional boundary of the dwelling on the site on which the noise is generated, nor should it apply to the boundary of the Residential Zone but rather to the notional boundary of the nearest dwelling in a Residential area. **NZ Winegrowers** supports this submission.

Federated Farmers of NZ (Inc) (524.24) seek that 4.5.2(e)(i) be amended by deleting the words “on any site” and replacing them with the words “on an adjacent site in separate ownership”. Support the standards in the provision but the noise limits must not apply at the notional boundary of dwellings on the same site. The measurement should take place at the notional boundary of a dwelling on an adjacent site. **Horticulture NZ** and **NZ Winegrowers** support this submission and **L Reed** opposes it.

Wairarapa Aggregates Ltd (438.4) seek that 4.5.2(e)(i) be amended by adding the following to the text: “...except that in terms of the permitted activities set out in Rule 4.5.1(c), the standard shall be met in relation only to the notional boundary of dwellings existing as at the 26th of August 2006.” This will give assurance to operators that that they can continue to operate to the permitted activity standards without reverse sensitivity issues arising from future activities. **L Reed** opposes this submission.

Evidence Heard

D & M MacKenzie presented evidence about the noise standards for the Rural Zone, noting that the proposed noise levels were relatively low.

K & M Williams and **Horticulture NZ** presented evidence separately supporting the Section 42A report recommendation of retaining the exclusion of mobile sources for primary production activities and excluding compliance for any dwelling on the subject property.

Wairarapa Aggregates Ltd presented evidence requesting that the notional boundary only applies to dwellings in existence at the time the Proposed Plan was notified, to protect its sites from potential reverse sensitivity issues arising.

Commissioners’ Deliberations

The Commissioners received detailed advice from Councils noise consultant, Mr Malcolm Hunt, on the submitted changes to the noise standards. The Commissioners appreciated the clear and constructive comments from Mr Hunt, and the explanations and examples of how the changes would influence the noise levels experienced in the rural areas.

The Commissioners consider that the rural environment is one where noise levels can fluctuate, with a generally quiet environment, but subject to periods of higher noise levels resulting from typical activities located in rural locations. The Commissioners acknowledge some existing activities in the rural area, such as timber processing and aggregate processing, may generate higher levels of noise. However, the rural environment is not static, with changes continually occurring to land uses and development. Limiting the application of the notional boundary to existing dwellings at the time of the Proposed Plan notification, is not considered the most appropriate mechanism, as it would not be effective in managing the amenity conflicts in the rural area.

Measuring the noise levels at the notional boundary is a proven technique in rural localities. The Commissioners consider the existing Proposed Plan rules are the most effective and efficient mechanism for managing the potential amenity conflicts for noise in the rural area. Excluding mobile sources associated with primary production is the most appropriate tool for achieving the objective of enabling primary production activities to continue to function in an efficient manner. The Commissioners also concur with the submitters, regarding excluding

compliance with the noise standards for dwellings on the same site as the noise is being generated, as this would be effectively self-regulated.

Decision: 4.5.2(e)(i)

Submission Reference: 359.4	Accept
523.13	Accept
492.16	Accept in part
FS 54	Accept in part
524.24	Accept
FS 118	Reject
FS 54	Accept
FS 52	Accept
438.4	Reject
FS 118	Accept
522.2	Reject
FS 118	Reject
FS 54	Accept
FS 52	Accept
FS 111	Accept
FS 17	Accept
274.2	Accept

Decision Amendment: 4.5.2(e)(i)

Amend 4.5.2(e)(i) to read as follows:

(e) Noise Limits

*(i) The sound level from activities within any site, excluding mobile sources associated with primary production (e.g. tractors, harvesters), shall not exceed the following limits within any measurement time interval in the stated time-frames, when assessed at any point within the notional boundary of any dwelling on any site within the Rural Zone **but excluding any dwelling on the property where the sound levels are generated**, and at any point within the boundary of any site within the Residential Zone:...*

Reasons

This decision is made for the following reasons:

- The existing noise standards provide an efficient and effective mechanism for managing amenity conflicts in the rural area, by providing measurable levels at locations which may have different amenity expectations.
- Excluding mobile sources of noise for primary production activities, and applying the notional boundary, allows for the continued efficient functioning of primary production activities.
- The rural area changes over time with different activities having different amenity expectations. It is efficient and effective for all activities to comply with the noise levels, to allow for the efficient use of the land resource for a range of activities.

4.5.2(e)(ii) Noise Limits

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
359.4	D & M MacKenzie	-	-

Discussion

D & M MacKenzie (359.4) supports 4.5.2(e)(ii) relating to the measurement of sound levels in accordance with the NZ Standard.

Evidence Heard

D & M MacKenzie presented evidence about the noise standards for the Rural Zone, noting that the proposed noise levels were relatively low.

Commissioners' Deliberations

The Commissioners noted the support for the Section 42A report recommendation of retaining the rule unchanged.

Decision: 4.5.2(e)(ii)

Submission Reference: 359.4 Accept

Reasons

This decision is made for the following reasons:

- The NZ Standards for measuring sound levels are the most appropriate tool for assessing compliance with the noise standards.

4.5.2(e)Exceptions(i) Bird Scaring Devices

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.17	Horticulture NZ	-	-
427.15	NZ Winegrowers	-	-
66.1	P Isaac	Horticulture NZ (FS 52)	Oppose

Discussion

Horticulture NZ (492.17) seeks 4.5.2(e) Exceptions (i)(1) be amended by adding after the words 'rural dwelling' "*other than on the property which the device is located.*"; and to delete 4.5.2(e) Exceptions (i)(4).

The Permitted Activity rule for bird scarers has a number of provisions including a sound limit and number of events per hour. Horticulture NZ supports a sound limit but to also apply a limit on number of devices per area is not effects based as the issue is the noise levels- regardless of the number of devices that may emit the sound. Horticulture NZ requests that the noise limit should not apply to the notional boundary of any dwellings on the property on which the bird scarer is located.

NZ Winegrowers (427.15) seeks 4.5.2(e) Exceptions (i) be amended to read:

"The operation of audible devices (including gas guns, audible alarms, distress alarms and firearms) for the purpose of bird scaring shall be permitted between sunrise and sunset, provided that:

(i) a noise limit of 65 decibel weighted sound exposure level measured at or within the boundary or notional boundary of the nearest residential dwelling (excluding a residential dwelling on the same property as the audible bird scaring device) shall apply; and

(ii) no device shall be set to operate at any greater frequency than 12 times in any period of one hour (that is 12 singles discharges or four groups of three discharges); and

(iii) no more than one device may be operated per five hectares of land in any single land holding, except that in the case of a single land holding less than five hectares in area, one device shall be permitted; and

(iv) no device shall not be operated within 100 metres of a public road.

The limits on noise produced by bird scaring devices is too restrictive.

P Isaac (66.1) opposes the noise effects of bird scaring devices. **Horticulture NZ** opposes this submission.

Evidence Heard

Horticulture NZ presented evidence supporting the recommendation in the Section 42A report of adding an exclusion for dwellings on the same site as the noise generating activity.

NZ Winegrowers presented evidence highlighting that the relief sought was similar to provisions in other District Plans, in particular, Marlborough.

P Isaac presented evidence describing his experience with mis-firing bird scaring devices.

Commissioners' Deliberations

The Commissioners sought further advice on other District Plan provisions on bird-scaring devices. In these provisions, three key features were evident: maximum noise levels, number of machines, and the number of discharges (audible events). In establishing a separate noise standard regime for bird scaring devices, the Commissioners are mindful of the potential cumulative effects generated by a number of machines in a confined area, especially in fragmented rural areas surrounding urban areas. Given this environment, the Commissioners consider that the existing combination of performance standards for bird scaring devices are the most efficient and effective rules for managing the effects from these devices. The Commissioners concur that excluding a dwelling on the site of the noise

generating bird scarer is practical, as this would be self-regulating by the property owner/occupier.

Decision: 4.5.2(e) Exceptions (i)

Submission Reference: 492.17	Accept
427.15	Reject
66.1	Reject
FS 52	Accept

Decision Amendment: 4.5.2(e) Exceptions(i)

Amend 4.5.2(e)Exceptions(i)(1) as follows:

(e) Noise Limits

.....

Exceptions

.....

Bird Scaring Devices

....

*(1) A noise limit of 65 db ASEL shall apply at any point within the notional boundary of any rural dwelling **other than on the property in which the device is located** and at any point within the Residential Zone;...”*

Reasons

This decision is made for the following reasons:

- The existing set of performance standards for bird scaring devices provides an efficient and effective method for managing the level of noise from these operations, and recognises the environment in which they operate.

4.5.2(e)Exceptions(ii) Frost Protection Devices

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.18	Horticulture NZ	-	-
427.16	NZ Winegrowers	-	-
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	L Reed (FS 118) NZ Winegrowers (FS 54) Horticulture NZ (FS 52) D & M MacKenzie (FS 111) Telecom NZ Ltd (FS 17)	Support Oppose Oppose Oppose Oppose
398.5	Wairarapa Inc trading as Go Wairarapa	D Riddiford (FS 112) Federated Farmers of NZ (Inc)	Oppose Oppose

		(FS 85) NZ Winegrowers (FS 54) Transpower NZ (FS 16)	Support Support
288.1	S Wilton	L Reed (FS 118) Horticulture NZ (FS 52)	Support Oppose

Discussion

Horticulture NZ (492.18) seek 4.5.2(e)Exceptions(ii)(1) be amended by amending the second sentence as follows:

“...The frost protection devices shall only be operated ~~only~~ when the air temperature 1 metre above the ground is $\geq 3^{\circ}\text{C}$ or below. The thermometer used to measure the air temperature shall be located 1 metre above the ground.”; and “Delete subclause 5.”

NZ Winegrowers supports this submission.

NZ Winegrowers (427.16) seek 4.5.2(e)Exceptions(ii)(2) be amended by either:

- (i)Deleting subparagraph (2) to remove any reference to restricting hours of operation; or
- (ii)Increasing the permitted hours of operation to between sunrise and sunset any day of the week; or
- (iii)amending the second sentence only by substituting the word “emergency” for the word “urgent”.

