

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

Subject: Subdivision, Land Development & Urban Growth

In Reference to:

- ***Subdivision, Land Development & Urban Growth Provisions 18.1 – 18.4***
 - ***Subdivision Rules 20.1.1 – 20.1.7***
 - ***District Wide Land Use Rules 21.1.22 – 21.1.23, 21.3.7, 21.4(l)***
 - ***Assessment Criteria 22.1.1, 22.1.22***
 - ***Financial Contributions Section 23***
 - ***Esplanade Reserves/Strips Section 24***
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Executive Summary

Rural Subdivision

The Commissioners have retained the two zone approach in managing rural subdivision, being the Rural (Primary Production) Zone and Rural (Special) Zone. For the Rural (Primary Production) Zone, some amendments had been made to the minimum standards and activity status. In summary, 4 hectare minimum lot size has been retained as the baseline for subdivision in rural areas, 100m minimum frontage has been retained and minor amendments to the building area requirements.

In terms of small lot rural subdivision, the Commissioners have determined that it is effective and efficient use of the rural land resource to provide for this type of subdivision, within certain parameters. These parameters manage the potential cumulative effects of small lot rural subdivision. The standards for small lot rural subdivision is 1 hectare minimum lot size, maximum number of two small lots (e.g. 1-4 hectares), and a minimum *average* lot size of 2 hectares. The same standards apply across all three Districts.

Lastly, the surplus farm dwelling rule has been retained, provided the balance lot is at least 4 hectares in size.

If a subdivision was proposed which did not comply with these thresholds, it would be assessed as a restricted discretionary, discretionary or non-complying activity depending on the standard that was not complied with.

For the Rural (Special) Zone, the 4 hectare minimum lot size has been retained, and 100m minimum frontage and building area requirements added. This combination of standards is considered the most effective in managing the intensity of subdivision in the Rural (Special) zoned areas.

Residential Subdivision

The Commissioners have determined that the residential environments in the Wairarapa towns have a different character and amenity, therefore, different minimum standards are

appropriate. For the Masterton District, the Proposed Plan standards of a 350m² minimum lot size and 400m² minimum *average* lot size have been retained.

For the Carterton District, the standards in the Operative Carterton District Plan have been retained, being a 400m² minimum lot size and 500m² minimum *average* lot size. For the South Wairarapa District, the same standards as the Carterton District have been applied, with the removal of the front and rear lot size requirements.

In addition, for the Carterton District, the low density area at the southern end of the town in the Operative Carterton District Plan has been retained, with a 2,000m² minimum lot size.

18 General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.18	New Zealand Historic Places Trust	-	-
507.3	Riversdale Ratepayer's Association	-	-
383.7	Sustainable Wairarapa	-	-
383.10	Sustainable Wairarapa	-	-
473.1	D & R Broadmore	-	-
385.3	J Gleisner	-	-
385.8	J Gleisner	-	-
385.12	J Gleisner	-	-
286.1	M Hooper	-	-
440.1	T Martin	-	-
440.2	T Martin	-	-
440.6	T Martin	-	-
264.25	D Riddiford	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support

Discussion

New Zealand Historic Places Trust (497.18) request a new objective and accompanying policies be added to Section 18 to provide for the protection of historic heritage from inappropriate subdivision.

Riversdale Ratepayer's Association (507.3) and **D & R Broadmore** (473.1) seek that Section 18 be retained.

Sustainable Wairarapa (383.7) requests that the Plan Provisions be amended regarding urban expansion, relating to proposed expansion of urban areas before infill development within existing urban areas. They also request the Plan should be structured so that people are encouraged to adopt sustainable rather than unsustainable practices (383.10). **J Gleisner** (385.3 and 385.8) requests a reduction in the proposed expansion of areas and to carry infilling and utilising land within current boundaries.

J Gleisner (385.12) requests that cycles lanes be established as a matter of course in all new subdivisions within urban areas.

M Hooper (286.1) requests that current land use designations that are applied to minimise current known risks are carried across to the new combined plan to permit councils to consider those known risk factors when considering future development proposals for such land areas.

T Martin (440.1) requests a commitment from the local authority to undertake a growth study of other growth areas similar to Martinborough, such as Queenstown-Lakes, Taupo and Nelson. In addition, he requests that a strategic planning forum be created to agree on a vision for Martinborough to assist with the preparation of the growth study (440.2). Lastly, he requests the preparation of a design guide for all development activity to ensure protection of visual amenity, integration with the existing infrastructure and surrounds (440.6).

D Riddiford (264.25) seeks subdivision as a fundamental right of the Landowner and should only be regulated when adverse effects are imposed on others. **Federated Farmers of NZ (Inc)** and **D Riddiford** support this submission.

Evidence Heard

T Martin presented evidence re-iterating that Martinborough lack a strategic vision for the management of its urban growth, and that this was need to protect the special character, and provide for growth which integrated with this character.

D Riddiford submitted that their needed to be certainty in the subdivision process, and that subdivision was a fundamental right of a landowner.

Commissioners' Deliberations

Chapter 18 provides the policy framework for managing subdivision, land development and urban growth. The Chapter identifies the significant resource management issues for subdivision, land development and urban growth. A variety of subdivision and land development opportunities are available in the Wairarapa, and Chapter 18 responds to the competing pressures on the land resources.

The Commissioners noted some submitters support for the Chapter and retaining the Plan provisions.

The Commissioners note the Plan is to be applied as a whole document, and that historic heritage matters are addressed in Chapter 10. Therefore, a specific objective and accompanying policies on historic heritage is not the most appropriate approach in the subdivision and land development chapter.

In terms of urban development, the Commissioners consider the Plan would achieve a sustainable urban environment, with a mix of infill and greenfield development opportunities provided for. The specific subdivision design parameters are discussed in detail further below.

At this time, the Commissioners consider the urban growth needs of Martinborough have been provided for in the Plan, with a few small areas on the periphery areas rezoned for residential purposes, and refinements to the infill subdivision standards. However, the

Commissioners concur with the submitter that further investigations are warranted for future planning. The Commissioners would urge the South Wairarapa District Council to undertake a growth study to determine the future residential, commercial and industrial land requirements and the specific planning tools for implementing this study. Ideally, this study should be completed as soon as possible, and that the Council should seek to include it in the 2008/09 Long Term Council Community Plan/Annual Plan.

Decision: 18 General

Subdivision Reference: 497.18	Reject
507.3	Accept
383.7	Reject
383.10	Accept
473.1	Accept
385.3	Reject
385.8	Reject
385.12	Accept in part
286.1	Accept
440.1	Reject
440.2	Reject
440.6	Reject
264.25	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Reasons

This decision is made for the following reasons:

- The Subdivision, Land Development and Urban Growth Chapter provisions represent the most appropriate approach for managing the range of resource management issues associated with subdivision and development in the Wairarapa.
- The management of the historic heritage is most appropriately managed in the Historic Heritage Chapter of the Plan.

18.1 Introduction

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.72	Department of Conservation		-
427.19	NZ Winegrowers	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
523.17	M & K Williams	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 52 Horticulture New Zealand	Support Support Support

		FS 54 New Zealand Winegrowers	Support
526.70	Greater Wellington Regional Council	-	-

Discussion

The **Department of Conservation** (525.72) seeks that an additional paragraph be added to the Introduction to identify the potential impacts of subdivision on natural and physical values, and that subdivision can adversely affect natural values.

NZ Winegrowers (427.19) seek that the last paragraph of the Introduction be amended by deleting the entire last sentence as it is more accurate to describe the reverse sensitivity issue as a result of residential dwellers' expectations of living in the Rural Zone being inconsistent with the realities of living in a primary production area and resulting in conflict between the residential expectations and the reality of the rural environment. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** (FS112) oppose this submission.

M & K Williams (523.17) also seeks that the last paragraph of the Introduction be amended as it does not clearly explain that the potential impact on the existing primary production activity needs to be carefully considered at the subdivision consent stage. **Federated Farmers of New Zealand (Inc)**, **Horticulture New Zealand**, **New Zealand Winegrowers** and **D Riddiford** support this submission.

Greater Wellington Regional Council (526.70) seeks that a new paragraph be added after paragraph 2 to describe that historical land contamination can be a restraining factor for land development.

Evidence Heard

Department of Conservation presented evidence supporting the Section 42A report recommendation of adding a sentence to Introduction in relation to indigenous flora and fauna values.

K & M Williams presented evidence supporting the Section 42A report recommendation of amending the last paragraph to better describe the issue of reverse sensitivity on existing primary production activities.

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation of adding paragraph 12 in relation to contaminated land.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report assessment and recommendations, that the series of recommended amendments to the Introduction better describe the issues associated with subdivision, land development and urban growth. Accordingly, the Commissioners have adopted the recommended text.

Decision: 18.1 Introduction

Submission Reference: 525.72 Accept in part

427.19 Reject
 FS 112 Accept
 FS 85 Accept

523.17 Accept in part
 FS 112 Accept in part
 FS 85 Accept in part
 FS 52 Accept in part
 FS 54 Accept in part

526.70 Accept in part

Decision Amendment 18.1 Introduction

Add a sentence to the end of paragraph 2 as follows:

*“....minimising the adverse effects on the environment. **Subdivision in or near an area which has indigenous flora and fauna values can adversely impact on these values if not designed and constructed carefully.**”*

Amend the last paragraph as follows:

*“Another issue concerning subdivision and land development is the reverse sensitivity phenomenon, by which **a new** land uses establishes near **existing** activities. **The existing activity that** may create an adverse effect on **the new activity’s their** amenity values. In the rural parts of the Wairarapa, this usually occurs when residential land uses are developed near activities that create **effects such as** noise, dust, and odour. Such changes therefore can cause constraints on the ongoing operation of rural production and service activities. **The need to provide such lifestyle opportunities in a manner that protects the rural character while maintaining and enabling primary production to operate without unreasonable restriction is a key challenge in the management of the rural environment.**”*

Add a new paragraph 12 as follows:

“Use and development of contaminated land must be carefully managed and controlled to ensure that potential adverse effects on users of that land from contaminants are avoided or remedied (for the Objective, Policies and Methods relating to contaminated land refer to ‘Chapter 15 Hazardous Substances’).”

Reasons

This decision is made for the following reasons:

- The amended text better describes the purpose of the Act in promoting sustainable development, which includes the management of subdivision and land use.

18.2 Significant Resource Management Issues

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

525.73	Department of Conservation	-	-
526.71	Greater Wellington Regional Council	-	-
523.18	M & K Williams	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 54 New Zealand Winegrowers	Support Support Support
497.17	NZ Historic Places Trust	-	-
296.13	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
296.14	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
238.6	R Scott	-	-
239.6	S Scott	-	-
52.3	R Broughton	-	-

Discussion

NZ Winegrowers (427.20), **R Broughton** (52.3), **S Scott** (239.6), **R Scott** (238.6), **M & K Williams** (523.18) and **Transpower New Zealand Limited** (296.14) support the Issues identified in Section 18.2. **Federated Farmers of New Zealand (Inc)**, **New Zealand Winegrowers** and **D Riddiford** support the submission from M & K Williams. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose the submission from Transpower New Zealand.

The **Department of Conservation** (525.73) seeks that 'natural values' be added to the Issue, and **Greater Wellington Regional Council** (526.71) seeks that Issue 2 be amended or a new Issue be added to encompass the range of effects such as effects on ecological values, historic and cultural sites, and effects arising from intensification of development such as waste water disposal. **Transpower New Zealand** (296.13) seeks that "electricity" be added to the Issue. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose the submission from Transpower New Zealand.

The **NZ Historic Places Trust** (497.17) seeks that a new Issue be added to recognise the potential adverse effects of subdivision and development on historic heritage.