Restricting the hours of operation for maintenance purposes of frost protection fans to between 8am and 6pm on week days is unrealistic and may defeat the purpose of the frost protection fans given that such protection is most likely to be required in the evenings and early mornings, and urgent maintenance may therefore be required near these times.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2) seek 4.5.2(e)(ii)(3) be amended by adding the word “temperature” as follows:

“A written log shall be maintained, clearly recording the date, temperature, and length of time the devices are used....”

L Reed supports this submission and **NZ Winegrowers, Horticulture NZ, D MacKenzie** and **Telecom NZ** oppose this submission.

Wairarapa Inc trading as Go Wairarapa (398.5) seeks to clarify 4.5.2(e)Exceptions(ii) whether a helicopter constitutes a Frost Protection Device and so come under these rules?

With respect to 4.5.2(e) Exceptions (ii)(4), Go Wairarapa requests that the frequency of calibration of thermometers should be defined. **NZ Winegrowers** and **Transpower NZ Ltd** support this submission and **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose it.

S Wilton (288.1) seeks 4.5.2(e) Exceptions (ii) be amended so that:

- (i)Helicopters are captured in the definition of frost protection devices.
- (ii)The setting of appropriate maximum noise limits at any point within the notional boundary of a rural dwelling emanating from frost protection devices consistent with the nature and timing of the noise nuisance.

The current provision is deficient because it does not capture the use of helicopters for frost protection purposes and sets no sound limit restrictions.

L Reed supports this submission and **Horticulture NZ** opposes it.

Evidence Heard

Horticulture NZ presented evidence that the trigger temperature for operating a frost protection device should be 2°C.

NZ Winegrowers presented evidence that they accepted the Section 42A report recommendation of retaining the current provisions.

Commissioners' Deliberations

As discussed above for bird scaring devices, a suite of performance standards is considered the most efficient and effective mechanism for managing these operations. In establishing a separate noise standard regime for frost protection devices, the Commissioners are mindful of the potential cumulative effects generated by a number of machines in a confined area, especially in fragmented rural areas surrounding urban areas. Given this environment, the Commissioners consider the existing combination of performance standards for frost protection devices, are the most efficient and effective rules for managing the effects from these devices.

The Commissioners noted the advice received that noise from flying helicopter is out the jurisdiction of the Resource Management Act, therefore the rules in the District Plan cannot manage this matter.

Decision: 4.5.2(e) Exceptions (ii)

Submission Reference: 492.18	Reject
427.16	Reject
522.2	Accept
FS 118	Accept
FS 54	Reject
FS 52	Reject
FS 111	Reject
FS 17	Reject
398.5	Reject
FS 112	Accept
FS 85	Accept
FS 54	Reject
FS 16	Reject
288.1	Reject
FS 118	Reject
FS 52	Accept

Decision Amendment: 4.5.2(e)Exceptions(ii)

Amend 4.5.2(e)Exceptions(ii)(3) as follows:

*A written log shall be maintained, clearly recording the date, **temperature**, and length of time the devices are used...."*

Reasons

This decision is made for the following reasons:

- The existing set of performance standards for frost protection devices provide an efficient and effective method for managing the level of noise from these operations, and recognise the environment in which they operate.

4.5.2(e)Exceptions(iii) Helicopter Operation, 145 Chester Road, Carterton

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
444.2	Barry Allen, Graeme Bayliss, X-cite Ltd, Scott Anstis, Louise Hight and Mark Stanley	Amalgamated Helicopters Wairarapa Ltd (FS 101)	Oppose
493.4	T and G Williams	G & C Hearfield (FS 22) S & M Matthews (FS 20) T & N Vallance (FS 21) Adamson Land Surveyors (FS 30)	Oppose Oppose Oppose Oppose

Discussion

Barry Allen, Graeme Bayliss, X-cite Ltd, Louise Hight and Mark Stanley (444.2) oppose Rule 4.5.2(e)Exceptions(iii) and the specific provision for the Permitted Activity status for the helicopter operation at 145 Chester Road. They consider that the existing operation should continue under Existing Use Rights under sec 10 of the Act and any expansion dealt with by the RMA consent process including an assessment of alternative locations e.g. Hood Aerodrome. They also state:

Originally the helicopter site was 81ha. The site has been subdivided over the years and is 5.68ha today. The operation began with one helicopter and today there are two. The proposed permitted Activity criteria provides a method for the company to legitimately grow without redress through the resource consent process where potentially affected parties can submit. There are no restrictions imposed on flight frequency. If the operation was only permitted to operate within the existing historic use, and the use was documented, then it's possible that the operation would not emit excessive noise for which land use controls are being imposed.

Amalgamated Helicopters Wairarapa Ltd opposes this submission.

T and G Williams (493.4) seeks 4.5.2(e)Exceptions (iii) be amended as follows:

(i)Amend the title of clause (iii) to read:

"Helicopter Operations, 145 Chester Road, Carterton and 'Te Parae', East Masterton"

(ii)Amend the opening paragraph of (iii) to read:

~~“Operation of a helicopter landing activity at 145 Chester Road, Carterton, legally described as Lot 1 DP 88190, the following sites is a permitted activity provided that it complies with the requirements of (1) to (7) below:~~

145 Chester Road, Carterton, legally described as Lot 1 DP 88190

‘Te Parae’, Te Parae Road, east Masterton legally described as Part Lot 1 DP 10971.

(1).....[continues as proposed]”;

The amendments will provide for and manage the existing helicopter operation at Te Parae.

G & C Hearfield, S & M Matthews, T & N Vallance and Adamson Land Surveyors oppose this submission.

Evidence Heard

Adamson Land Surveyors, on behalf of **Barry Allen, Graeme Bayliss, X-cite Ltd, Louise Hight and Mark Stanley** (444) presented evidence questioning the legality of the Chester Road helicopter operation, and whether existing use rights applied. **Barry Allen** explained the historical background to the establishment and growth of the helicopter operations, as well as the progressive subdivision of the property on which the operation is located. The submitters requested that the helicopter operation continue to function in accordance with its existing use rights, and that no noise exception rule should apply.

Amalgamated Helicopters Wairarapa Ltd opposed this submission, and presented evidence supporting the ongoing operation of their helicopter business from their property. They provided details about the nature of their helicopter operation, including flight details associated with emergency services in the last 18 months. The submitter confirmed that they supported the recommendation to retain the rules in the Proposed District Plan.

T and G Williams (493) presented evidence about the scale and nature of their helicopter operation at Te Parae. In particular, they highlighted the facilities that have been installed to manage the effects from the operation, including stormwater management facilities. The submitter confirmed that the noise assessment they commissioned, attached to their submission, erroneously did not correctly identify a neighbouring dwelling within the air noise contours. Furthermore, the submitter tabled written statements from a number of parties supporting the operation of this helicopter facility.

S & M Matthews, T & N Vallance and Adamson Land Surveyors presented evidence opposing the establishment of a helicopter operation at Te Parae. They highlighted the proximity of the helicopter landing/take-off pad to their neighbouring dwellings and the helicopter flight paths.

Commissioners’ Deliberations

The helicopter operation in Chester Road is a well-established air transport facility in the Carterton District, servicing not only the agricultural sector within the Wairarapa, but also servicing the recreational, environmental and emergency requirements of the area. The facility therefore makes a significant contribution to the regional social and economic wellbeing.

The Commissioners note that, while the underlying property that contains the operation has been subdivided over the years, the helicopter operation would have been immediately evident to all new residents and property-owners who have moved into the vicinity. In addition, the noise assessment for the Chester Road operation demonstrates that the existing operation can comply with NZS6807.

Given the above factors, it was considered appropriate to include specific rules in the District Plan to provide a management framework for the ongoing operation of the existing helicopter land area at Chester Road that, firstly, ensures that its noise emissions are largely contained within its property and, secondly, establishes noise insulation standards for any new habitable buildings in close proximity to the facility. The Commissioners consider the most appropriate method for managing this operation are rules in the District Plan that set parameters within which the operation can continue as a permitted activity. Any non-compliance with these parameters, however, would require resource consent.

Rule 4.5.2(e)(iii) manages the noise emitted from the helicopter operation, based on an assessment of noise emissions from the type of aircraft used at the facility, and the current number of flights. In considering the concerns of submitters who reside in the near vicinity, the Commissioners accepted that there should be some limit on the capacity of the current operation to expand, to ensure that any additional effects from such expansion could be addressed at a time when the exact scale and nature of any growth on activity were known (for example, new types of helicopters, or a greater frequency of flights).

It was considered that the most appropriate method for managing the noise emitted from the helicopter operation is a restriction on the number of flights, introduced by way of a new standard under Rule 4.5.2(e)(iii). The new standard would restrict the number of flights to four during the day and two at night. If the helicopter operators wished to increase the number of flights above these levels, resource consent would be required. This process would require a further noise assessment to be undertaken, taking into account (among other factors) the scale of the proposed operation, the types of helicopter used, the frequency and flight paths of aircraft, and any new neighbouring residential development.

This new permitted activity standard would be in addition to the obligation for the operation to comply with the helinoise emission limits and to meet the other requirements of the District Plan. It should be highlighted that limiting the number of flights would not change the delineation of the 65dBA air noise contour, as NZS6807 requires air noise contours to factor in potential future growth.

The Commissioners consider that this approach is the most effective and efficient means to provide certainty for the ongoing operation of the existing helicopter operation in a manner that protects the amenity of the local environment.

In regard to the helicopter operation at Te Parae, the Commissioners consider the circumstances are quite different to those which apply to the Chester Road operation. In particular:

- The landing area was established in an area containing existing residences, including one in close proximity to the landing/take off area.
- Accordingly, the operation does not and is unlikely unable to comply with the requirements of NZS6807 in its current location.
- The property is a much larger one, and is likely to contain other sites for a helicopter landing area that would provide much greater distances from the nearest residences.

Therefore, it was not considered appropriate to amend the rules in the District Plan to provide for the Te Parae helicopter operation.

Decision: 4.5.2(e) Exceptions (iii)

Submission Reference: 444.2	Reject
FS101	Accept
493.4	Reject

FS20	Accept
FS21	Accept
FS22	Accept
FS30	Accept

Decision Amendment: 4.5.2(e)Exceptions(iii)

Add to and amend Rule 4.5.2(e)(iii) as follows:

Operation of a helicopter landing activity at 145 Chester Road, Carterton, legally described as Lot 1 DP 88190, is a permitted activity, provided that:

(1) All helicopter activity on the site shall not exceed the following maximum number of helicopter movements (averaged over a period of not more than 7 consecutive days) during any prescribed daytime or night time period:

Day 4 landings and 4 take-offs

Night 2 landings and 2 take-offs

~~(2)(1)~~ All helicopter activity on the site shall be planned and carried out such that the maximum noise exposure from helicopter arrivals and departures, averaged over a period of not more than 7 consecutive days, does not exceed Ldn 65 as measured at or beyond the helinoise boundary (as shown on the Planning Maps), when measured using NZS6801:1999 Acoustics – Measurement of Environmental Sound and subject to (2) below, shall be assessed using the procedures set out in NZS86807:1994 Noise Management and Land Use Planning For Helicopter Landing Areas.

~~(3)(2)~~ The following times **are to be used for complying with (1) and (2) above** ~~have been used in assessing the maximum noise exposure:~~

(a) Day = Winter 7am – 10pm NZST

(b) Night = Winter 10pm – 7am NZST

(c) Day = Summer 5am – 10pm NZDT

(d) Night = Summer 10pm – 5am NZDT

~~(4)(3)~~ The following helicopter activities are excluded from complying with (1) and (2) above:

(a) Helicopters landing in an emergency or diverted aircraft;

...

~~(5)(4)~~ The operator shall ensure...

~~(6)(5)~~ The operator shall ensure...

~~(7)(6)~~ A written log...

~~(8)(7)~~ The operator shall require...

Reasons

This decision is made for the following reasons:

- The helicopter operation in Chester Road is a well-established facility contributing to the Wairarapa's social and economic wellbeing, and operating in compliance with NZS6807.
- Regulatory controls on the helicopter operation in Chester Road are considered the most appropriate method for managing the effects of this activity, to permit the

ongoing viability of the existing operation within specific parameters that protect the amenity of the surrounding environment.

- The helicopter operation at Te Parae does not, and is unable to, comply with the requirements of NZS6807, given its proximity to the nearest neighbouring residence, and therefore the application of the management framework within the District Plan to this facility would not be appropriate or effective.

4.5.2 Standards for Permitted Activities: (f) Chester Road Helicopters Operation Noise Contours

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
444.3	Barry Allen, Graeme Bayliss, X-cite Ltd, Scott Anstis, Louise Hight and Mark Stanley	Amalgamated Helicopters Wairarapa Ltd (FS 118)	Oppose
444.4 444.5	Barry Allen, Graeme Bayliss, X-cite Ltd, Scott Anstis, Louise Hight, Mark Stanley	Amalgamated Helicopters Wairarapa Ltd (FS 118)	Oppose
493.4	T and G Williams	G & C Hearfield (FS 22) S & M Matthews (FS 20) T & N Vallance (FS 21) Adamson Land Surveyors (FS 30)	Oppose Oppose Oppose Oppose

Discussion

Barry Allen, Graeme Bayliss, X-cite Ltd, Louise Hight and Mark Stanley (444.3) request delete all reference to the helicopter operation in Chester Road from the Proposed Plan.

Alternatively, **Barry Allen, Graeme Bayliss, X-cite Ltd, Louise Hight and Mark Stanley** (444.4 & 5) seek that 4.5.2(f) be amended as follows:

(i) Rule 4.5.2(f)(i): that the word 'dwelling' be inserted after the word 'new'.

(ii) Rule 4.5.2(f)(i)(2)(h): Oppose the limit on the area of permitted glazing which should be modified so as to be assessed by wall area not floor area and that appropriate glazing is installed. They also seek that:

The word 'new' be substituted with 'new dwelling' as it was inserted into the rule to allow for the building of a dwelling within the 50 dBA outer noise boundary. The Rule restricts glazing to not more than 50% of the room's total floor area. Mr Hunt in Schedule A of the July report details a percentage value of wall area with a minimum thickness acoustic glazing. E.g. for 40% of the wall area minimum thickness 6mm, for 80% wall area 8mm laminated or 10mm double glazing.

Amalgamated Helicopters Wairarapa Ltd opposes this submission.

T and G Williams (493.4) seeks 4.5.2(f) be amended as follows:

Amend the title of 4.5.2(f) to read:

~~*“Chester Road Helicopters Operation Noise Contours*~~

Helicopter Operation Noise Contours (Chester Road and ‘Te Parae’)”

They seek to insert a new suite of provisions similar to or having similar effect as Rule 4.5.2 in providing for helicopter operations and managing helicopter noise at ‘Te Parae’. The amendments will provide for and manage the existing helicopter operation at Te Parae (legally described as part Lot 1 DP 10971).

G & C Hearfield, S & M Matthews, T & N Vallance and **Adamson Land Surveyors** oppose this submission.

Evidence Heard

Adamson Land Surveyors, on behalf of **Barry Allen, Graeme Bayliss, X-cite Ltd, Louise Hight** and **Mark Stanley** (444) presented evidence questioning the legality of the Chester Road helicopter operation, and whether existing use rights applied. In addition, they questioned the flight data that had been used to calculate and delineate the air noise contours for the Chester Road helicopter operation, in particular, the allowance for additional future flight movement. Furthermore, the submitters raised concerns regarding the imposition of noise insulation requirements for dwellings near the helicopter operation. **Barry Allen** explained the historical background to the establishment and growth of the helicopter operations, as well as the progressive subdivision of the property on which the operation is located. The submitters requested that the helicopter operation continue to function in accordance with its existing use rights, and that the air noise contours and associated rules be deleted from the District Plan.

Amalgamated Helicopters Wairarapa Ltd opposed these submissions, and presented evidence supporting the ongoing operation of their helicopter business from their property. They provided details about the nature of their helicopter operation, including flight details associated with emergency services in the last 18 months. The submitter confirmed that they supported the recommendation to retain the rules in the Proposed District Plan.

T and G Williams (493.1) presented evidence about the scale and nature of their helicopter operation at Te Parae. In particular, they highlighted the facilities installed to manage the effects from the operation, including stormwater management facilities. The submitters confirmed that the noise assessment they commissioned, attached to their submission, erroneously did not correctly identify a neighbouring dwelling located within the air noise contours. Furthermore, the submitter tabled written statements from a number of parties supporting the operation of this helicopter facility.

S & M Matthews and **T & N Vallance** presented evidence opposing the establishment of a helicopter operation at Te Parae, and provision for its continued operation under the Combined District Plan. They highlighted the proximity of the helicopter landing/take-off pad to the neighbouring dwellings and the helicopter flight paths.

Commissioners’ Deliberations

As noted above, the Commissioners recognise that the helicopter operation in Chester Road is a well-established air transport facility, and while the underlying property for the operation has been subdivided over the years, the helicopter operation would have been immediately evident to all new residents and property-owners moving into the vicinity. In addition, the

noise assessment for the Chester Road operation demonstrates that the existing operation can comply with NZS6807.

These circumstances are in contrast to the Te Parae operation, where the helicopter operation landing/takeoff area is in close proximity to an existing neighbouring dwelling. Accordingly, the operation would be unable to comply with NZS6807.

In regard to Rule 4.5.2(f), which requires the acoustic insulation of new habitable buildings or rooms within the 50 dBA helinoise contour identified in the Planning Maps, it was decided to adopt the recommendation in the Section 42A report to:

1. Amend the rule so that it refers to “dwellings” and not just alterations or additions to habitable buildings; and
2. Correct that part of the rule which erroneously referred to total floor area, rather than wall area, in reference to the maximum amount of glazing within a room.

In regard to the air noise contours on the Proposed Plan maps for Chester Road, as stated above, NZS6807 requires some provision for further growth when establishing air noise contours. Only one property is located within the 50dBA air noise contour that has yet to have a dwelling built on it, and the additional costs of acoustic insulation were not considered to be excessive or unreasonable in order to provide that dwelling with a reasonable internal noise environment. Furthermore, that property has an area that is outside the 50dBA contour. For these reasons, it was therefore not considered appropriate to amend the current airnoise contours shown on the planning maps.

In regard to the helicopter operation at Te Parae, as highlighted above, it was determined that there are key differences in the circumstances that clearly distinguish it from the Chester Road operation. In particular, the Te Parae operation has not been established for the same period of time, and does not comply with the requirements of NZS6807. Furthermore, the property on which the operation has established is much larger, and there are other locations on the property which would provide a much greater distance to the nearest residences. Therefore, rules in the District Plan permitting the helicopter operation and introducing a 65dBA noise contour are not considered the most appropriate method for this helicopter operation.

Decision: 4.5.2(f)

Submission Reference: 444.3	Reject
FS118	Accept
444.4 & 5	Accept
FS118	Reject
493.4	Reject
FS20	Accept
FS21	Accept
FS22	Accept
FS30	Accept

Decision Amendment: 4.5.2(f)

Amend Rule 4.5.2(f)(i) as follows:

*(i) Any new **dwelling**, alterations or additions of a habitable room to a noise sensitive activity within the Outer Air Noise Boundary (50 dBA) as shown on the Planning Maps shall be designed and constructed in compliance with one of the following:*

Amend Rule 4.5.2(f)(i)(2)(h) as follows:

(h) Room glazing with a total area of no more than 50 percent of the room's total wall floor area.

Reasons

This decision is made for the following reasons:

- The helicopter operation in Chester Road is a well-established facility and currently operates in compliance with NZS6807. Recent residential development has occurred in full cognisance of the existing operation. Any further growth in its operation would be more appropriately addressed through the resource consent process if and when such expansion occurs.
- The proposed 50dBA airnoise contour only partly affects one as yet undeveloped property, and the costs of acoustic insulation, should a dwelling be built within that part of the site, are not considered to be unreasonable.
- The helicopter operation at Te Parae does not and is unable to comply with the requirements of NZS6807, being located in relatively close proximity to the nearest residential properties. Given that the property is large enough to provide for suitable alternative sites for the helicopter landing area to be located elsewhere within the property, the Commissioners were not convinced of the need to impose acoustic insulation requirements on the properties surrounding the landing/takeoff area.