Greater Wellington Regional Council (526.71) seeks that a new Issue be added addressing matters associated with the subdivision and change of use of contaminated land.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendation of amending Issue 2 by adding 'natural values'.

K & M Williams presented evidence supporting the Section 42A report recommendation of retaining Issues 3 and 4.

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation of amending Issue 2 in relation to natural values, that the historic heritage values is addressed in the new Issue 5, and contaminated sites is effectively addressed in Chapter 15.

Commissioners' Deliberations

The Commissioners concur with the submitters and the Section 42A report assessment and recommendation, that adding 'natural values' better reflect the range of values that could be affected by subdivision and development.

In terms of historic heritage, as it is a matter of national importance to protect historic heritage from inappropriate subdivision, use and development, a separate issue statement is appropriate.

For the reference to infrastructure, the Commissioners consider the use of the phrase 'such as' does not limit the infrastructure to only those listed. The listed infrastructure are the key examples under pressure from subdivision and development.

The Commissioners concur with the Section 42A report assessment and recommendation, that the matter of contaminated land is effectively addressed in Chapter 15 of the Plan.

Accordingly, the Commissioners have adopted the recommended text for the Issue statements.

Decision: 18.2 Significant Resource Management Issues: All Issues

Submission Reference: 427.20	Accept
525.73	Accept
526.71	Accept in part
523.18	Accept
FS 112	Accept
FS 85	Accept
FS 54	Accept
497.17	Accept
296.13	Reject
FS 112	Accept
FS 85	Accept
296.14	Accept
FS 112	Reject
FS 85	Reject
238.6	Accept
239.6	Accept
52.3	Accept

Decision Amendment: 18.2 Significant Resource Management Issues: All Issues

Amend Issue 2 as follows:

- “2. Subdivision and development can adversely affect the landscape, character, **and** amenity **and** natural values of the environment, if the scale, intensity and design of such development are not addressed. **Infrastructure servicing subdivision and development can have positive and adverse effects on the environment.**”

Add a new Issue 5 as follows:

- “5. Subdivision and development can adversely affect historic heritage places and sites, including archaeological sites and sites of significance to iwi.”

Reasons

This decision is made for the following reasons:

- The existing and amended Issue statements are the most appropriately in fully describing the range of pressures on the Wairarapa environments from subdivision and development.

18.3.1 Objective SLD1 – Effects of Subdivision & Land Development

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.73	Greater Wellington Regional Council	-	-
523.19	M & K Williams	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
296.15	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Greater Wellington Regional Council (526.73) support Objective SLD1.

K & M Williams (523.19) seeks that Objective SLD1 be amended to ensure that established primary production activities are recognised and protected for more than their visual qualities, or that a new Objective is added to address this matter. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** support the submission from M & K Williams.

Transpower New Zealand (296.15) requests the objective be amended to provide for the protection of key infrastructural assets. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose the submission from Transpower New Zealand.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation of retaining the Objective.

K & M Williams presented evidence requesting a new objective be added to address reverse sensitivity matters or amend Objective 1 to better address this matter.

Transpower New Zealand submitted that it is important the objectives for subdivision provide for the protection of nationally significant utilities.

Commissioners' Deliberations

The Commissioners note the District Plan has to be applied as a whole document, and any resource consent application should address all applicable provisions of the District Plan to determine what resource consents are required, and, as appropriate, what objectives and policies are relevant. For example, if an application was received for a subdivision in a Rural Zone, the relevant provisions of Chapter 4, Rural Zone, should be evaluated in conjunction with the relevant provisions of Chapter 18.

Under Section 4.3.4, Objective Rur2 relates to the efficient and effective function of primary production activities, with associated policies for implementing this objective relating to managing reverse sensitivity issues. These policies would be applied in conjunction with the subdivision policies, in particular, Policy 18.3.2(b), (i) and (j), which set out specific matters for managing the nature and form of subdivided lots.

Similarly, in terms of the potential effects on network utilities, such as the proximity of buildings to high voltage transmission lines, 16.3.1 Objective Nue1 in Chapter 16 for enabling the efficient operation of network utilities would also be a relevant matter where a subdivision involved the potential construction of buildings near or under a transmission line.

Notwithstanding the above, the Commissioners consider Objective SLD1 should be amended to include reference in broad terms to the need to protect the efficient and effective operation of land uses and physical resources.

Decision: 18.3.1 Objective SLD1 – Effects of Subdivision & Land Development

Submission Reference: 526.73 Accept

523.19	Accept in part
FS 112	Accept in part
FS 85	Accept in part

296.15	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Decision Amendment: 18.3.1 Objective SLD1 – Effects of Subdivision & Land Development

Amend 18.3.1 Objective SLD1 to read as follows:

“18.3.1 Objective SLD1 – Effects of Subdivision & Land Development

*To ensure subdivision and land development maintains and enhances the character, amenity, natural and visual qualities of the Wairarapa, **and protects the efficient and effective operation of land uses and physical resources.**”*

Reasons

This decision is made for the following reasons:

- The amended Objective better addresses the range of effects associated with subdivision and land development in terms of the achieving the purpose of the Act.

18.3.2 SLD1 Policies: All Policies

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
462.1	Java Trust Limited	-	-
238.6	R Scott	-	-
239.6	S Scott	-	-

Discussion

Java Trust Limited (462.1), **R Scott** (238.6) and **S Scott** (239.6) request all policies be retained.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report assessment and recommendation, that the policies should be retained except as amended below in response to specific submission points. Re-ordering the policies into topic groups, such as roading and urban areas would improve the useability of the Plan.

The Commissioner the Clause 16 correction of re-ordering the policies into topic grouping.

Decision: 18.3.2 SLD1 Policies: All Policies

Submission Reference: 462.1	Accept
238.6	Accept
239.6	Accept

Decision Amendment 18.3.2 SLD1 Policies: All Policies

Re-order and re-number policies (a) – (h) into topic grouping.

Reasons

This decision is made for the following reasons:

- The existing re-ordered policies are the most effective in managing subdivision and land development in the Wairarapa.

18.3.2 SLD1 Policies: Policy (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
430.5	D Stanton	-	-
493.2	T & G Williams	FS 22 G & C Hearfield FS 20 S & M Matthews FS 21 T & N Vallance FS 30 Adamson Land Surveyors	Oppose Oppose Oppose Oppose
35.6	S Burt	-	-

Discussion

D Stanton (430.5) and **S Burt** (35.6) consider that the subdivision standards which provide for subdivision down to 1ha is directly at odds with Policy (a).

T & G Williams (493.2) supports Policy (a) in principle (and seeks amendments to the Rural Zone and subdivision provisions, Map 15). **G & C Hearfield**, **S & M Matthews**, **T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners noted no specific relief sought was stated in relation to amending Policy (a). The matter of 1 hectare minimum lot size is discussed below in relation to Rule 20.1.2. Therefore, the Commissioners concur with the Section 42A report that Policy (a) be retained, as it recognises subdivision is managed based on Environmental Zones, and that the amenity and character of these Zones can change over time.

Decision: 18.3.2 SLD1 Policies: Policy (a)

Submission Reference: 430.5 Reject

493.2 Accept

FS 22 Reject

FS 20 Reject

FS 21	Reject
FS 30	Reject
35.6	Reject

Reasons

This decision is made for the following reasons:

- The existing Policy clearly expresses that subdivision would be managed based on Environmental Zones, which reflects the Zones have a different character and amenity.

18.3.2 SLD1 Policies: Policies (b) & (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.74	Greater Wellington Regional Council	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
493.2	T & G Williams	FS 22 G & C Hearfield FS 20 S & M Matthews FS 21 T & N Vallance FS 30 Adamson Land Surveyors	Oppose Oppose Oppose Oppose

Discussion

Greater Wellington Regional Council (526.74) seeks that Policies (b) and (d) be amended to *provide* compared to *enable* subdivision in order to better express the Act. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

T & G Williams (493.2) supports Policy (b) in principle (and seeks amendments to the Rural Zone and subdivision provisions, Map 15). **G & C Hearfield**, **S & M Matthews**, **T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of amending the policies by replacing the word 'enable' with 'provide'.

Commissioners' Deliberations

Policy (b) recognises when subdividing land, it is imperative the subsequent land use can be provided for on the site. Policy (d) recognises that the commercial and industrial areas are the most intensively developed parts of the Wairarapa, and that a more flexible approach to subdivision is appropriate in these locations.

The Commissioners consider the two existing policies are the most effective in achieving the objective of maintaining and enhancing the character and qualities of the different

environments in the Wairarapa. We concur with Greater Wellington Regional Council that the word 'provide' is clearer and better express the intent of the policies and the purpose and principles of the Act.

The matter of amendments to the subdivision rules and associated mapping is discussed further in the sections below.

Decision: 18.3.2 SLD1 Policies: Policies (b) & (d)

Submission Reference: 526.74	Accept
FS 112	Reject
FS 85	Reject
493.2	Accept
FS 22	Reject
FS 20	Reject
FS 21	Reject
FS 30	Reject

Decision Amendment 18.3.2 SLD1 Policies: Policies (b) & (d)

Amend Policies (b) and (d) as follows:

- (b) ***Enable Provide*** subdivision where it is compatible with the physical characteristics of the site, provided any adverse environmental effects are avoided, remedied or mitigated.
- (d) ***Enable Provide*** flexible subdivision in the Commercial and Industrial Zones to promote the efficient use of these resources and their infrastructural capacity.

Reasons

This decision is made for the following reasons:

- The amended Policies better express the intent of the policies for providing for subdivision to achieve the objective for subdivision and is consistent with the purpose and principles of the Act.

18.3.2 SLD1 Policies: Policy (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
494.9	Land Transport NZ	-	-

Discussion

Land Transport NZ (494.9) supports Policy (c).

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that existing Policy (c) is the most efficient and effective for achieving the objective of managing the effects of subdivision and land development to maintain a safe and efficient transportation network.

As a consequential change, ONTRACK have requested amendments to the subdivision rules to manage the effects of subdivision and land development on the railway. The Commissioners concur with ONTRACK, that the subdivision of land should also consider the effects on the railway. Accordingly, Policy (c) is amendment to include reference to railway.

Decision: 18.3.2 SLD1 Policies: Policies (c)

Submission Reference: 494.9 Accept

Decision Amendment 18.3.2 SLD1 Policies: Policy (c)

Amend Policy (c) as follows:

- (c) *Ensure that subdivision and land development adjoining State Highways, ~~and other arterial roads~~ **and the Wairarapa railway**, avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the roading **and** networks.*

Reasons

This decision is made for the following reasons:

- The existing and amended policy is the most efficient and effective for achieving the objective of managing the effects of subdivision and land development to maintain a safe and efficient transportation networks.

18.3.2 SLD1 Policies: Policy (e)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.21	NZ Winegrowers	FS 52 Horticulture NZ	Oppose in part
430.5	D Stanton	-	-
35.7	S Burt	-	-

Discussion

NZ Winegrowers (427.21) seek that Policy (e) be amended so that the Plan also provides policies and methods to achieve the base line for maintaining the character, scale and intensity of development in the Zone by adding reference to interface control mechanisms. **Horticulture New Zealand** oppose in part this submission in relation to buffer zones.

D Stanton (430.5) and **S Burt** (37.5) consider that Council's 'servicing ability' of the existing subdivision in the Carterton Rural Zone is already stretched, and therefore subdivision to a minimum lot size of 1ha is directly at odds with this objective.

Evidence Heard

Horticulture NZ presented evidence opposing the use of buffer areas as they can result in the inefficient use of the land resource.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that Policy (e) establishes a baseline for the residential and rural areas based on a minimum allotment size, as this is a key mechanism for maintaining the character of these areas.

Interface controls are effectively applied in Policies 18.3.2(i)(i) and (j)(i) which manage the potential incompatibility issues between different land uses.