4.5.2 Standards for Permitted Activities: (g) Signs

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
423.1	Wairarapa Rural Fire District	-	-
515.11	Juken NZ Ltd, Forestry Wairarapa	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52) Transpower NZ (FS 16) Waipine (FS 103)	Support Support Support Support Support
522.2	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	-	-
398.6	Wairarapa Inc trading as Go Wairarapa	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) NZ Winegrowers (FS 54) Transpower NZ (FS 16)	Oppose Oppose Support Support
285.10	Forestry Wairarapa	Transpower NZ (FS 16)	Partial Support

	Cluster Group		
55.3	The Cabbage Tree Vineyard	-	-

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.2) seek 4.5.2(g) be amended as follows:

(i) Delete 4.5.2(g)(i)(1)

(ii) Amend 4.5.2(g)(i)(2) to read: “~~Any~~ One sign per site with a total face area not exceeding 3.0m².”

Minimal signage is a key feature of the character and valued visual qualities of the rural environment. Allowing 5m² face area for signs per site is likely to result in visual clutter, detracting from the valued character. Allowing one sign with a maximum face area of 3m² per site is an appropriate level of signage without compromising rural character.

Wairarapa Rural Fire District (423.1) seek 4.5.2(g) to be amended to provide an exemption for signage for wider public education e.g. fire danger half grapefruit signs, fire ban signs etc, and signs that meet transit NZ specifications.

Insufficient acknowledgement of the risk and hazardscape is made in the Plan. Implications for rural fire management services must be better recognised and allowed for in the Plan.

Wairarapa Inc trading as Go Wairarapa (398.6) seek 4.5.2(g) be reviewed as follows:

(i) Review 4.5.2(g)(i) and the control of signs as they relate to a ‘site’.

(ii) Review 4.5.2(g)(i)(4) and the need for signs to relate to the activity on that site.

Go Wairarapa states that controlling signs as they relate to a site does not fit the physical size of a site in a rural area where signs relate to fire, hazards, etc on that site. This creates difficulties in rural areas as often directional signs are needed to advise the public of distances to facilities and activities well before they get to the site. **NZ Winegrowers** and **Transpower NZ Ltd** support this submission and **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose it.

Juken NZ Ltd, Forestry Wairarapa (515.11) and **Forestry Wairarapa Cluster Group** (285.10) seek 4.5.2(g) be reviewed as follows:

(i)The number of signs relates to one site which could be the entire Ngaumu Forest-non-workable for Ngaumu and many other situations.

(ii)The number of signs can also relate to the number of entranceways off public roads. Present provisions do not provide for this need for multiple repeated signs.

(iii)Need to provide for hazard signs which need separate specifications in respect of size etc eg the nationally used ‘fire risk’ sign.

D Riddiford, Federated Farmers of NZ (Inc), Horticulture NZ, Transpower NZ Ltd and Waipine support this submission.

The Cabbage Tree Vineyard (55.3) seeks that 4.5.2(g)(i)(10) and (11) be amended to relate the “six words or symbols” to the “main message” and to leave unrestricted the letter size and number of words in secondary messages.

Evidence Heard

Wairarapa Inc trading as Go Wairarapa presented evidence outlining that it was important to clearly define 'site', as this potentially limits the ability to erect signage for a number of businesses.

Juken NZ Ltd, Forestry Wairarapa and Forestry Wairarapa Cluster Group presented evidence similar to Go Wairarapa, expressing concern about the use of the term 'site', and the resultant limitation of one sign per site. They detailed examples of where signage was an integral part of their operations, to ensure forests were easily identifiable for a number of reasons, including health and safety. The submitter supported the recommendation to add an exception for 'official signs', but sought clarification as to the authorities which would be allowed to erect signs under this recommended rule.

Commissioners' Deliberations

Signs can contribute to the economic and social well being of the Wairarapa, as they have a role in attracting and directing people to areas of interest and activities. However, a proliferation in the number of signs, as well as the large size of signs, can result in the degradation of rural amenity. The Commissioners consider an important quality of the rural area is the limited amount of advertising signage.

However, the Commissioners recognise that some forms of signs are necessary to enable the efficient functioning of rural activities, such as signage identifying activities on the subject property. The Commissioners consider that the existing rules, and the recommended changes, are effective in managing the number and scale of signs to maintain rural character and amenity. However, the Commissioner consider provision should also be made for small signs which may name a business or provide other associated information, such as hours of operation.

Decision: 4.5.2(g) Signs

Submission Reference: 423.1	Accept in part
515.11	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part
FS 16	Accept in part
FS 103	Accept in part
522.2	Accept
398.6	Reject
FS 112	Accept
FS 85	Accept
FS 54	Reject
FS 16	Reject
285.10	Accept in part
FS 16	Accept in part
55.3	Reject

Decision Amendment: 4.5.2: (g) Signs

Delete 4.5.2(g)(i)(1) and re-number the subsequent clauses accordingly.

~~(1) The total face area of all signs (permanent and temporary signs) per site shall be no greater than 5.0m².~~

Amend 4.5.2(g)(i)(2) to read:

~~“(2) Any (1) One sign per site with a total face area not exceeding 3.0m².”~~

Add 4.5.2(g)(i)(2) to read:

(2) One sign per vehicle crossing not exceeding 0.25m² in face area, and limited to displaying the name of the property and/or business undertaken on the site and business operating details. Signs under this rule are excluded from complying with standards (10) and (11) below in relation to characters on the sign.

Add a clause (ii) to Exception: as follows:

“(ii) Official signs for public safety are excluded from complying with the above standards.

As a consequence of adding a new standard for ‘Official signs’ add a definition of *Official signs* to ‘Chapter 27 Definitions’ of the Plan as follows:

“Official signs – means any sign for public safety erected in fulfilment of legislative responsibilities to provide advice, warnings or education for the purpose of people’s wellbeing and safety. These signs include, but are not limited to fire risk signs, health and safety obligations and hazardous substances”

Reasons

This decision is made for the following reasons:

- Signs can contribute to the economic and social wellbeing of the area and support the efficient function of a range of activities in the rural environment. The rules would provide the most appropriate framework to allow a certain level of signage, while not compromising the rural character and amenity values.
- A range of non-advertising signs are erected in rural areas to protect the health and safety of rural residents and visitors. The rules provide an efficient and effective rule framework to allow these signs to be erected.

4.5.2 Standards for Permitted Activities: (i) Plantation Forestry

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.9	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Horticulture NZ (FS 52)	Oppose Oppose Oppose
515.12	Juken NZ Ltd/Forestry	D Riddiford (FS 112) Federated Farmers of NZ (Inc)	Support Support

	Wairarapa	(FS 85) Transpower NZ (FS 16) Waipine (FS 103)	Support Support
398.7	Wairarapa Inc trading as Go Wairarapa	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) Transpower NZ (FS 16)	Oppose Oppose Support
526.15	Greater Wellington Regional Council	-	-
285.11	Forestry Wairarapa Cluster Group	Transpower NZ (FS 16)	Part Support, Part Oppose
13.1	W Thompson	-	-
283.4	S & G Saunders	-	-

Discussion

Juken NZ Ltd, Forestry Wairarapa (515.12) and Forestry Wairarapa Cluster Group (285.11) seek 4.5.2(i) be amended as follows:

Amend 4.5.2(i)(2) to reduce the planting setback from 10m to 5m.

An increase to 10m results in 2ha of land becoming unproductive for every 100ha plus it leaves a strip of land containing long vegetation that becomes a fire risk. No setback is required for shelterbelts on a boundary unless caught by the present definition of plantation forest.

(ii) Amend 4.5.2(i)(3) to increase the setback from 35m to 50m.

The amendment would be consistent with the recommendation for Clause 4.5.2(b) & (c).

(iii) Delete 4.5.2(i)(4).

This is an issue between the landowner and the transmission line company satisfactorily addressed by way of individual easement agreement.

D Riddiford, Federated Farmers of NZ (Inc) and Waipine support this submission. **Transpower NZ Ltd** support in part and oppose in part this submission.

Wairarapa Inc trading as Go Wairarapa (398.7) seek 4.5.2(i) be amended as follows:

(i) Amend 4.5.2(i)(2) to reduce the setback from 10m to 5m.

A 10m setback would remove too much land from production.

(ii) Delete 4.5.2(i)(4).

This is an issue between the plantation forest owner and the owner of the high voltage transmission line.

D Riddiford and Federated Farmers of NZ (Inc) oppose this submission and **Transpower NZ Ltd** supports it.

The **Department of Conservation** (525.9) seeks 4.5.2(i) be amended by adding a new standard to provide an appropriate setback of plantation forestry from all watercourses that can be applied at the time of planting and would address the impacts resulting at the time of felling. This setback should generally be no less than 10m, and in some places should be greater. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose this submission.

W Thompson (13.1) seeks that 4.5.2(i)(2) be amended so that the planting setback should be 20 metres from any boundary. **G Saunders** (283.4) seeks that 4.5.2(i) be amended to establish planting setbacks 20m from the boundary fence.

Greater Wellington Regional Council (526.15) seek 4.5.2(i) be amended by adding a clause as follows:

“(5) Planting setback is 20 metres from significant waterbodies (identified in Appendices 2-6 of the Regional Freshwater Plan) and 10 metres from any other permanent water body).”

Evidence Heard

Juken NZ Ltd, Forestry Wairarapa and Forestry Wairarapa Cluster Group presented evidence requesting that the planting setback from property boundaries be reduced from 10m to 5m. They contended that a 10m setback would result in the inefficient use of the rural land resource, and noted that a 10m strip around the perimeter of a plantation could be a potential fire risk, as well as provide an area for the establishment of weeds. They noted that there appeared to be inequity in the District Plan, as shelterbelts would have similar shading effects on neighbouring properties to plantations. They also expressed concern about the new recommended standard relating to a non-millable buffer along permanent waterbodies.

Department of Conservation presented evidence supporting the intent of the recommended new standard for a non-millable buffer along waterbodies, and suggested revised wording.

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation of adding a standard for a non-millable buffer along permanent waterbodies, noting that these areas may also be used for roading and tracking.

Commissioners' Deliberations

The Commissioners recognise and acknowledge the contribution plantation forestry makes to the economic and social wellbeing of the Wairarapa. The District Plan seeks to enable the efficient functioning of this primary production activity, by developing an effective regulatory framework which avoids, remedies and mitigates the adverse effects from these plantations. The Commissioners consider that the most efficient and effective approach is to permit the planting and harvesting of plantation forestry, with minimal regulatory controls. There is potential for amenity conflicts between plantation forestry and other activities in the rural area, therefore, it is effective to require plantation forests to internalise their effects within their own property, as applied to other rural activities.

The Commissioners consider planting setbacks are a key mechanism for internalising these effects, as planting the trees back from boundaries and other features, at the establishment stage of the plantation, would effectively avoid the effects.

The 10m setback from property boundaries is considered the most appropriate distance to internalise the effects from plantation forestry for adjoining rural activities. A 5m setback is

not a sufficient distance to internalise the effects from a plantation, in particular, debris from strong winds.

As the Commissioner discussed for building setbacks, a 50m separation distance between a plantation forest and a dwelling is too large, and 35m would be a more efficient and effective distance.

Maintaining a riparian vegetation buffer along the edges of waterbodies is a recognised technique for managing the adverse effects of activities on the qualities of aquatic ecosystems. The Commissioners consider a planting setback, for permanent flowing waterbodies with a bed width of 1 metre or more, is effective in managing the effects of plantation forestry on these waterbodies, in particular, during harvesting. Consideration was given to the type (i.e. permanent or ephemeral) and size (1m, 2m, 3m+ bed width) of waterbody that the riparian buffer should apply to. The aquatic values the Councils are seeking to maintain are those associated with permanent flowing waterbodies, which provide year round habitat for a range of species. To maintain aquatic values in a range of habitats, a relatively narrow width is the most effective, therefore, a 1m bed width was considered the most appropriate.

Decision: 4.5.2(i) Plantation Forestry

Submission Reference: 515.12	Reject
FS 112	Reject
FS 85	Reject
FS 16	Reject
FS 103	Reject
525.9	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 52	Accept in part
398.7	Reject
FS 112	Accept
FS 85	Accept
FS 16	Reject
526.15	Accept in part
285.11	Reject
FS 16	Reject
13.1	Reject
283.4	Reject

Decision Amendment: 4.5.2(i) Plantation Forestry

Add a clause to 4.5.2(i)(i) to read:

“(5) There shall be a 10 metre planting setback to provide a non-millable buffer from the margin of any permanent flowing waterbody with a bed width of 1 metre 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).”

Reasons

This decision is made for the following reasons:

- Setbacks are considered the most effective and efficient approach for managing the adverse effects for plantation forestry. The setback distance for property boundaries, adjoining dwellings and waterbodies are based on plantation forestry internalising the effects within the property of the forest.

4.5.2 Standards for Permitted Activities: (j) Intensive Farming

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.10	Department of Conservation	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) L Reed (FS 115)	Oppose Oppose Support
526.16	Greater Wellington Regional Council	L Reed (FS 115)	Support
264.8	D Riddiford	-	-

Discussion

The **Department of Conservation** (525.10) seeks 4.5.2(j) be amended by adding another standard to provide an appropriate setback from waterbodies that would address the likely impact of runoff from intensive farming operations. This setback should generally be no less than 50m for a permanent waterbody or 20m of an ephemeral waterbody.

“There is no mechanism to control runoff of pollutants to waterbodies from intensive farming. The best mechanism to mitigate these effects is a setback from waterbodies. The setback distance required from a boundary is 50m and so this standard is sought for the setback from waterbodies.”

L Reed supports this submission and **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose it.

Greater Wellington Regional Council (526.16) seek 4.5.2(j) be amended by adding another clause as follows:

“(5) Not located within 20m of any water body.”

Objective Rur2-Enabling Primary production has Policies to ensure that reverse sensitivity issues between primary production and other activities are mitigated or avoided, which includes appropriate siting of new activities. There is no setback from waterbodies for intensive farming operations. As a land use the farming operation is not covered by GWRC Discharge to Land Plans. Many of these could have adverse effects on waterbodies, particularly at times of high rainfall and surface water flow. There should be a setback from water bodies.

L Reed supports this submission.

Evidence Heard

Department of Conservation presented evidence accepting and supporting the Section 42A report recommendation of inserting a standard requiring a setback for intensive farming activities of 20m from any waterbody.

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation of inserting a standard requiring a setback for intensive farming activities of 20m from any waterbody.

Commissioners' Deliberations

The Commissioners note the support for the Section 42A report recommendation of introducing a new setback from any waterbody. The Commissioners concur with the evidence presented by the submitters, that the nature of intensive farming activities poses a risk to the aquatic values of waterbodies. A setback distance is an effective tool for minimising the risk to waterbodies by separating these activities from the waterbodies.

Decision: 4.5.2(j) Intensive Farming

Submission Reference: 525.10	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 115	Accept in part
526.16	Accept
FS 115	Accept

Decision Amendment: 4.5.2(j) Intensive Farming

Add a new clause (5) to 4.5.2(j) to read:

“(5) Not within 20 metres of any waterbody.”

Reasons

This decision is made for the following reasons:

- Setbacks are considered the most effective and efficient approach for managing the adverse effects from intensive farming activities. A setback distance from waterbodies for intensive farming activities minimises the risk of the aquatic values of waterbodies being adversely affected.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
264.8	D Riddiford	-	-

Discussion

D Riddiford (264.8) requests amend 4.5.2(j) to exclude ‘Woolsheds and Calf Rearing Sheds’ from the definition of “Intensive Farming”.

Evidence Heard

D Riddiford presented evidence requesting that the definition of intensive farming should be clear to what activities it applies to, and what activities it does not apply to, with a specific reference relating to woolsheds and calf rearing sheds.

Commissioners' Deliberations

The Commissioners concur with the submitter that the definitions in the Plan need to be clear and certain. The existing definition of 'intensive farming' specifically states examples of the activities it includes and does not include. In terms of calf rearing sheds, these buildings can be used all year round, pasture or ground cover is not normally maintained, and the calves are fed with supplements. Therefore, calf rearing sheds are encapsulated by the existing definition, and it is considered that the existing definition is clear in this regard.

In terms of woolsheds, these buildings are used on a temporary basis, and do not house stock for feeding purposes. To clarify that woolsheds are not an intensive farming activity, this type of building is to be added to the definition.

Decision: 4.5.2(j) Intensive Farming

Submission Reference: 264.8 Accept in part

Consequential Amendment: 4.5.2(j) Intensive Farming

Amend the definition of intensive farming in Section 27 to read:

Intensive Farming – the commercial raising and keeping of plants, animals or other living organism in buildings, or in closely fenced outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover, and which is substantially provided for by food or fertiliser from off the site. This includes, but is not limited to, intensive pig farming, poultry farms, mushroom farms, and feedlots, but excludes horticulture undertaken in greenhouses, milking sheds, **woolsheds** and aquaculture.

Reasons

This decision is made for the following reasons:

- The amendment to the definition better describes the activities and buildings that intensive farming does not apply to.

4.5.2 Standards for Permitted Activities: (k) Conservation Management

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.11	Department of Conservation	-	-
524.25	Federated Farmers of NZ (Inc)	J Diederich (FS 157) K Reedy (FS 155)	Support Support

264.15	D Riddiford	-	-
--------	-------------	---	---

Discussion

The **Department of Conservation** (525.11) seeks 4.5.2(k) be retained as the standard recognises that this work is for conservation purposes only.

Federated Farmers of NZ (Inc) (524.25) seek 4.5.2(k) be amended to apply to same rules for the Rural (Primary Production) Zone to the Rural (Conservation Management) Zone. **J Diederich** and **K Reedy** support this submission.

D Riddiford (264.15) opposes 4.5.2(k) & 21.1.6(j).

Evidence Heard

Department of Conservation presented evidence accepting and supporting the Section 42A report recommendation of retaining the existing standards unchanged.

D Riddiford presented evidence querying the need for a separate rule for land administered by the Department of Conservation.

Commissioners' Deliberations

The Rural (Conservation Management) Zone has distinctive qualities and attributes which differentiate it from the other rural zones (Primary Production and Special). Given the nature of the land within the Rural (Conservation Management) Zone being set aside as crown land for conservation purposes, the Commissioners consider it is an efficient and effective approach to have a specific rule for these areas.

Decision: 4.5.2(k)

Submission Reference:	525.11	Accept
	524.25	Reject
	FS 157	Reject
	FS 155	Reject
	264.15	Reject

Reasons

This decision is made for the following reasons:

- The existing rule is effective and efficient in enabling the management of the values of the conservation management areas.

4.5.2 Standards for Permitted Activities: Add a new Standard

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
442.1	G E Free (Wairarapa)	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Oppose Oppose

		Horticulture NZ (FS 52)	Oppose
298.9	Ravensdown Fertiliser Co-operative Limited	-	-
50.1	Wairarapa Pistol & Shooting Sports Club	-	-

Discussion

G E Free (Wairarapa) (442.1) seeks that the plan be amended to prohibit any activities in relation to genetically modified organisms. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose this submission.

Ravensdown Fertiliser Co-operative Limited (298.9) seeks that the standards for Permitted Activities be amended to include standards for earthworks.

Wairarapa Pistol & Shooting Sports Club (50.1) seeks to add a new rule in the Plan Statement that clearly states Existing User rights and that new shooting ranges be a permitted use in a Rural Zone.

Evidence Heard

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

Horticulture NZ presented evidence opposing the introduction of a standard for genetically modified organisms, and contended that the District Plan should be neutral on the type of production system.

Wairarapa Pistol & Shooting Sports Club presented evidence requesting the Gladstone Shooting Range be identified and recorded in the District Plan.