In terms of Council's servicing ability, this relates to the ability of lots to either connect to a reticulated infrastructure network or have sufficient land on a lot to effectively manage on-site servicing requirements. The existing Policy (e) is considered to be appropriately expressed in relation to this matter.

Decision: 18.3.2 SLD1 Policies: Policies (e)

Submission Reference: 427.21	Reject
FS 52	Accept
430.5	Reject
37.5	Reject

Reasons

This decision is made for the following reasons:

- The existing policy is effective and efficient in establishing a baseline applying a minimum allotment size for achieving the objective of maintaining the character and amenity of the residential and rural areas.

18.3.2 SLD1 Policies: Policy (f)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.75	Greater Wellington Regional Council	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 54 NZ Winegrowers	Support Support Support
432.5	J Campin	-	-

Discussion

Greater Wellington Regional Council (526.75) seek that Policy (f) be amended so that, in addition to addressing adverse effects on the safe and efficient functioning of strategic arterial roads, it also applies to effects on the rural environment. **Federated Farmers of New Zealand (Inc)**, **New Zealand Winegrowers** and **D Riddiford** support this submission.

J Campin (432.5) opposes 18.3.2(f).

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of rejecting the submitted amendment to Policy (f).

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that Policy (f) relates to managing development in relation to the strategic arterial roads and not the overall rural environment. The effects of development on the rural environment are effectively managed in other policies, in particular, Policies (e), (g), (i) and (j).

Decision: 18.3.2 SLD1 Policies: Policy (f)

Submission Reference: 526.75	Reject
FS 112	Reject
FS 85	Reject
FS 54	Reject
432.5	Reject

Reasons

This decision is made for the following reasons:

- The existing policy is effective and efficient in managing development along strategic arterial roads to achieve the objective of maintaining the safe and efficient operation of these roads.

18.3.2 SLD1 Policies: Policy (g)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.76	Greater Wellington Regional Council	FS 54 NZ Winegrowers	Support
493.2	T & G Williams	FS 22 G & C Hearfield FS 20 S & M Matthews FS 21 T & N Vallance FS 30 Adamson Land Surveyors	Oppose Oppose Oppose Oppose
296.16	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Greater Wellington Regional Council (526.76) seek that Policy (g) be amended so that any intensification including urban growth, not just 'significant' intensification, should be limited from areas which may have adverse effects on the risks from natural hazards, and on the operational requirements of key infrastructural and land use assets. **New Zealand Winegrowers** support this submission.

T & G Williams (493.2) supports Policy (g) in principle (and seeks amendments to the Rural Zone and subdivision provisions, Map 15). **G & C Hearfield, S & M Matthews, T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Transpower New Zealand Limited (296.16) supports Policy (g). **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of rejecting the submitted amendment to Policy (g).

Transpower New Zealand Limited presented evidence supporting the Section 42A report and recommendation of retaining Policy (g).

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the existing wording of the policy is the most effective in managing the intensity of subdivision in areas which are not suitable for further intensification, such as areas subject to natural hazards.

The matter of amendments to the subdivision rules and associated mapping is discussed further in the sections below.

Decision: 18.3.2 SLD1 Policies: Policy (g)

Submission Reference: 526.76	Reject
FS 54	Reject
493.2	Accept
FS 22	Reject
FS 20	Reject
FS 21	Reject
FS 30	Reject
296.16	Accept
FS 112	Reject
FS 85	Reject

Reasons

This decision is made for the following reasons:

- The existing policy is effective and efficient in managing the intensity of subdivision in rural areas where the adverse effects could be significant, such as areas subject to natural hazards and in close proximity to key infrastructure resources.

18.3.2 SLD1 Policies: Policy (h)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.33	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
296.17	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.33) seek that Policy (h) be amended in order to provide more guidance as to the locations where higher density development is supported, such as around community focus points like central business districts and main transport links. **Windy Peak Trust** (FS103) opposes this submission.

Transpower New Zealand Limited (296.17) supports Policy (h). **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Transpower New Zealand Limited presented evidence supporting the Section 42A report and recommendation of retaining Policy (h) subject to amendments.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the existing wording of the policy, with the amendment adding spatial description to locations appropriate for intensification, is the most effective in managing higher density subdivision in urban areas.

Decision: 18.3.2 SLD1 Policies: Policy (h)

Submission Reference: 522.33	Accept
FS 102	Reject
296.17	Accept
FS 112	Reject
FS 85	Reject

Amendment 18.3.2 SLD1 Policies: Policy (h)

Amend Policy (h) to read as follows:

*Provide for higher density subdivision and development in the Residential Zone **around community focus points, such as the central business districts and main transport links, and to ensure ~~where~~ the design and***

quality of proposed buildings and site development maintains or enhances neighbourhood character, residential amenity values and the efficient functioning of infrastructure and roads.

Reasons

This decision is made for the following reasons:

- The amended Policy better describes the location where high density subdivision and development is to be provided in the Residential Zone.

18.3.2 SLD1 Policies: Policy (i)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.21	NZ Winegrowers	-	-
526.74	Greater Wellington Regional Council	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
443.4	Juken NZ Ltd	FS 103 Waipine	Support
525.76	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 54 NZ Winegrowers	Support Support Support
498.9	Wairarapa Public Health	-	-
526.77	Greater Wellington Regional Council	FS 54 NZ Winegrowers	Support
523.20	K & M Williams	FS 54 NZ Winegrowers	Support
493.2	T & G Williams	FS 22 G & C Hearfield FS 20 S & M Matthews FS 21 T & N Vallance FS 30 Adamson Land Surveyors	Oppose Oppose Oppose Oppose

Discussion

NZ Winegrowers (427.18) support Policy (i) and request it be retained as currently worded.

T & G Williams (493.2) supports Policy (i) in principle (and seeks amendments to the Rural Zone and subdivision provisions, Map 15). **G & C Hearfield**, **S & M Matthews**, **T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Greater Wellington Regional Council (526.74) seeks that Policy (i) be amended to *provide* compared to *enable* subdivision in order to better express the Act. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Greater Wellington Regional Council (526.77) seeks that Methods 18.3.16(c) & (d) be linked to Policy (i), with a consequential amendment to the Methods to refer to rural

residential development as well as growth areas. **New Zealand Winegrowers** support this submission.

Juken NZ Ltd (443.4) supports Policy (i)(i) and (i)(v), subject to clarification that the term “productive use” includes industrial activities, either by amendment to the Policy, definitions and/or explanation as appropriate. **Waipine** support this submission.

The **Department of Conservation** (525.76) seeks that Policy (i) be amended to also include consideration of significant potential adverse effects on ‘on-site and adjacent character, amenity and natural values’, and that Policy (i)v be amended to also include consideration of reverse sensitivity effects on natural resource management. **Federated Farmers of New Zealand (Inc)**, **D Riddiford** and **New Zealand Winegrowers** support this submission.

Wairarapa Public Health (498.9) seeks that Policy (i) be amended by adding a clause to ensure there is a potable water supply, and amend iv to add pedestrian and cycling networks.

K & M Williams (523.20) seeks that Policy (i) be amended so that it does not “enable” subdivision simply if the minimum standards are satisfied, but also requires the Policies to be satisfied. If the minimum standards in the rules are satisfied, but the potential reverse sensitivity effects cannot be “satisfactorily avoided or mitigated” (as is required in 18.3.2(i)(v)), then this Policy they assert is ineffective. **New Zealand Winegrowers** support this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of amending Policy (i) by replacing the word ‘enable’ with ‘provide’, and not linking the policy to Methods 18.3.16(c) and (d).

Juken NZ Ltd presented evidence requesting clarification of the term ‘productive use’.

Department of Conservation presented evidence accepting the Section 42A report recommendation of amending Policy (i) by adding ‘natural values’.

Wairarapa Public Health presented a written statement of evidence supporting the Section 42A report recommendation of adding a new point to Policy (i) on potable water supply.

K & M Williams presented evidence supporting the Section 42A report and recommendation of amending Policy (i) by replacing the word ‘enable’ with ‘provide’.

Commissioners’ Deliberations

The Commissioners noted the support from some submitters to retain Policy (i) unchanged.

The Commissioners concur with the submitters and Section 42A report that the word ‘provide’ is clearer and better expresses the intent of the policy.

The Commissioners have adopted the amendment of adding industrial uses to points (i) and (v), as reverse sensitivity conflicts may also arise between subdivisions in the rural areas and adjoining industrial areas. This amendment would be more effective in managing the potential incompatibility between the amenity conditions of the different types of activities.

The Commissioners concur with the submitters and the Section 42A report assessment and recommendation, that adding ‘natural values’ better reflects the range of values that could be affected by subdivision and development.

Furthermore, the Commissioners adopt the addition of a potable water supply as a matter each lot is required to have available when it is subdivided. The amendment to point (iv) clarifies that subdivisions also need to manage the adverse effects in relation to pedestrian and cycling networks, as these forms of transport are integral to a sustainable community.

Overall, the Commissioners consider Policy (i) with the above amendments, provides an efficient and effective basis for managing subdivision for rural-residential purposes. The Policy outlines a range of matters that would guide the management of subdivision, and seeks to achieve this through the implementation of minimum standards.

Decision: 18.3.2 SLD1 Policies: Policy (i)

Submission Reference: 427.21	Accept
526.74	Accept
FS 112	Reject
FS 85	Reject
443.4	Accept
FS 103	Accept
525.76	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 54	Accept in part
526.77	Reject
FS 54	Reject
498.9	Accept
523.20	Accept in part
FS 54	Accept in part
493.2	Accept
FS 22	Reject
FS 20	Reject
FS 21	Reject
FS 30	Reject

Decision Amendment 18.3.2 SLD1 Policies: Policy (i)

(526.74) Amend Policy (i) as follows:

- (i) *To **enable provide for** the subdivision of rural land for rural-residential purposes through minimum standards that seek to: ...*

(443.4) Amend Policy (i)i. & v. as follows:

- i. *Avoid or mitigate any significant potential adverse effects on the viability and operational requirements of any productive use of any adjacent **rural or industrial** land;*
- v. *Satisfactorily avoid or mitigate the potential reverse sensitivity effects in relation to either nearby **industrial and** rural productive activities, activities allowed by the zoning, or anticipated urban growth;*

(525.76) Amend Policy (i)vi. as follows:

- vi. *Ensure the actual and potential effects on rural character, **and**, amenity **and natural** values will not be compromised by intensive and ad hoc urban development and/or through the cumulative effects of rural-residential development.*

(498.9) Add matter viii. to Policy (i) as follows:

- viii. ***Ensure a potable water supply is available on each allotment.***

(498.10) Amend Policy (i)iv. as follows:

- iv. ***Avoid adverse effects on the safe and efficient use of roads, and pedestrian and cycling networks.***

Reasons

This decision is made for the following reasons:

- The amended Policy better describes the range of matters for establishing a baseline for subdivision for rural-residential purposes, providing a more effective and efficient framework for achieving the objective of maintaining and enhancing the character, amenity, natural and visual qualities of the Wairarapa, and the functioning of activities in the rural environment.
- Subdivision in the rural environment for rural-residential purposes adjacent to industrial areas has the potential for reverse sensitivity issues to arise, therefore, the amendments better reflect this situation to be managed in an effective manner.
- Adding reference to natural values is effective in managing the effects from subdivision on this quality in the rural environment, as more intensive and ad hoc development has the potential to degrade the natural values in the rural environment.
- Having a potable water supply is an important matter for the health and wellbeing of residents of a rural-residential property, therefore, the added point better addressed this matter in the Policy.
- The amended policy point on cycle and pedestrian networks is the most efficient and effective for achieving the objective of managing the effects of subdivision and land development to maintain a safe and efficient transportation networks.

18.3.2 SLD1 Policies: Policy (j)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.76	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 54 NZ Winegrowers	Support Support Support
443.4	Juken NZ Ltd	FS 103 Waipine	Support
427.21	NZ Winegrowers	-	-
398.26	Wairarapa Inc trading as Go	-	-

	Wairarapa		
380.4	D, J, T, J & E Williams	-	-
498.9	Wairarapa Public Health	-	-
526.78	Greater Wellington Regional Council	FS 54 NZ Winegrowers	Support
523.21	K & M Williams	FS 54 NZ Winegrowers	Support
494.9	Land Transport NZ	-	-

Discussion

NZ Winegrowers (427.21) seek that Policy (j) be retained as currently worded, and **Land Transport NZ** (494.9) supports Policy (j)iv. & v.

Juken NZ Ltd (443.4) supports Policy (j)i, subject to clarification that the term “productive use” includes industrial activities, either by amendment to the Policy, definitions and/or explanation as appropriate. **Waipine** supports this submission.

The **Department of Conservation** (525.76) seeks that Policy (j)i and viii be amended to also include consideration of effects on natural values (as set out in the above Table). **Federated Farmers of New Zealand (Inc)**, **D Riddiford** and **New Zealand Winegrowers** support this submission.

Wairarapa Public Health (498.9) seeks that Policy (j) be amended by adding words to clause vii. so that disposal of effluent does not result in adverse impact on ground or surface water; and to add a new clause so that subdivision below the minimum standards in the Rural Zone will not be allowed if the proposal is unlikely to be able to provide a potable supply of water.

Greater Wellington Regional Council (526.78) supports Policy (j) and considers that the wording should clarify how the Policy will be implemented. **New Zealand Winegrowers** support this submission.

Wairarapa Inc trading as Go Wairarapa (398.26) support Policy (j).

K & M Williams (523.21) supports Policy (j) and considers that subdivisions below the minimum standard must be identified as non-complying activities (M & K Williams refers to this in their submission on Rule 20.1.5 Discretionary Activities (a)(i) and which is commented on along with other submissions on that rule). **New Zealand Winegrowers** support this submission.

D, J, T, J & E Williams (380.4) oppose Policy (j), and seek that it be amended to better reflect the restricted discretionary activity status of subdivision that does not comply with lot standards.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendation of amending Policy (j) by adding ‘natural values’.

Juken NZ Ltd presented evidence requesting clarification of the term ‘productive use’.

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of retaining Policy (j).

Wairarapa Public Health presented a written statement of evidence supporting the Section 42A report recommendation of adding a new point to Policy (j) on potable water supply.

K & M Williams presented evidence supporting the Section 42A report and recommendation of the minor amendment to Policy (j) of adding reference to 'rural'.

Commissioners' Deliberations

The Commissioners noted the support from some submitters to retain Policy (j) unchanged.

To clarify the reference to 'productive uses', the Commissioners have adopted the amendment of adding industrial uses to point (i), as reverse sensitivity conflicts may also arise between subdivisions in the rural areas and adjoining industrial areas. This amendment would be more effective in managing the potential incompatibility between the amenity conditions of the different types of activities.

The Commissioners concur with the submitters and the Section 42A report assessment and recommendation, that adding 'natural values' better reflects the range of values that could be affected by subdivision and development.

Furthermore, the Commissioners adopt the recommended addition of a potable water supply as a matter each lot is required to have available when it is subdivided.

Overall, the Commissioners consider Policy (j) with the above amendments, provides an efficient and effective approach for assessing subdivisions as discretionary and non-complying activities which do not comply with the respective minimum standards. The Policy outlines a range of matters that would guide the management of subdivision.

Decision: 18.3.2 SLD1 Policies: Policy (j)

Submission Reference: 427.21	Accept
443.4	Accept
FS 103	Accept
525.76	Accept in part
FS 112	Accept in part
FS 85	Accept in part
FS 54	Accept in part
498.9	Accept in part
526.78	Accept in part
FS 54	Accept in part
523.21	Accept in part
FS 54	Accept in part
380.4	Accept in part
494.9	Accept
398.26	Accept

Decision Amendment 18.3.2 SLD1 Policies: Policy (j)

(443.4) Amend Policy (j)i. as follows:

- i. *The proposed subdivision is likely to have a significant adverse effect on the viability and operational requirements of any productive use of*

*adjacent **rural or industrial** land, including activities allowed by the zoning, or anticipated urban growth;*

(525.74) Amend Policy (j)viii. as follows:

*viii The proposal is likely to lead to ad hoc urban development and/or adverse effects on rural character, ~~and~~ amenity, **and natural** values through the cumulative effects of rural-residential development in the vicinity.*

(498.9) Add a new Clause ix. to Policy (j) as follows:

ix. The proposal is unable to provide a potable supply of water.

Reasons

This decision is made for the following reasons:

- The amended Policy better describes the range of matters for determining subdivision applications below the minimum standard, to provide an effective and efficient framework for achieving the objective of maintaining and enhancing the character, amenity, natural and visual qualities of the Wairarapa, and the functioning of activities in the rural environment.
- Subdivision in the rural environment for rural-residential purposes adjacent to industrial areas has the potential for reverse sensitivity issues to arise, therefore, the amendments better reflect this situation to be managed in an effective manner.
- Adding reference to natural values is effective in managing the effects from subdivision on this quality in the rural environment, as more intensive and ad hoc development has the potential to degrade the natural values in the rural environment.
- Having a potable water supply is an important matter for the health and wellbeing of residents of a rural-residential property, therefore, the added point better addresses this matter in the Policy.

18.3.2 SLD1 Policies: Policy (k)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.76	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 54 NZ Winegrowers	Support Support Support
525.77	Department of Conservation	-	-
526.79	Greater Wellington Regional Council	-	-

Discussion

The **Department of Conservation** (525.76) seeks that Policy (k)i be amended to include consideration of adverse effects on natural values. **Federated Farmers of New Zealand (Inc), D Riddiford** and **New Zealand Winegrowers** support this submission.

The **Department of Conservation** (525.77) seeks that Policy (k)v be amended by deleting the word “*significantly*”. **Greater Wellington Regional Council** (526.79) similarly seek that reference to “*significantly exacerbate the risks*” be deleted and that the Policy be amended to avoid locations at risk.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendation of amending Policy (k) by adding ‘natural values’. In addition, the Department presented evidence querying the Section 42A report recommendation not to delete the word “significantly” from Policy (k)(v). They contended that all risks from hazards need to be avoided, and not just significant risks.

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of retaining Policy (k), and not amending the policy as originally submitted.

Commissioners’ Deliberations

The Commissioners concur with the submitter and the Section 42A report assessment and recommendation, that adding ‘natural values’ better reflects the range of values that could be affected by subdivision and development.

In terms of the risks from natural hazards, the Commissioners recognise the coastal environment in the Wairarapa is subject to range of natural hazards, which vary in their location, nature and magnitude of risk. To avoid all risks is not considered the most efficient or effective approach, as this would not provide for the economic, social or cultural wellbeing of the community, in how it uses and values the coastal environment. Notwithstanding the above, a balance is required between managing the risks, while providing for the use and values of the community.

The Commissioners consider the wording of the policy, subject to the inclusion of natural values, is the most appropriate to achieve the balance for subdivision and development in the coastal environment, as it recognises there are effects from subdivision and development, and these need to be avoided, remedied or mitigated.

There is no “Rural (Coastal Environment Management Area) Zone” in the Plan. The correct reference is “Coastal Environment Management Area”, therefore, the policy is amended accordingly.

Decision: 18.3.2 SLD1 Policies: Policy (k)

Submission Reference: 525.76	Accept
FS 112	Accept in part
FS 85	Accept in part
FS 54	Accept in part
525.77	Reject
526.79	Reject

Decision Amendment 18.3.2 SLD1 Policies: Policy (k)

Amend Policy (k)i. as follows:

- i. Avoid or mitigate any adverse effects on landscape, **natural** and amenity values from any buildings, structures and accessways;*

Consequential Change: Amend Policy (k) as follows:

- (k) In the ~~Rural~~ (Coastal Environment Management Area) ~~Zone~~, allotments, particularly...*

Reasons

This decision is made for the following reasons:

- The policy describes the range of matters for determining subdivision applications in the Coastal Environment Management Area, to provide an effective and efficient framework for achieving the objective of maintaining and enhancing the character, amenity, natural and visual qualities of coastal Wairarapa.
- Adding reference to natural values is effective in managing the effects from subdivision on this quality in the rural environment, as more intensive and ad hoc development has the potential to degrade the natural values in the rural environment.
- Subdivision and development in the coastal environment must be managed in terms of the risks from natural hazards. The policy most effectively and efficiently manages these risks, as it is not considered efficient to avoid all risks, as this would not provide for the community to provide for their economic, social and cultural wellbeing in the coastal environment.
- Reference to the Coastal Environment Management Area is corrected.

18.3.2 SLD1 Policies: Policy (l)

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

Discussion

New Zealand Historic Places Trust (497.16) requests that Policy (l) be amended to more specifically address the effects of subdivision on historic heritage.

Evidence Heard

New Zealand Historic Places Trust submitted that some forms of subdivision can be used as incentives to landowners of heritage items, provided the effects on the historic heritage values are managed.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that it is important to provide support and encouragement for the protection of heritage items, and that subdivision is one mechanism to achieve this. The policies in Chapter 10 Historic Heritage provide further guidance for assessing subdivision application on sites containing heritage items. The subdivision of land of a heritage item can contribute to allow for the protection, restoration and/or re-use of a heritage items. Accordingly, the Commissioners consider the existing policy is the most effective and efficient in achieving the objective of managing the effects of subdivision and protecting of the historic heritage values.

Decision: 18.3.2 SLD1 Policies: Policy (I)

Submission Reference: 497.16 Reject

Reasons

This decision is made for the following reasons:

- The existing Policy is the most effective and efficient in achieving the objective of managing the effects of subdivision and protecting of the historic heritage values.

18.3.2 SLD1 Policies: Add New Policies

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.74	Department of Conservation	FS 54 NZ Winegrowers	Support
525.75	Department of Conservation	FS 54 NZ Winegrowers	Support
526.80	Greater Wellington Regional Council	-	-

Discussion

The **Department of Conservation** (525.74) seeks that a new Policy and supporting Method be included in the District Plan to secure funding through the Long Term Council Community Plan (LTCCP) to provide for a sustainable development and subdivision design guide to be created. A guide would provide greater detail than is possible in the district plan relating to best practice for sustainable subdivision. **New Zealand Winegrowers** support this submission.

The **Department of Conservation** (525.75) seeks that a new Policy be added that comprehensively addresses natural values. **New Zealand Winegrowers** support this submission.

Greater Wellington Regional Council (526.80) seeks that a new Policy be added to support the use of integrated and innovative subdivision design and best practice to maintain and enhance the character and qualities of the environmental zone in which it is located.

Evidence Heard

Department of Conservation presented evidence outlining that a subdivision design guide would be a worthwhile investment to achieve better environmental outcomes, highlighting examples in Wellington City and Kapiti Coast. The Department also presented evidence accepting the Section 42A report recommendation that a new Policy was not required on natural values as it was effectively addressed in other policies.

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of adding a new Policy on integrated and innovative subdivision design.

Commissioners' Deliberations

The Commissioners concur with the submitter that a subdivision design guide can assist in achieving better environmental outcomes. The Commissioners note that there are a number of publications readily available which provide this guidance, including from the Ministry for the Environment and New Zealand Institute of Surveyors. Method 18.3.16(l) refers to different publications including "sustainable design guides", which the Commissioners consider to be the most effective approach for achieving the objectives in the Plan for subdivision and development.