Commissioners' Deliberations

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

In terms of the Gladstone Shooting Range, the Commissioners acknowledge the contribution that the shooting range makes to the recreational and social wellbeing of the Wairarapa. However, there are a number of well-established activities throughout the Wairarapa which operate under existing use rights and are not identified in the District Plan. The Resource Management Act includes specific provisions in relation to existing use rights, which allow the shooting range to continue operating at the same or similar scale, intensity and character. In terms of reverse sensitivity issues arising in the future for the range, the District Plan includes a number of provisions to minimise these potential future conflicts, whether it be for a shooting range or other rural activity.

Decision: 4.5.2 Standards for Permitted Activities: Add a new Standard

Submission Reference: 442.1	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept
298.9	Reject
50.1	Reject

Reasons

This decision is made for the following reasons:

- The management of genetically modified organisms is not a responsibility of territorial local authorities.
- The District Plan includes a number of provisions to effectively manage a range of potential amenity conflicts arising in the rural area, which would also apply to the Gladstone Shooting Range.

4.5.3 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
298.8	Ravensdown Fertiliser Co-operative Ltd	-	-
522.7	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Windy Peak Trust (FS 102)	Oppose
378.4	P Percy	-	-
523.14	K and M Williams	-	-

Discussion

K and M Williams (523.14) seeks 4.5.3 be deleted or amended to only apply to subdivisions of really minor effect.

P Percy (378.4) seeks 4.5.3(a) be deleted as the rule is unnecessary as it creates confusion – subdivision is already controlled in Part B of the Plan; and the **Planning Departments of Masterton, Carterton and South Wairarapa District Council's** (522.7) seek that 4.5.3(a) be deleted as the rule is confusing when the subdivision provisions are contained in Chapter 20. **Windy Peak Trust** opposes the submission of the Planning Departments of Masterton, Carterton and South Wairarapa District Councils.

Ravensdown Fertiliser Co-operative Ltd (298.8) is concerned about reverse sensitivity issues that may arise from subdivision of sites adjoining the Ravensdown site. Under Rule

4.5.3(a) subdivision of these adjoining sites is a Controlled Activity. The submitter seeks a consequential amendment to 20.1.5(a) to provide for any subdivision of a site in the Rural (Special) Zone that adjoins a site in the Industrial Zone as a Discretionary Activity.

Evidence Heard

K and M Williams presented evidence supporting the Section 42A report recommendation of deleting rule 4.5.3(a) as it is unnecessary.

Ravensdown Fertiliser Co-operative Ltd presented evidence contending that rural subdivision around industrially zoned properties should be a discretionary activity.

Commissioners' Deliberations

The Commissioners concur with the submitters that individual subdivision rules in each Environmental Zone are unnecessary, as Section 20 sets out the full set of subdivision rules. The matter of subdivision adjacent to the Ravensdown site is discussed in the Subdivision decision.

Decision: 4.5.3(a)

Submission Reference: 523.14	Reject
378.4	Accept
522.7	Accept
FS 102	Reject
298.8	Reject

Decision Amendment: 4.5.3(a)

Delete 4.5.3(a)

~~Subdivision in accordance with the District Wide Rules (Part B)~~

~~The matters over which control is reserved are listed in Section 20.~~

Reasons

This decision is made for the following reasons:

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

4.5.3 Controlled Activities: Notification and Service of Applications

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.8	Wairarapa Inc trading as Go Wairarapa	D Riddiford (FS 112)	Oppose
		Federated Farmers of NZ (Inc) (FS 85)	Oppose
		Mighty River Power Ltd (FS 70)	Oppose

299.4	J Porter	J & M Doyle (FS 14)	Support
-------	----------	---------------------	---------

Discussion

Wairarapa Inc trading as Go Wairarapa (398.8) and **J Porter** (299.4) oppose 4.5.3(b) and consider that Controlled Activity notices should be served on affected persons. **D Riddiford, Federated Farmers of NZ (Inc)** and **Mighty River Power Ltd** oppose the submission of Wairarapa Inc trading as Go Wairarapa. **J & M Doyle** supports the submission of J Porter.

Evidence Heard

J Porter presented evidence contending that controlled activity resource consent could be declined, and that all subdivisions should be publicly notified.

Commissioners' Deliberations

Section 104A of the Resource Management Act states "After considering an application for a resource consent for a controlled activity, a consent authority – (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity". This clause clearly outlines that controlled activity applications must be approved.

Section 93(1)(a) of the Resource Management Act provides for applications for controlled activities to be processed without public notification. In addition, Section 94D(3) provides for applications not to be served if a rule in the Plan states this.

In terms of notification of controlled activities, the Commissioners note that the only land use controlled activity in the Rural Zone is the relocation of dwellings and other principal buildings. The Commissioners consider that building relocations are appropriate in the Rural Zone. However, it is appropriate to control building relocations, and to provide for conditions to be imposed to avoid, remedy or mitigate adverse effects.

Building relocations are considered to have discrete effects which can be effectively controlled by way of conditions of consent. Therefore, the Commissioners consider the existing non-notification provision of applying Section 94D is the most appropriate management framework, as it provides for an efficient process for processing these applications.

Decision: 4.5.3 Notification and Service of Applications

Submission Reference: 398.8	Reject
FS 112	Accept
FS 85	Accept
FS 70	Accept
299.4	Reject
FS 14	Reject

Reasons

This decision is made for the following reasons:

- The existing non-notification, and no need to serve notice on affected parties clause provides for an efficient framework for managing building relocations and are consistent with provisions of the Resource Management Act 1991.

4.5.3 Controlled Activities: Add a New Clause

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.1	Mighty River Power Ltd	Meridian Energy Ltd (FS 84)	Support
522.3	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Mighty River Power Ltd (FS 65) NZ Winegrowers (FS 54) Progressive Enterprises Ltd (FS 86) Windy Peak Trust (FS 102)	Oppose Support Support Oppose

Discussion

Mighty River Power Ltd (520.2) seek 4.5.3 be amended by adding a new Clause (c) to read:

“Wind measurement structures established in the Rural Zone

The matters over which control is reserved are:

Design

Duration of installation

Standards for Controlled Activities

(a) Wind measurement structures established in the Rural Zone.

(i) The maximum height of masts structures shall not exceed 100 metres.

(ii) The horizontal distance between the centre of a wind measurement structure and an adjacent property boundary shall be no less than 1.5 times the height of the mast.

(iii) The horizontal distance between the centre of a wind measurement structure and any dwelling, excluding a dwelling located on the subject property, shall be no less than 4 times the height of the mast.”

Meridian Energy Ltd supports this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.3) seeks that a new Clause be added to require all the standards for permitted activities in Rule 4.5.2 to be met by controlled activities. **NZ Winegrowers** and **Progressive Enterprises Ltd** support this submission and **Mighty River Power Ltd** and **Windy Peak Trust** oppose it.

Evidence Heard

Mighty River Power Ltd presented evidence that standards are not required for Controlled Activities.

Commissioners' Deliberations

The matter of anemometers is considered fully in the Network Utility decision. Given this matter is addressed in the District Wide Issues, the Commissioners do not consider it is the most appropriate approach to also provide a rule in the Rural Zone rules.

As discussed above, the only land use controlled activity in the Rural Zone is building relocations. Given that the activity applies to buildings, it is appropriate that the permitted activity standards also apply.

Decision: 4.5.3: Add a New Clause

Submission Reference: 520.1	Reject
FS 84	Reject
522.3	Accept
FS 65	Reject
FS 54	Accept
FS 86	Accept
FS 102	Reject

Decision Amendment: 4.5.3: Add a New Clause

Add a Note to Rule 4.5.3 as follows:

Note:

All the standards for permitted activities in Rule 4.5.2 must be met.

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 relocated buildings.

4.5.4 Restricted Discretionary Activities: (a) Any Bird-Scaring Device that is not Operated in Accordance with the Standards for Permitted Activities (4.5.2(e))

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.12	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	NZ Winegrowers (FS 54) Progressive Enterprises Ltd (FS 86) Windy Peak Trust (FS 102)	Support Support Oppose

Discussion

The **Planning Departments of Masterton, Carterton, and South Wairarapa District Council's** (522.12) seek 4.5.4(a) be amended by adding a Non-notification and Not Requiring Service on affected parties statement to read as follows:

“Notification and Service of Applications

An application for resource consent for a restricted discretionary activity under Rule 4.5.4(a) need not be notified; and need not be served on affected parties.”

NZ Winegrowers and **Progressive Enterprises Ltd** support this submission. **Windy Peak Trust** opposes this submission.

Evidence Heard

NZ Winegrowers presented evidence supporting the Section 42A report recommendation that restricted discretionary activity resource consent applications did not need to be publicly notified.

Commissioners’ Deliberations

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: 4.5.4(a)

Submission Reference: 522.12	Reject
FS 54	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.

4.5.4 Restricted Discretionary Activities: (c) Any building or activity, including but not limited to, any building for visitor accommodation (other than homestays), entertainment, industrial, retail, recreation or training, and is not otherwise listed as a controlled, restricted discretionary or discretionary activity.

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.17	NZ Winegrowers	D Riddiford (FS 112)	Oppose
427.18		Federated Farmers of NZ (Inc) (FS 85)	Oppose

398.9	Wairarapa Inc trading as Go Wairarapa	-	-
522.11	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Morrison Kent Lawyers (FS 80) NZ Winegrowers (FS 54) Windy Peak Trust (FS 102)	Support Support Oppose
238.15	R Scott	-	-

Discussion

Wairarapa Inc trading as Go Wairarapa (398.9) oppose 4.5.4(c) and seek that 'homestay' be excluded from the clause as the definition of 'homestay' does not limit the size of the facility.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.11) seek 4.5.4(c) be amended as follows:

“(c) Any building or activity that is not associated with primary production or residential activities, including but not limited to, any building or activity, for visitor accommodation (other than homestays), entertainment, ~~industrial~~ retail less than 800m² in gross floor area, recreation or training, and is not otherwise listed as a controlled, restricted discretionary or discretionary activity.

It is submitted that “industrial” activities and “retail activities from 800m² up to 2,000m² in gross floor area” be listed as discretionary activities under Rule 4.5.5 as follows:

(c) Any industrial activity

(d) Any retail activity with a gross floor area from 800m² up to 2,000m².

It is submitted that any retail activity 2000m² and over in gross floor area is a non-complying activity under Rule 4.5.6 as follows:

(b) Any retail activity with a gross floor area 2,000m² and over.