The Commissioners concur with the submitter and Section 42A report that adding a policy supporting integrated and innovative subdivision design would provide further guidance for encouraging high quality environmental outcomes.

Decision: 18.3.2 SLD1 Policies: Add New Policies

Submission Reference: 525.74	Reject
FS 54	Reject

525.75	Reject
FS 54	Reject

526.80	Accept
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Decision Amendment 18.3.2 SLD1 Policies: Add New Policies

Add a new Policy (m) as follows:

To support the use of integrated and innovative subdivision design and best practice to maintain and enhance the character and qualities of the environmental zone in which it is located.

Reasons

This decision is made for the following reasons:

- The existing policies most effectively and efficiently provide for the management of subdivision to achieve the objective of maintaining and enhancing the character and amenity of the different environments in the Wairarapa.
- The new policy is effective in supporting high quality subdivision design which would contribute towards achieving the objective of maintaining and enhancing the character and amenity of the different environments in the Wairarapa.

18.3.3 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
427.22	NZ Winegrowers	FS 52 Horticulture NZ	Support
398.27	Wairarapa Inc/Go Wairarapa	FS 54 NZ Winegrowers	Support
301.4	B & G Dale	-	-
302.4	S & M Cretney	-	-
329.3	M Morris	-	-
330.3	M Hennessy	-	-
392.8	S Corbett	-	-
75.4	M & B Gillespie	-	-
523.22	K & M Williams	FS 54 NZ Winegrowers	Support
296.18	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
33.1	R Hunwick	-	-

Discussion

Wairarapa Inc/Go Wairarapa (398.27) support 18.3.3. **New Zealand Winegrowers** support this submission.

B & G Dale (301.4), **S & M Cretney** (302.4), **M Morris** (329.3), **M Hennessy** (330.3), **S Corbett** (392.8) and **M & B Gillespie** (75.4) support the statement on paragraph 7 of the Explanation and consider that removal of the Carterton Low Density Residential Policy Area would be in violation of this statement.

NZ Winegrowers (427.22) seek that paragraph 9 be amended by adding reference to the productive capacity of the Wairarapa's rural environment, and that the paragraph be amended to add reference to reverse sensitivity issues. **Federated Farmers of New Zealand (Inc)**, **Horticulture New Zealand** and **D Riddiford** support this submission.

M & K Williams (523.22) seeks that the Plan provisions are amended so that either a consistent minimum lot area applies across the Rural Zone in the Wairarapa (regardless of its underlying local government authority), or that any variation in the minimum lot area is based on resource management considerations. **New Zealand Winegrowers** support this submission.

R Hunwick (33.1) requests the phrase referring to minimum thresholds in South Wairarapa and non-complying subdivision be deleted.

Transpower New Zealand Limited (296.18) seeks that new text be added after paragraph 4 to take into account nationally significant infrastructure when land is subject is subdivision proposal. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

NZ Winegrowers presented evidence re-iterating that allowing smaller lots for productive use is not consistent with maintaining a productive rural zone, and may lead to overall reduced productivity and the increased likelihood of issues of reverse sensitivity arising.

M Morris presented evidence supporting the statement in paragraph 7 that small lot residential subdivision could degrade the character and amenity values of some areas.

M & B Gillespie presented evidence re-iterating concern with small lot residential subdivision, and the result character, which was not desirable for Carterton.

K & M Williams submitted that the rural character of the three districts is similar, and there should be no difference in how subdivision is managed, in particular, based on minimum lot size.

Transpower NZ Ltd presented evidence requesting the explanation need to include specific reference to national grid to recognise it as nationally significant infrastructure.

R Hunwick submitted that the South Wairarapa district should have similar standards to the Masterton and Carterton districts, therefore, the third paragraph on page 163 should be deleted.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the existing paragraph 7 recognises from small lot residential subdivision can degrade the character and amenity values of some areas. The existing paragraph fairly recognises this matter.

The soil resource in the Wairarapa ranges from fertile silt loams through to poor rock strata. The range of soil types influence the land use and productive capacity of the area. The Commissioners do not consider managing subdivision based on the soil resource to be the most effective and efficient approach. There are a number of factors influencing the productive capacity of the rural resource, with soil being one of these factors. However, the District Plan objectives are to enable a wide range of activities in the rural environment, and that a range in lot sizes would support these different activities.

The policies seek to manage reverse sensitivity issues at the time of subdivision, therefore, the amendment to paragraph 12 is better reflects the application of the policies.

The Commissioners concur with the submitters that all three districts have similar resource management issues in the rural environment, therefore, similar policy frameworks should apply to all districts. Accordingly, the sentence referring to different thresholds in the South Wairarapa district is deleted.

The Commissioners consider the existing explanation appropriately describes the rationale for managing physical resources, such as infrastructure. An additional paragraph specifically on the national grid is not the most effective express for this matter, as it is expressed appropriately in the Plan, in particular, Chapter 16 Network Utilities and Energy.

Decision: 18.3.3 Explanation

Submission Reference: 398.27	Accept
FS 54	Accept
301.4	Accept
302.4	Accept
329.3	Accept
330.3	Accept

392.8	Accept
75.4	Accept
427.22	Accept in part
FS 52	Accept in part
523.22	Accept
FS 54	Accept
296.18	Reject
FS 112	Accept
FS 85	Accept
33.1	Reject

Decision Amendment 18.3.3 Explanation

Amend paragraph 12 as follows:

*In the Rural (Primary Production) Zone.....However, such development would still need to comply with some key minimum standards that seek to **reduce reverse sensitivity issues and** protect rural character, amenity values, wastewater disposal, the road network, and the ability of rural production activities to operate and develop effectively.*

Delete paragraph 14 as follows:

~~*The minimum subdivision threshold in the South Wairarapa is higher to ensure the rural character and productive resources of the district are maintained.*~~

Reasons

This decision is made for the following reasons:

- The existing Explanation provides a clear description of the rationale for the policies. The policies are the most effective and efficient approach for achieving the objective of managing the effects of subdivision and land development.
- The amended paragraph better describes the rationale for the policy on minimum standards, which include reverse sensitivity matters.
- Removing the reference to different thresholds in the South Wairarapa district applies a consistent policy framework across the whole rural environment, which is the most efficient and effective approach for managing the effects of subdivision and land development.

18.3.4 Objective SLD2 – Effects of Servicing Requirements

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

Discussion

Greater Wellington Regional Council (526.81) supports Objective SLD2.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report and recommendation of retaining Objective SLD2.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the existing objective is the most appropriate for achieving the purpose of the Act in relation to the effects of servicing requirements.

Decision: 18.3.4 Objective SLD2 – Effects of Servicing Requirements

Submission Reference: 526.81 Accept

Reasons

This decision is made for the following reasons:

- The existing Objective is the most appropriate for achieving the purpose of the Act in relation to the effects of servicing requirements.

18.3.5 SLD2 Policies: Policy (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.28	Wairarapa Inc/Go Wairarapa	-	-
263.10	New Zealand Fire Service Commission	FS 76 NZ Fire Service Commission FS 104 Wairarapa Rural Fire District	Support Support
317.1	T Reid	-	-

Discussion

Wairarapa Inc/Go Wairarapa (398.28) do not state what relief is sought in respect of Policy (b) but ask whether it means that rural subdivision in South Wairarapa will never be serviced by urban water and wastewater systems.

New Zealand Fire Service Commission (263.10) request a fifth policy be added to ensure sufficient water supply for fire fighting purposes is supplied to all new developments. **New Zealand Fire Service Commission** and **Wairarapa Rural Fire District** support this submission.

T Reid (317.1) requests new clauses be added requiring new subdivisions to provide for increased use of solar energy, and the collection and storage of rainwater to supplement the Council supply system.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the existing Policy (b) is effective in outlining the approach that only residential, commercial and industrial zoned properties be serviced by reticulated infrastructure. The infrastructure in the Wairarapa is under pressure, therefore, the existing policy has been adopted to make the most efficient use of this physical resource. There would also be substantial costs and resources required to provide reticulated sewer in the rural environment.

Providing water for fire fighting purposes is a critical function of reticulated water supplies. In terms of un-reticulated areas, a case-by-case assessment is required to determine water availability for fire-fighting purposes. The Commissioners consider the existing policies (a) and (b) are the most effective approaches for meeting fire fighting requirements, as they form part of the overall reticulated water system, and Policy (d) for unserviced areas, rather than a standalone policy.

The Commissioners support the sentiments expressed by T Reid about greater use of solar energy and the collection of rainwater. At this time, the Commissioners do not consider a mandatory requirement for solar energy or collection and storage of rainwater to be the most effective approach. Requiring the installation of solar energy sources and water collection and storage facilities would impose a significant cost, and at this time, these costs are considered to be outweighed by the benefits derived. However, other policies in the Plan provide encouragement for increased use of renewable energy and water collection, which is considered the most effective approach at this time.

Decision: 18.3.5 SLD2 Policies: Policy (b)

Submission Reference: 398.28	Reject
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263.10	Reject
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FS 76	Reject
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FS 104	Reject
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317.1	Reject
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Reasons

This decision is made for the following reasons:

- The existing policies provide an effective and efficient management framework of achieving the objective of managing the effects of servicing subdivisions and land development.

18.3.6 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.78	Department of Conservation	-	-

Discussion

The **Department of Conservation** (525.78) seeks that a paragraph be added to the Explanation to direct Plan users on methods of stormwater control and effects on in-stream aquatic values. The requested paragraph also states that stormwater should be treated on-site.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendation of not adding a paragraph.

Commissioners' Deliberations

The Commissioners concur with the submitter's evidence and Section 42A report that the provisions in Chapter 12 Freshwater and elsewhere in Chapter 18 most appropriately manage the effects of stormwater runoff.

Decision: 18.3.6 Explanation

Submission Reference: 525.78 Reject

Reasons

This decision is made for the following reasons:

- The existing explanation is the most appropriate for achieving the purpose of the Act in relation to the effects of stormwater runoff.

18.3.7 Objective SLD3 – Sustainable Infrastructure Development

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
414.4	Martinborough Business Association	-	-
274.4	Martinborough Vineyard Estates Ltd	-	-

Discussion

Martinborough Business Association (414.4) and **Martinborough Vineyard Estates Ltd** (274.4) support Objective SLD3.

Evidence Heard

Martinborough Business Association presented evidence supporting the Section 42A report and recommendation of retaining Objective SLD3.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the existing objective is the most appropriate for achieving the purpose of the Act in relation to sustainable infrastructure development.

Decision: 18.3.7 Objective SLD3 – Sustainable Infrastructure Development

Submission Reference: 414.4 Accept
274.4 Accept

Reasons

This decision is made for the following reasons:

- The existing Objective is the most appropriate for achieving the purpose of the Act in relation to sustainable infrastructure development.

18.3.8 SLD3 Policies: Policies (a) & (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
414.5	Martinborough Business Association	-	-
494.10	Land Transport NZ	-	-

Discussion

Martinborough Business Association (414.5) support Policy (a) and **Land Transport NZ** (494.10) support Policy (b).

Evidence Heard

Martinborough Business Association presented evidence supporting the Section 42A report and recommendation of retaining Policy (a).

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the existing policies are the most effective and efficient in achieving the objective of providing for sustainable infrastructure development.

Decision: 18.3.8 SLD3 Policies: Policies (a) & (b)

Submission Reference: 414.5 Accept
494.10 Accept

Reasons

This decision is made for the following reasons:

- The existing policies are the most effective and efficient in achieving the objective of providing for sustainable infrastructure development.

18.3.9 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
414.6	Martinborough Business Association	-	-

Discussion

Martinborough Business Association (414.6) seek that the first sentence of paragraph 2 be amended to state that when the system's capacity is reached that the infrastructure will be upgraded and extended to maintain efficient service delivery.