It is submitted the matters of discretion under rule 4.5.4(c) be amended as follows:

Add: (viii) Servicing and infrastructure requirements.”

Morrison Kent Lawyers and **NZ Winegrowers** support this submission and **Windy Peak Trust** oppose it.

R Scott (238.15) seeks that 4.5.4(c) be amended to apply only within the boundary of established settlements.

NZ Winegrowers (427.17 and 427.18) seek that a new Clause be added to 4.5.4(c) requiring visitor accommodation to comply with the setback requirements in Rule 4.5.2(c), and a statement to be added regarding notification and service requirements. **D Riddiford** and **Federated Farmers of NZ** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

Homestays are provided for as a permitted activity if they are accommodated within a dwelling. The Commissioners consider the reference in Rule 4.5.4(a) to 'homestays' clarifies that this type of visitor accommodation is not a restricted discretionary activity under this rule.

There are a range of non-primary production activities that can potentially have significant adverse effects in the rural environment. Current Rule 4.5.4(c) only applies to particular activities in buildings, which is not effective in managing outdoor activities which can compromise the qualities and character of the rural area. In addition, the existing rule does not fully recognise that the scale of particular activities have a relationship with the degree and nature of adverse effects.

To better manage these activities, the Commissioners consider a more appropriate framework is to manage certain aspects of activities. Furthermore, large scale retail activities in the rural area could have significant adverse effects, therefore, it is more appropriate to manage these activities as unrestricted discretionary activities. Similarly, industrial activities could also have significant adverse effects, and are more appropriate as unrestricted discretionary activities.

Decision: 4.5.4(c)

Submission Reference: 398.9	Reject
522.11	Accept in part
427.17	Accept in part
427.18	Accept in part
238.15	Reject
FS 112	Accept in part
FS 85	Accept in part
FS 80	Accept in part
FS 54	Accept in part
FS 102	Accept in part

Decision Amendment: 4.5.4(c)

Amend 4.5.4(c) as follows:

"Any ~~building activity that is not associated with~~ required for primary production ~~or and residential activities, including but not limited to, any building for visitor accommodation (other than homestays), entertainment, industrial, retail, recreation or training~~ purposes that requires either: (a) the construction or use of a building over 25m² in gross floor area; or (b) the external storage of goods, products or vehicles (including contractors yards); and is not otherwise listed as a controlled, restricted discretionary, or discretionary or non-complying activity."

Add a further matter of discretion under Rule 4.5.4(c) as follows:

"(viii) Servicing and infrastructure requirements."

Amend '4.5.5 Discretionary Activities' by adding new clauses (c) and (d) as follows:

"(c) Any industrial activity

(d) Any retail activity with a gross floor area from 200m² up to 2,000m²."

Amend '4.5.6 Non-Complying Activities' by adding a new clause (b) as follows:

“(b) Any retail activity with a gross floor area 2,000m² and over.

Add a new clause (viii) to 4.5.4(c) to read as follows:

“(viii) Effects of retail activities in the Rural Zone on the viability and vitality of the existing town centres of Featherston, Martinborough, Greytown, Carterton, and Masterton.”

Reasons

This decision is made for the following reasons:

- Particular types of activities, irrespective of whether they are undertaken in a building, could adversely affect the rural area, therefore, the most appropriate framework is to manage them all as restricted discretionary activities.
- The scale of retail activities influences the degree and nature of adverse effects. Therefore, an efficient and effective approach to managing retail activities in the rural area, is to have a graduated activity status profile, with small-scale retail activities being restricted discretionary, medium-scale discretionary, and large-scale non-complying.
- The nature of industrial activities could create significant adverse effects on the rural environment. Therefore, an efficient and effective approach is to assess these types of activities as an unrestricted discretionary activity.

4.5.4 Restricted Discretionary Activities: Add a New Clause

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.7	NZ Historic Places Trust	L Reed (FS 127)	Support
522.3	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Mighty River Power Ltd (FS 65) NZ Winegrowers (FS 54) Progressive Enterprises Ltd (FS 86) Windy Peak Trust	Oppose Support Support Oppose

Discussion

NZ Historic Places Trust (497.7) seek Rule 4.5.4 be amended to add criteria that 'size' and 'economic impacts' be matters for Council to retain control over. **L Reed** supports this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.3) seeks that a new Clause be added to require all the standards for permitted activities in Rule 4.5.2 to be met by restricted discretionary activities. **NZ**

Winegrowers and Progressive Enterprises Ltd support this submission and **Mighty River Power Ltd** and **Windy Peak Trust** oppose it.

Evidence Heard

Mighty River Power Ltd presented evidence that standards are not required for Controlled Activities.

Commissioners' Deliberations

The vitality and viability of the existing town centres in the Wairarapa is critical to the economic and social wellbeing of each town. Allowing retail activities in the rural areas has the potential to adversely affect the vitality and viability of the existing town centres, therefore, the Commissioners consider it appropriate to add this as a matter of discretion.

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

Decision: 4.5.4 Restricted Discretionary Activities: Add a New Clause

Submission Reference: 497.7	Accept in part
FS 127	Accept in part
522.3	Reject
FS 65	Accept
FS 54	Reject
FS 86	Reject
FS 102	Accept

Decision Amendment: Add a New Clause

Add a new clause (viii) to 4.5.4(c) to read as follows:

“(viii) Effects of retail activities in the Rural Zone on the viability and vitality of the existing town centres of Masterton, Carterton, Greytown, Martinborough and Featherston.”

Reasons

This decision is made for the following reasons:

- Assessing the effects on the vitality and viability of the existing town centres, better addresses the full range of adverse effects from retail activities.
- 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.

4.5.5 Discretionary Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.16	Meridian Energy Ltd	-	-
522.3	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	Mighty River Power Ltd (FS 65) NZ Winegrowers (FS 54) Progressive Enterprises Ltd (FS 86) Windy Peak Trust (FS 102)	Oppose Support Support Oppose
522.24	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	-	-

Discussion

Meridian Energy Ltd (521.16) seek Rule 4.5.5 be retained.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.3) seeks that a new Clause be added to require all the standards for permitted activities in Rule 4.5.2 to be met by discretionary activities. **NZ Winegrowers** and **Progressive Enterprises Ltd** support this submission and **Mighty River Power Ltd** and **Windy Peak Trust** oppose it.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.24) seek that Rule 4.5.5(b) be deleted.

Evidence Heard

Mighty River Power Ltd presented evidence that standards are not required for Discretionary Activities.

Commissioners' Deliberations

The rules need to be clear and avoid confusion in terms of the activity status of proposals. Rule 4.5.5(b) results in a double 'catch-all', as all activities under Rule 4.5.2 are permitted. Therefore, Rule 4.5.5(b) is redundant and needs to be removed to provide for the effective administration of the District Plan.

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: 4.5.5 Discretionary Activities

Submission Reference: 521.16 Accept

522.3 Reject

FS 65 Accept
FS 54 Reject
FS 86 Reject
FS 102 Accept

522.24 Accept

Decision Amendment: 4.5.5 Discretionary Activities

Delete Rule 4.5.5(b).

~~(b) Any other activity that is not a permitted, controlled or a restricted discretionary activity, is a discretionary activity.~~

Reasons

This decision is made for the following reasons:

- Removing the catch-all discretionary activity rule avoids potential confusion in administering the District Plan.
- 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.

4.5.6 Non-Complying Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
493.5	T and G Williams	G & C Hearfield (FS 22) S & M Matthews (FS 20) T & N Vallance (FS 21) Adamson Land Surveyors (FS 30)	Oppose Oppose Oppose Oppose
17.6	Transit New Zealand	-	-
272.2	J Read	-	-

Discussion

T and G Williams (493.5) seeks 4.5.6 be amended to provide for the existing helicopter operations on Pt Lot 1 DP 10971 at 'Te Parae', Te Parae Road, East Masterton. **G & C Hearfield, S & M Matthews, T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Transit New Zealand (17.6) seeks to add an additional non-complying activity to 4.5.6 in relation to subdivision on a State Highway or the Masterton Heavy Traffic Bypass.

J Read (272.2) seeks that rural non complying activities be turned into discretionary activities.

Evidence Heard

T and G Williams presented evidence about the scale and nature of their helicopter operation at Te Parae. In particular, they highlighted the facilities that have been installed to manage the effects from the operation, including stormwater management facilities. The submitter confirmed that the noise assessment they commissioned attached to their submission erroneously did not correctly identify a neighbouring dwelling within the air noise contours. Furthermore, the submitter tabled written statements from a number of parties supporting the operation of this helicopter facility.

S & M Matthews, T & N Vallance and Adamson Land Surveyors presented evidence opposing the establishment of a helicopter operation at Te Parae. They highlighted the proximity of the helicopter landing/take-off pad to their neighbouring dwellings and the helicopter flight paths.

Commissioners' Deliberations

As discussed above for the permitted activities standard, the Commissioners consider that the circumstances for the helicopter operation at Te Parae are quite different to those which apply to the Chester Road operation. In particular:

- The landing area was established in an area containing existing residences, including one in close proximity to the landing/take off area.
- Accordingly, the operation does not and is unlikely unable to comply with the requirements of NZS6807 in its current location.
- The property is a much larger one, and is likely to contain other sites for a helicopter landing area that would provide much greater distances from the nearest residences.

Therefore, it was not considered appropriate to amend the rules in the District Plan to provide for the Te Parae helicopter operation.

The matter of subdivision with access from State Highways and the Masterton Heavy Traffic Bypass are more appropriately addressed in Section 20 – Subdivision Rules.

The Commissioners note that the only non-complying activity in the Rural Zone is for noise sensitive activities (e.g. dwellings) to be constructed within the Inner Air Noise Contour for the Chester Road helicopter operation. The area of land this rule applies to covers a relatively small area on two properties, one of which is the helicopter operators own property. Given the potential for future occupiers of noise sensitive activities to be adversely effected in this location, the Commissioner consider it is an effective and efficient approach to manage this matter as a non-complying activity.