Evidence Heard

Martinborough Business Association submitted that when infrastructure reached its capacity, the system should be upgraded and extended to cater for the additional demand.

Commissioners' Deliberations

Martinborough has reticulated water and wastewater systems which services the existing urban area. As further development occurs in the urban area, this development would connect to the reticulated infrastructure placing additional demand on the capacity of the networks. As the capacity of the infrastructure is reached, the system would require upgrading. The existing sentence in paragraph 2 clearly expresses this process, and is considered the most efficient approach for managing the infrastructure, and achieving the objective of efficient utilising existing infrastructure.

Decision: 18.3.9 Explanation

Submission Reference: 414.6 Reject

Reasons

This decision is made for the following reasons:

- The existing explanation is the most effective and efficient process in achieving the objective of providing for sustainable infrastructure development.

18.3.10 Objective SLD4 – Managing Urban Growth

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

Discussion

Greater Wellington Regional Council (526.82) supports Objective SLD4, and also seeks that new Policy be added to the effect of encouraging the use of protocols (e.g. Urban Design Protocol) and best practice guides in subdivision design and development. It also seeks to connect the requested new Policy to Method 18.3.16(I), which would need to be suitably amended to refer to relevant types of documents.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report that the use of protocols and design guides is already addressed in 18.3.16 Method (I).

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the existing Method (I) is the most effective and efficient for the Councils to implement protocols and design guides, such as the NZ Urban Design Protocol.

Decision: 18.3.10 Objective SLD4 – Managing Urban Growth

Submission Reference: 526.82 Accept in part

Reasons

This decision is made for the following reasons:

- The existing policies and methods are the most effective and efficient in supporting the implementation of protocols and design guides which can assist in achieving the objective of providing for sustainable urban growth.

18.3.11 SLD4 Policies

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
494.11	Land Transport NZ	-	-
414.2	Martinborough	FS 86 Progressive Enterprises	Support

	Business Association	Limited	
202.2	Martinborough Community Board	-	-
522.34	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose

Discussion

Land Transport NZ (494.11) support Policies (b) & (c).

Martinborough Business Association (414.2) and **Martinborough Community Board** (202.2) support Policy (a) and request that a study is undertaken to determine which areas are suitable for potential residential, commercial and industrial growth in Martinborough; and to amend the Planning Maps by zoning for future development in order to provide for and encourage business and residential growth in Martinborough with any necessary subsequent changes to the Objectives, Policies and Rules to give effect to the amended planning maps. **Progressive Enterprises Limited** supports this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.34) seek that a new Policy be added recognising the need to stage the expansion of the Waingawa Industrial Area, using a deferred zoning approach, until such upgrading works have been completed. Since the notification of the Proposed Plan, two subdivisions in the planned expansion area have been granted consent. Therefore, it is appropriate to update the Structure Plan and Planning Maps and remove these areas from the Future Development Area (although they remain zoned as Industrial). **Windy Peak Trust** opposes this submission.

Evidence Heard

Martinborough Business Association submitted that urban growth areas needed to be identified for Martinborough.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the existing policies are the most effective and efficient in achieving the objective of providing for sustainable urban development adjoining existing urban areas.

At this time, the Commissioners consider the urban growth needs of Martinborough have been provided for in the Plan, with a few small areas on the periphery areas rezoned for residential purposes, and refinements to the infill subdivision standards. However, the Commissioners concur with the submitter that further investigations are warranted for future planning. The Commissioners would urge the South Wairarapa District Council to undertake a growth study to determine the future residential, commercial and industrial land requirements and the specific planning tools for implementing this study. Ideally, this study should be completed as soon as possible, and that the Council should seek to include it in the 2008/09 Long Term Council Community Plan/Annual Plan.

The Commissioners concur with the Section 42A report that development in the Waingawa industrial area is managed in an integrated manner, to ensure efficient land and

infrastructure development. The additional policy and accompanying explanatory text provide clear guidance as to the timing and matters to be managed in the future development area. However, the Commissioners consider until the properties currently being subdivided area fully developed, they should remain identified as part of the 'Future Development Area' to ensure they integrate with future development plans.

Decision: 18.3.11 SLD4 Policies

Submission Reference: 494.11	Accept
414.2	Accept in part
FS 86	Accept in part
202.2	Accept in part
522.34	Accept
FS 102	Reject

Decision Amendment 18.3.11 SLD4 Policies

Add a new Policy (d) as follows:

The expansion area at Waingawa Industrial Area identified as 'Future Industrial' on the Waingawa Industrial Area Structure Plan be restricted for development until such time as the roading and infrastructure is upgraded to cater for the increased pressure from the new development.

Add a sentence to the end of the fourth paragraph in '18.3.12 Explanation' as follows:

.....buffer and screening measures. The expansion area at Waingawa Industrial Area identified as 'Future Industrial' on the Waingawa Industrial Area Structure Plan be restricted for development until such time as the roading and infrastructure is upgraded to cater for the increased pressure from the new development

Reasons

This decision is made for the following reasons:

- The existing policies are the most effective and efficient in achieving the objective of providing for sustainable urban growth in identified locations.
- The additional policy for the Waingawa Industrial Area provides guidance for managing the timing and nature of land development and the associated infrastructure development.

18.3.13 Objective SLD5 – Reserves and Open Space

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

Discussion

Greater Wellington Regional Council (526.83) seeks that a new Policy be added to support the Act's requirements for Esplanade Reserves and Strips; and that information be provided about the circumstances where a strip for access or conservation purposes would be required.

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation that no new policy was required for esplanade reserve and strips.

Commissioners' Deliberations

The Commissioners concur with the evidence presented by the submitter and Section 42A report that the existing policies are the most effective and efficient in achieving the objective of sustainably managing and development the reserve and open space network.

Decision: 18.3.13 Objective SLD5 – Reserves and Open Space

Submission Reference: 526.83 Reject

Reasons

This decision is made for the following reasons:

- The existing policies are the most effective and efficient in achieving the objective of sustainably managing and development the reserve and open space network.

18.3.14 Policies SLD5 – Reserves and Open Space

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

Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.36) seek that Policy 18.3.14(a) be amended to clarify it applies to rural subdivision and that a new Policy be added to manage reserves near waterbodies. **Windy Peak Trust** opposes this submission.

Evidence Heard

No specific evidence was presented evidence on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the amendment to the policy better describes the situations for reserve contributions. In addition, the new policy is effective in establishing the requirements for subdivision and development adjacent to reserves to contribute towards achieving the objective of managing an integrated and well connected reserve network.

Decision: 18.3.14 Policies SLD5 – Reserves and Open Space

Submission Reference: 522.36 Accept
 FS 102 Reject

Decision Amendment: 18.3.14 Policies SLD5 – Reserves and Open Space

Amend 18.3.14(a) as follows:

*18.3.14(a) Require a reserve contribution for new residential and visitor accommodation development **including rural subdivision creating vacant lots that have the ability to be developed for residential purposes,** that is proportionate to the demand for passive and active community recreational requirements arising from the development, including the need to protect the Wairarapa's key environmental assets such as its coastal margin and natural features.*

Add a new Policy to Section 18.3.14 as follows:

(c) Manage subdivision and development adjacent to or near reserves to ensure public access (or future public access) are provided at the time of subdivision and/or development.

Reasons

This decision is made for the following reasons:

- The amended Policy better describes the circumstances for reserve contributions, in particular, that contributions would be required for rural subdivisions.
- Subdivision adjacent to reserves provides an opportunity to assess whether it is appropriate to expand the reserve and/or provide a linkage to other reserve areas. The policy is effective in identifying the timing of the reserve acquisition (at the time of subdivision), as this is the most efficient approach as the reserve would be established at the time land use change occurs.

18.3 Add New Objective and Policies (SLD6) – Contaminated Land

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.72	Greater Wellington Regional Council	FS 52 Horticulture NZ	Oppose

Discussion

Greater Wellington Regional Council (526.72) seeks that a new Objective and supporting Policies be added to direct the subdivision and development of contaminated land. **Horticulture New Zealand** opposes this submission. The requested text for the Objective and Policies is as follows:

“Objective SLD6 – Contaminated Land

To ensure subdivision and land development is not adversely affected by historical contamination of the land.

SLD6 Policies

- (a) Ensure that subdivision and development of land previously used for activities on the Hazardous Activities and Industries List is investigated for contamination as part of the consent assessment.*
- (b) Ensure that where contamination is confirmed on a site that is the subject of a subdivision or land development application, the land is remediated to the extent necessary for the proposed new use of the land, or consents are declined.*
- (c) Share information with the Wellington Regional Council about historical land uses and levels of contamination found on land.*
- (d) Use information provided by the Wellington Regional Council about historical land uses and levels of contamination found on land when making decisions on applications to subdivide or develop land.”*

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation that no new objective and supporting policies was required for contaminated land.

Commissioners’ Deliberations

The Commissioners concur with the evidence presented by the submitter and Section 42A report that the existing objective and policies in Chapter 15 Hazardous Substances are the most effective and efficient in achieving the objective of managing the redevelopment of contaminated sites.

Decision: 18.3 Add New Objective and Policies (SLD6) – Contaminated Land

Submission Reference: 526.72	Reject
FS 52	Accept

Reasons

This decision is made for the following reasons:

- The existing objective and policies are the most effective and efficient in achieving the objective of managing the redevelopment of contaminated sites.

18.3.16 Methods to Implement Subdivision and Land Development

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
494.12	Land Transport NZ	-	-

Discussion

Land Transport NZ (494.12) seeks that a new Method be added to require application of the key urban design aspects of the New Zealand Urban Design Protocol.

Evidence Heard

Land Transport NZ submitted that reference to the NZ Urban Design Protocol could be expanded.

Commissioners' Deliberations

The Commissioners note Method 18.3.16(l) refers to different publications including "sustainable design guides", which the Commissioners consider to be the most effective approach for achieving the objectives in the Plan for subdivision and development. Each Council may choose to become a signatory to the Urban Design Protocol, therefore, specific reference may be appropriate in the future.

Decision: 18.3.16 Methods to Implement Subdivision and Land Development Policies

Submission Reference: 494.12 Reject

Reasons

This decision is made for the following reasons:

- The existing methods are the most effective and efficient in achieving the objective of providing for subdivision and development.

Submission Summary

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

Discussion

Greater Wellington Regional Council (526.84) seeks that a new Method be added to undertake Plan Changes, as required, to ensure recommendations and direction in Structure Plans and Management Plans are recognised and given due effect.

Greater Wellington Regional Council (526.85) seeks that a new Method be added to promote the use of the booklet "*Small Earthworks-Erosion and sediment control for small sites*".

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation that a new Method be added for giving effect to future management plans and structures. They also accepted the recommendation that Method (I) already provides for the use of booklet on earthworks and sediment control.

Commissioners' Deliberations

The Commissioners concur with the submitter's evidence and Section 42A report that a new Method specifically noting plan changes may be required to implement recommendations and directions of management plans prepared by the Councils. In addition, existing Method (I) provides scope for a range of codes and guides to be implemented, including the earthworks and sediment control guide.

Decision: 18.3.16 Methods to Implement Subdivision and Land Development Policies

Submission Reference: 526.84	Accept
526.85	Reject

Decision Amendment 18.3.16 Methods to Implement Subdivision and Land Development

Add new Method (n) as follows:

"(n) Undertake Plan changes, as required, to ensure recommendations and direction in management plans are recognised and given due effect"

Reasons

This decision is made for the following reasons:

- The existing Methods are the most effective and efficient in achieving the objective of providing for subdivision and development.
- Plan changes are effective in implementing the directions and recommendations contained in management plans, and assist in achieving the objective of managing subdivision and development.

Submission Summary

Submitter	Submitter Name	Further Submitter Name and	Further Submission
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Number		Number	Support/Oppose
493.3	T & G Williams	FS 22 G & C Hearfield	Oppose
		FS 20 S & M Matthews	Oppose
		FS 21 T & N Vallance	Oppose
		FS 30 Adamson Land Surveyors	Oppose

Discussion

T & G Williams (493.3) supports the Methods in principle to the extent that they provide for the management of established helicopter operations in the District and seek appropriate amendments to the Plan to apply the same or similar provisions to existing helicopter operations at Te Parae (Pt Lot 1 DP 10971). **G & C Hearfield, S & M Matthews, T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The matter of amending the Plan provisions for the existing helicopter operation at Te Parae is addressed in the Rural Zone Chapter decision report.

Decision: 18.3.16 Methods to Implement Subdivision and Land Development Policies

Submission Reference: 493.3	Accept in part
FS 22	Accept in part
FS 20	Accept in part
FS 21	Accept in part
FS 30	Accept in part

Reasons

This decision is made for the following reasons:

- The existing Methods are the most effective and efficient in achieving the objective of managing the effects from subdivision and land development.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
296.19	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
296.20	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Transpower New Zealand Limited (296.19 and 296.20) requests that Methods (f) and (l) be retained. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Transpower New Zealand Limited presented evidence supporting the Section 42A report recommendation of retaining Methods (f) and (l).

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the existing wording of the Methods is the most effective in managing subdivision and development near to high voltage transmission lines.

Decision: 18.3.16 Methods to Implement Subdivision and Land Development Policies

Submission Reference: 296.19	Accept
FS 112	Reject
FS 85	Reject

296.20	Accept
FS 112	Reject
FS 85	Reject

Reasons

This decision is made for the following reasons:

- The existing policy is effective and efficient in managing the intensity of subdivision in rural areas where the adverse effects could be significant, such as areas subject to natural hazards and in close proximity to key infrastructure resources.

18.4 Anticipated Environmental Outcomes

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
414.1	Martinborough Business Association	-	-
202.1	Martinborough Community Board	-	-
296.21	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Martinborough Business Association (414.1) seeks that the Planning Maps be amended by zoning for future development in order to provide for and encourage business and residential growth in Martinborough. Also request that any subsequent changes are made to the Objectives, Policies and Rules in the Plan to give effect to the amended Planning Maps.

Martinborough Community Board (202.1) seeks that direction be given as to where future development in Martinborough can occur.

Transpower New Zealand Limited (296.21) seek that a new Outcome be added to protect nationally significant infrastructure assets. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Martinborough Business Association submitted that urban growth areas for business and residential purposes needed to be identified for Martinborough.

Transpower New Zealand Limited presented evidence re-iterating that an Outcome needed to be added to recognise the protection of nationally significant infrastructure assets.

Commissioners' Deliberations

At this time, the Commissioners consider the urban growth needs of Martinborough have been provided for in the Plan, with a few small areas on the periphery areas rezoned for residential purposes, and refinements to the infill subdivision standards. However, the Commissioners concur with the submitter that further investigations are warranted for future planning. The Commissioners would urge the South Wairarapa District Council to undertake a growth study to determine the future residential, commercial and industrial land requirements and the specific planning tools for implementing this study. Ideally, this study should be completed as soon as possible, and that the Council should seek to include it in the 2008/09 Long Term Council Community Plan/Annual Plan.

The Commissioners consider the existing outcomes describe the subdivision and development desired for the Wairarapa. An additional Outcome specifically for the national grid for subdivision and development is not appropriate, as it is most appropriately contained in Chapter 16 Network Utilities and Energy.

Decision: 18.4 Anticipated Environmental Outcomes

Submission Reference: 414.1	Reject
202.1	Reject
296.21	Reject
FS 112	Accept
FS 85	Accept

Reasons

This decision is made for the following reasons:

- The existing Outcomes are consistent with the objectives for subdivision, land development and urban growth, and consistent with the purpose of the Act.

20 Subdivision Rules - General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.79	Department of Conservation	FS 54 NZ Winegrowers	Support
524.57	Federated Farmers of New Zealand (Inc)	FS 89 Greater Wellington Regional Council	Support
507.4	Riversdale Ratepayer's Association	-	-
385.20	J Gleisner	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
278.1	G & C Tyer	-	-
420.1	D Hooper	-	-

Discussion

Department of Conservation (525.79), **Federated Farmers of New Zealand (Inc)** (524.57), **Riversdale Ratepayer's Association** (507.4) and **D Hooper** (420.1) seek the rules be retained. **New Zealand Winegrowers** and **Greater Wellington Regional Council** support the submissions.

J Gleisner (385.20) requests the precautionary principle be applied whenever there is any doubt about possible adverse environmental effects. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

G & C Tyer (278.1) requests the subdivision rules be amended.

Evidence Heard

Department of Conservation presented evidence supporting the Section 42A report recommendation of retaining Section 20.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that subdivision rules and standards are an effective approach for managing subdivision and development. The matters raised by J Gleisner and G & C Tyer are considered further in the sections below where specific relief sought has been stated.

Decision: 20 Subdivision Rules – General

Submission Reference: 525.79 Accept
 FS 54 Accept

524.57 Accept
 FS 89 Accept

507.4	Accept
420.1	Accept
385.20	Reject
FS 112	Accept
FS 85	Accept
278.1	Reject

Reasons

This decision is made for the following reasons:

- The existing rules and standards are effective and efficient in managing subdivision and development.

Submission Summary

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

Discussion

New Zealand Historic Places Trust (497.19) request that the Controlled Activity status for subdivision be deleted and all subdivision be a discretionary activity.

Evidence Heard

New Zealand Historic Places Trust presented evidence requesting subdivision of land that relates to all listed heritage items in Appendix 1 be a discretionary activity, not just subdivision within historic heritage precincts.

Commissioners' Deliberations

The Commissioners concur with the evidence presented by the submitter and Section 42A report that the subdivision of land containing a listed heritage item being a discretionary activity would be effective in managing the effects of the subdivision on the historic heritage values of the site.

Requiring all subdivisions to be assessed as a discretionary activity introduces a high level of uncertainty, and is not considered the most efficient activity status for all subdivision.

Decision: 20 Subdivision Rules – General

Submission Reference: 497.19 Accept in part

Decision Amendment: 20 Subdivision Rules – General

Add new rules to 20.1.5(g) as follows:

(viii) Contains all or part of a site of an Archaeological or Geological Site listed in Appendix 1.5a or 1.5b;

(ix) Contains all or part of a Site of Significance to Tangata Whenua listed in Appendix 1.6;

(x) Contains all or part of a Site of Historic Heritage listed in Appendix 1.7;

Reasons

This decision is made for the following reasons:

- The new rule is effective in managing the subdivision of land which has been identified as having historic heritage value. Being a discretionary activity, a case-by-case assessment would be made to determine whether the effects of the subdivision would be avoided, remedied or mitigated on the historic heritage values of the site.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
436.4	The Energy Efficiency and Conservation Authority	FS 84 Meridian Energy Ltd FS 67 Mighty River Power Ltd	Support Support

Discussion

The **Energy Efficiency and Conservation Authority** (436.4) requests that the Proposed Plan include an Energy Chapter. **Meridian Energy Limited** and **Mighty River Power Limited** support this submission.

Evidence Heard

Energy Efficiency and Conservation Authority, Meridian Energy Limited and **Mighty River Power Limited** separately presented evidence requesting a separate Energy chapter, as further described in the Section 16 Network Utilities and Energy decision report.

Commissioners' Deliberations

The matter of a separate Energy chapter is discussed in the decision report on Chapter 16 Network Utilities and Energy. For the reasons stated in the decision report on Chapter 16, no separate energy chapter is added to the Plan.

Decision: 20 Subdivision Rules – General

Submission Reference: 436.4	Reject
FS 84	Reject
FS 67	Reject

Reasons

This decision is made for the following reasons:

- As detailed in Chapter 16 Network Utilities and Energy decision report.

Submission Summary

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

Discussion

Greater Wellington Regional Council (526.1) requests that a flow diagram be added to the rules to assist interpretation. **Greater Wellington Regional Council** (526.2) also request the chapter be renamed "District Wide Subdivision Rules and Standards".

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation of not adding a flow diagram to the subdivision rules and retaining the diagram in Section 3. They also presented evidence supporting the recommendation of renaming the chapter to "District Wide Subdivision Rules and Standards".

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the existing flow diagram in Section 3 assists with interpreting the rules, and the revised name of the chapter better describes the scope and nature of the contents of the chapter.

Decision: 20 Subdivision Rules – General

Submission Reference: 526.1	Reject
526.2	Accept

Decision Amendment: 20 Subdivision Rules – General

Amend the title and name for Section 20 to "*District Wide Subdivision Rules and Standards*".

Reasons

This decision is made for the following reasons:

- The existing flow diagram in Section 3 is effective in outlining how the rules are to be interpreted.

- The amended name of the chapter better describes the scope and nature of the chapter, and improves the useability of the Plan.

20.1.1 Controlled Activities - Subdivision

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
443.5	Juken New Zealand Ltd	FS 52 Horticulture NZ FS 103 Waipine	Support Support
427.23	New Zealand Winegrowers	-	-
495.10	ONTRACK (New Zealand Railways Corporation)	-	-
239.9	S Scott	-	-
238.10	R Scott	-	-

Discussion

New Zealand Winegrowers (427.23) **S Scott** (239.9) and **R Scott** (238.10) request 20.1.1 (a) be retained as currently worded. **ONTRACK** (495.10) requests 20.1.1(a) (iv), (x), (xi), (xii), (xiv), (xvi) and (xxvi) be retained.

Juken New Zealand Ltd (443.5) requests that matters xi) and xxvi) be retained, which is supported by **Horticulture New Zealand** and **Waipine**.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners noted the submitters support for specific clauses in Rule 20.1.1. We concur with the Section 42A report that the existing wording of the clauses provide effective matters of control for assessing subdivision applications.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference:	427.23	Accept
	239.9	Accept
	238.10	Accept
	495.10	Accept
	443.5	Accept
	FS 52	Accept
	FS 103	Accept

Reasons

This decision is made for the following reasons:

- The existing matters of control in Rule 20.1.1 provide clear direction for assessing subdivision applications, to ensure the adverse effects of the subdivision are avoided, remedied or mitigated.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.1	Adamson Land Surveyors	-	-
456.2	Adamson Land Surveyors	-	-

Discussion

Adamson Land Surveyors (456.1) request that compliance with 20.1.1 (xxiii) relating to NZS4404 not be mandatory, and that an application seeking a variation to this Code be considered as a restricted discretionary activity.

Adamson Land Surveyors (456.2) request Rule 20.1.1 (xix) be amended so that the installation of services such as electricity and telecommunications are not imposed as a condition of consent.

Evidence Heard

Adamson Land Surveyors presented evidence seeking that matter 20.1.1(xxiii) be amended so that mandatory compliance with NZS4404 is not required, and that proposals which do not comply with this standard are assessed as a restricted discretionary activity. In terms of matter 20.1.1(xix), they noted the network utility operators can have variable requirements as to when services were to be installed as part of a subdivision, or whether they just had to be available for future owners to connect to. They requested District Plan requirements need to be reflect the procedures and requirements of the network utility operators.

Commissioners' Deliberations

The Commissioners noted the Section 42A report clarified that the clauses requested to be amended are 'Matters of Control' rather than 'Standards'. Each subdivision application would be assessed on a case-by-case basis applying the Matters of Control.