Decision: 4.5.6 Non-Complying Activities

Submission Reference: 493.5	Reject
FS20	Accept
FS21	Accept
FS22	Accept
FS30	Accept
17.6	Accept in part
272.2	Reject

Reasons

This decision is made for the following reasons:

- The helicopter operation at Te Parae does not and is unable to be able to comply with the requirements for NZS6807, given its proximity to the nearest neighbouring residence, and therefore the application of the management framework within the District Plan to this facility would not be appropriate or effective.
- Confining the subdivision rules to one chapter provides the most efficient and effective framework, and avoids potential confusion in administering the District Plan.
- The non-complying activity status for noise sensitive activities around the Chester Road helicopter operation recognises the potential for these activities to be adversely affected by the helicopter operation.

27 Definitions - Earthworks

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.9	Horticulture New Zealand	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) NZ Winegrowers (FS 54)	Support Support Support
524.79	Federated Farmers of New Zealand (Inc)	S & S Barton (FS 106) J & G Diederich (FS 157) K Reedy (FS 155)	Support Support Support

Discussion

Federated Farmers NZ Inc (524.79) and **Horticulture New Zealand** (492.9) seek that the definition of 'earthworks' be amended to clarify that the cultivation of soil for planting of crops and pasture, and the harvesting of crops, are not included as 'earthworks'. **D Riddiford**, **Federated Farmers of NZ (Inc)**, and **NZ Winegrowers** support the submission of Horticulture NZ, and **S & S Barton**, **J & G Diederich** and **K Reedy** support the submission of Federated Farmers of NZ (Inc).

Evidence Heard

Horticulture NZ presented evidence supporting the Section 42A report recommendation of amending the definition to make it clear that cultivation and harvesting of crops were not included as earthworks.

Commissioners' Deliberations

The Commissioners concur with the submitters, that the definition of earthworks is better described with the amendment excluding cultivation of soil, harvesting of crops and drainage of land for primary production activities. This amendment would enable the ongoing efficient functioning of primary production activities.

Decision:

Submission Reference: 524.79 Accept in part
FS 106 Accept in part

FS 157 Accept in part
FS 155 Accept in part

492.9 Accept in part
FS 112 Accept in part
FS 85 Accept in part
FS 54 Accept in part

Decision Amendment: 27: Definitions - Earthworks

Amend the definition of 'Earthworks' as follows:

*Earthworks – removal, deposition, or redistribution of any material on a site that alters the natural or existing ground level, **but does not include the cultivation of soil for planting of crops and pasture, the harvesting of crops, and drainage of land (not affecting wetland hydrology) in connection with primary production activities.***

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 earthworks definition better describes the nature of some earthworks which are not to be managed in the District Plan.

27: Definitions - Intensive Farming

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.82	Federated Farmers of New Zealand (Inc)	J & G Diederich (FS 157) K Reedy (FS 155)	Support Support
492.5	Horticulture New Zealand	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) NZ Winegrowers (FS 54)	Support Support Support

Discussion

Federated Farmers NZ Inc (524.82) seeks that the current definition of Intensive Farming in the Plan be deleted and replaced with a new definition to allow for a range of legitimate farming activities. **J & G Diederich** and **K Reedy** support this submission. **Horticulture New Zealand** (492.5) seeks that the definition be amended to clarify that Intensive Farming does not include intensive horticulture and intensive primary production undertaken outdoors. **D Riddiford**, **Federated Farmers of NZ (Inc)**, and **NZ Winegrowers** support this submission.

Evidence Heard

Horticulture NZ presented evidence seeking clarification of a range of terms, including 'intensive horticulture' indoors and outside, and intensive primary production activities.

Commissioners' Deliberations

The existing definition of intensive farming includes a detailed description of the nature of the activities which encompass the range of intensive farming operations. In addition, the definition lists specific examples of activities which are captured as intensive farming, and activities which are not considered intensive farming. The Operative Carterton District Plan has a similar definition which has proved effective in distinguishing between primary production activities and intensive farming activities. The rules and standards in the District Plan only refer to 'intensive farming' and the other terms noted by submitters are used in explanatory text. Therefore, the Commissioners consider the existing definition to be the most appropriate definition of intensive farming. The Commissioners note a consequential change to the definition in response to a submission on the permitted activity standards for intensive farming.

Decision

Submission Reference: 524.82	Reject
492.5	Reject
FS 112	Reject
FS 85	Reject
FS 54	Reject
FS 157	Reject
FS 155	Reject

Consequential Change: Decision Amendment: Intensive Farming

Amend the definition of intensive farming to read:

Intensive Farming – the commercial raising and keeping of plants, animals or other living organism in buildings, or in closely fenced outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover, and which is substantially provided for by food or fertiliser from off the site. This includes, but is not limited to intensive pig farming, poultry farms, mushroom farms, and feedlots, but excludes horticulture undertaken in greenhouses, milking sheds, **woolsheds** and aquaculture.

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 intensive farming definition better reflects a specific building which is not an intensive farming activity.

27: Definitions - Primary Production

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.8	Horticulture New Zealand	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85)	Support Support

Discussion

Horticulture New Zealand (492.8) seeks that the definition of 'Primary Production' be amended by including 'crops' in the definition. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Evidence Heard

Horticulture NZ presented evidence supporting the Section 42A report recommendation of amending the definition for primary production to include reference to crops.

Commissioners' Deliberations

The Commissioners concur with the submitters, that the definition of primary production is better described with the amendment adding reference to crops. This amendment would enable the ongoing efficient functioning of primary production activities.

Decision

Submission Reference: 492.8	Accept
FS 112	Accept
FS 85	Accept

Decision Amendment: 27: Definitions- Primary Production

Amend the definition of 'Primary Production' as follows:

*Primary Production – the use of land and accessory buildings (e.g. greenhouses) for the raising, growing and breeding of animals or vegetative matter **and crops**, including horticulture, forestry, agriculture....and processing.*

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 primary production definition better describes the range of primary production activities.

27: Definitions - Plantation Forestry

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.7	Horticulture NZ	D Riddiford (FS 112) Federated Farmers of NZ (Inc) (FS 85) NZ Winegrowers (FS 54)	Support Support Support
515.4	Juken NZ Ltd, Forestry Wairarapa	Waipine (FS 103)	Support

398.37	Wairarapa Inc trading as Go Wairarapa	-	-
285.3	Forestry Wairarapa Cluster Group	Transpower NZ Limited (FS 16)	Support

Discussion

Horticulture NZ (492.7), **Juken New Zealand Ltd**, **Forestry Wairarapa** (515.4), **Wairarapa Inc trading as Go Wairarapa** (398.37) and **Forestry Wairarapa Cluster Group** (285.3) seek that the definition of Plantation Forestry exclude shelter belts. **Horticulture NZ** (492.7) also seeks that the definition of Plantation Forestry exclude trees planted for horticultural purposes. **D Riddiford**, **Federated Farmers of NZ (Inc)** and **NZ Winegrowers** support the submission of Horticulture NZ. **Waipine** supports the submission of Juken NZ Ltd, Forestry Wairarapa, and **Transpower NZ Ltd** supports the submission of Forestry Wairarapa Cluster Group.

Juken NZ Ltd, **Forestry Wairarapa** (515.4) and **Forestry Wairarapa Cluster Group** (285.3) also seek that references in the Plan to forestry, plantation forestry, production forestry, commercial forestry, exotic forestry etc. should be amended to the defined term 'Plantation Forestry'.

Evidence Heard

Horticulture NZ presented evidence supporting the Section 42A report recommendation of amending the definition for plantation forestry to exclude shelterbelts and trees planted for horticultural purposes.

Juken NZ Ltd, **Forestry Wairarapa** presented evidence seeking consistent terminology throughout the District Plan in relation to plantation forestry.

Commissioners' Deliberations

The Commissioners concur with the submitters, that the definition of plantation forestry is better described by specifically excluding shelterbelts and trees planted for horticultural purposes.

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

Decision

Submission Reference: 492.7	Accept
FS 112	Accept
FS 85	Accept
FS 54	Accept
515.4	Accept in part
FS 103	Accept in part
398.37	Accept
285.3	Accept in part

FS 16 Accept in part

Decision Amendment: 27: Definitions – Plantation Forestry

Amend the definition of 'Plantation Forestry' as follows:

*"Plantation Forestry – The commercial production of trees for wood products and includes woodlots, large scale plantations, a mix of pastoral and forest uses, and firewood lots, provided any area is contiguous planting over 1ha, **but does not include shelter belts and trees planted for horticultural purposes.**"*

Amend the definition of 'Primary Production' as follows:

*"Primary Production – the use of landhorticulture, **plantation** forestry, agriculture..."*

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 plantation forestry definition better describes a type of planted vegetation which is not plantation forestry.

27: Definitions – Site

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
515.5	Juken NZ Ltd, Forestry Wairarapa	Waipine (FS 103)	Support
398.38	Wairarapa Inc trading as Go Wairarapa	-	-
285.4	Forestry Wairarapa Cluster Group	-	-

Discussion

Juken New Zealand Ltd, Forestry Wairarapa (515.5), Wairarapa Inc trading as Go Wairarapa (398.38) and Forestry Wairarapa Cluster Group (285.4) seek that the definition of 'Site' be replaced with a new definition. **Waipine** supports the submission of Juken NZ Ltd, Forestry Wairarapa.

Evidence Heard

Juken NZ Ltd, Forestry Wairarapa and Wairarapa Inc trading as Go Wairarapa presented evidence separately highlighting the implications of the existing definition of 'site' as it relates to a number of the permitted activity standards.

Commissioners' Deliberations

The Commissioners concur with the submitters, that the definition of site needs to be fair and reasonable. The term 'site' is used throughout the rules for the District Plan, as it has a direct relationship with how a property can be used, developed or subdivided. The Commissioners consider the existing definition of 'site' to be the most appropriate definition, as it is measurable and enforceable. The Commissioners consider amendments to the standards that are based on the 'site' definition is the better approach to addressing the matters raised by the submitters, such as amendments to the sign standards.

Decision

Submission Reference: 515.5	Reject
398.38	Reject
285.4	Reject
FS 103	Reject

Reasons

This decision is made for the following reasons:

- Clear definitions assist with the effective administration of the District Plan rules and standards. The existing site definition most appropriately describes this matter, as it is measurable and enforceable.