However, Rule 21.1.22 requires water supplies, wastewater supplies and stormwater systems to be provided in accordance with NZS4404 as a permitted activity standard. The Commissioners concur with the submitter, that assessing an application for a non-compliance with the NZ Standard is typically an internal matter within the subdivision, and can be effectively assessed as a restricted discretionary activity. To achieve this outcome, a new Controlled Activity subdivision standard is required and the corresponding restricted discretionary rule. The matters that discretion is restricted to would ensure that the water supply, wastewater system and stormwater systems would meet the needs of activities and sites for which they served, while avoiding, remedying and mitigating the adverse effects on

the environment. This change also makes Rule 20.1.5(a)(iii) redundant, as it is covered by the new restricted discretionary activity rule.

In addition, as NZS4404 also applies standards in Appendix 5 in relation to transport standards, the Commissioners have determined to be consistent with the above decision, a consequential change is required to assess non-compliances with Appendix 5 as a restricted discretionary activity as well.

For telecommunications and electricity supplies, NZS 4404 includes standards for the design and construction of these services. As discussed above, the standards for complying with NZS 4404 only apply to water supplies, wastewater supplies and stormwater systems, and no standard to install telecommunications or electricity. However, as NZS 4404 is retained as a matter of control, the installation of these services would be assessed for each subdivision on a case by case basis.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 456.1	Accept in part
456.2	Accept in part

Decision Amendment

Add a new rule to 20.1.3 as follows:

All Environmental Zones

(b) Any subdivision that does not comply with Rule 20.1.2 (i).

Discretion is restricted to the following matters:

(i) Potable water supply, water storage and treatment;

(ii) Wastewater collection, treatment and disposal;

(iii) Stormwater collection, treatment and disposal; and

(iv) Financial contributions.

Consequential Change: Delete Rule 20.1.5(a)(iii) as follows:

~~*“(iii) It is not possible to discharge stormwater to a reticulated public stormwater system and cannot adequately control and/or dispose of stormwater on the site.”*~~

Re-number Rules in Rule 20.1.5.

Consequential Change: Add a new standard for all Environmental Zones to 20.1.2(i) as follows:

(ii) All new water supplies, waste water supplies and stormwater systems shall be provided in accordance with NZS 4404:2004 “Land Development and Subdivision Engineering”.

Consequential Change: Add a new rule to the District Wide Land Use 21.3 Restricted Discretionary Activity as follows:

21.3.15 Water Supply, Wastewater and Stormwater

(a) Any activity that does not comply with the requirements in Rule 21.1.22

Discretion is restricted to the following matters:

(i) Potable water supply, water storage and treatment;

(ii) Wastewater collection, treatment and disposal;

(iii) Stormwater collection, treatment and disposal; and

(iv) Financial contributions.

Consequential Change: Amend Rule 21.3.8 to read as follows:

~~Waiver of Parking Requirements~~ **Roads, Access, Parking and Loading Areas**

~~(a) The reduction or waiver of the required number of on-site parking spaces.~~
Any activity that does not comply with the requirements in Rule 21.1.21

Discretion is restricted to the following matters:

(i) Development and site characteristics;

(ii) Access;

(iii) Availability of alternative private or public access, carparking or loading areas;

~~(iv) Associated heritage values;~~

(iv) Design, layout, number and standard of parking and loading areas;

(v) Design and construction of roads and access;

(vi) Financial contributions.

Reasons

This decision is made for the following reasons:

- The existing matters of control in Rule 20.1.1 provide clear direction for assessing subdivision applications, to ensure the adverse effects of the subdivision are avoided, remedied or mitigated, including whether it is appropriate on a case-by-case basis to require telecommunications and electricity services to be provided.
- Requiring compliance with NZS 4404 is an effective approach in ensuring that each lot has a suitable water supply, wastewater system, stormwater system and transport infrastructure. If an alternative method of servicing is proposed, the restricted discretionary activity status provides an efficient and effective resource consent process to assess the environmental effects of this alternative approach, and determine its suitability for the proposed subdivision.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.80	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of	Oppose Oppose

		New Zealand (Inc)	
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Discussion

The **Department of Conservation** (525.80) requests that matter (vii) be amended to include reference to indigenous wildlife and habitat. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Department of Conservation presented evidence requesting matter (vii) be amended by adding reference to wildlife and watercourses.

Commissioners' Deliberations

The Commissioners concur with the submitter that the addition of wildlife and watercourses better describes the nature of indigenous biodiversity habitats, and provides a more effective matter of control.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 525.80	Accept in part
FS 112	Accept in part
FS 85	Accept in part

Decision Amendment

Amend matter (vii) to read as follows:

*“(vii) Effects on indigenous biological diversity, including protection of existing vegetation, **wildlife and watercourse**, revegetation, and weed and pest control;”*

Reasons

This decision is made for the following reasons:

- The amended matter of control better describes the nature of indigenous biodiversity habitats, and provides a more effective matter of control.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.26	Horticulture New Zealand	FS 54 NZ Winegrowers	Support
523.24	M & K Williams	-	-

Discussion

M & K Williams (523.24) requests retain 20.1.1 Controlled Activities (a) (xxvi) if controlled activity subdivision is not amended in the Plan.

Horticulture New Zealand (492.26) requests that matter (xxvi) be amended to include reference to “in the Rural Zone the impacts on primary production activities”. **New Zealand Winegrowers** support this submission.

Evidence Heard

M & K Williams submitted that if Controlled Activity subdivisions are retained, that matter of control (xxvi) be retained.

Horticulture New Zealand submitted that reverse sensitivity effects needed to be addressed as the time of assessing subdivision applications.

Commissioners’ Deliberations

The Commissioners concur with the submitters and Section 42A report that reverse sensitivity effects are an important matter for assessment at the time of subdivision. Therefore, existing matter of control (xxvi) provides an effective approach to ensuring this issue for appropriately assessed.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 492.26	Reject
FS 54	Reject
523.24	Accept

Reasons

This decision is made for the following reasons:

- The existing matter of control is effective approach for assessing the reverse sensitivity effects for all proposed subdivisions.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
494.13	Land Transport New Zealand	-	-
495.11	ONTRACK (New Zealand Railways Corporation)	-	-

Discussion

Land Transport New Zealand (494.13) requests that matter (i) be amended to include reference to walkways, cycleways or cycle lanes. **ONTRACK** (495.11) requests that matter (i) be amended to include reference to access over the railway.

Evidence Heard

Land Transport New Zealand submitted that the Plan provisions should reflect all modes of transport.

ONTRACK presented evidence supporting the Section 42A report recommendation of adding reference to access over the railway to the matters of control.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the amended wording of the matter of control is the most effective in managing subdivision and development in relation to the effects on the transportation networks.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 494.13 Accept
495.11 Accept

Decision Amendment: 20.1.1 Controlled Activities - Subdivision

Amend 20.1.1(a)(i) to read as follows:

*(i) The design and layout of the subdivision, including the size, shape and position of any lot, any new roads, **the provision of footpaths and cycleways, provision of linkages to existing roads, access over the railway, or the diversion or alteration to any existing roads, the provision of footpaths and cycleways, provision of linkages to existing roads, access over the railway, access, passing bays, parking and manoeuvring standards, and any necessary easements;***

Reasons

This decision is made for the following reasons:

- The amended matter of control better describes the design and layout of the subdivision and its relationship to transportation networks and access.

Submission Summary

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

Discussion

New Zealand Historic Places Trust (497.20) requests matter 20.1.1(xvi) be amended so the intent is clear.

Evidence Heard

New Zealand Historic Places Trust submitted that references to all heritage items be 'historic heritage'.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the amended wording of the matter of control better describes the issues for historic heritage.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 497.20 Accept

Decision Amendment: 20.1.1 Controlled Activities - Subdivision

Amend 20.1.1(a)(xvi) to read as follows:

(xvi) **Effects on historic heritage** ~~Protection of heritage items and sites~~

Reasons

This decision is made for the following reasons:

- The amended matter of control better describes the effects of historic heritage in managing subdivision.

Submission Summary

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

Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.37) request a new matter be added to 20.1.1 in relation to reserves. **Windy Peak Trust** (FS103) opposes this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that adding a matter of control on reserves provides an effective approach to ensuring this matter is assessed at the

time of subdivision. Acquiring reserve land at the time of subdivision can provide an effective layout for new urban areas.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 522.37 Accept
FS 103 Reject

Decision Amendment: 20.1.1 Controlled Activities - Subdivision

Add a new Matter of Control to Rule 20.1.1(a) as follows:

“(vi) Provision of reserves, including connections to existing and future reserves.”

Re-number (vi)-(xxvi) to (vii)-(xxvii).

Reasons

This decision is made for the following reasons:

- The new matter of control is effective and efficient in managing subdivision and the location, size and connections for reserve land.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
514.4	Rangitane o Wairarapa Inc	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Rangitane o Wairarapa Inc (514.4) requests that 20.1.1 be deleted or amended to take into account tangata whenua values into account. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that adding a matter of control on the effects on values of any waahi tapu and any resources of significance to tangata whenua provides an effective approach in ensuring these values and resources are assessed at the time of subdivision where required.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 514.4 Accept

FS 112 Reject
FS 85 Reject

Decision Amendment: 20.1.1 Controlled Activities - Subdivision

Add a new Matter of Control to Rule 20.1.1(a) as follows:

“(xviii) Effects on values of any waahi tapu sites and any resources of significance to Tangata Whenua.”

Re-number (xvii)-(xxvi) to (xix)-(xxvii).

Reasons

This decision is made for the following reasons:

- The new matter of control is effective and efficient in managing subdivision and its effects on values of any waahi tapu and any resources of significance to tangata whenua.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
423.3	Wairarapa Rural Fire District	-	-

Discussion

Wairarapa Rural Fire District (423.3) requests 20.1.1 be amended to refer to the Fire Smart Manual.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

Matter of control (xiii) provides for the assessment of the management of fire risk, including any fire fighting requirements. The Commissioners consider the existing wording of the matter of control provides for the Fire Smart Manual to be applied as it is relevant to subdivision. As the Manual includes some matters not relevant to the subdivision of land, it is not appropriate to include specific reference to this Manual in the matter of control.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 423.3 Accept

Reasons

This decision is made for the following reasons:

- The existing matter of control is effective in managing subdivision and the effects from the risk of fire.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.87	Greater Wellington Regional Council	-	-
493.7	T & G Williams	FS 22 G & C Hearfield FS 20 S & M Matthews FS 21 T & N Vallance FS 30 Adamson Land Surveyors	Oppose Oppose Oppose Oppose
33.7	R Hunwick	-	-

Discussion

Greater Wellington Regional Council (526.87) requests amending 20.1.1(a) by stating compliance with the specific rule reference. It also requests amending 20.1.1(a)(xxiii) by naming the other related standards.

T & G Williams (493.7) requests amend 20.1.1 (a) by inserting a reference to non-complying activities. **G & C Hearfield, S & M Matthews, T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

R Hunwick (33.7) requests adding a cross reference to Rules 20.1.1 and 20.1.3 to the effect that these rules are subject to Rule 20.1.5.

Evidence Heard

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation of amending the matters of control by referring to specific rules.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that referring to a rule reference (i.e. 20.1.2) provides greater certainty and improves the usability of the Plan.

For matter of control (xxiii), the Commissioners concur with the submitter that the reference to 'and other related standards' has a degree of uncertainty. Therefore, it has been determined to amend the wording of this matter to clarify it is the other standards referenced in NZS4404 that are applicable.

In determining the activity status of a subdivision application, it is important all subdivision rules are assessed. The Commissioners concur cross-references are useful in guiding Plan users to other related rules. However, too many cross references can cause confusion, as some activities would have a number of applicable rules. Similarly, for subdivision, there are a number of rules which may apply, therefore, adding cross-references may create a degree of uncertainty and confusion in applying the rules.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 526.87 Accept in part

493.7	Reject
FS 21	Accept
FS 20	Accept
FS 22	Accept
FS 30	Accept

33.7 Reject

Decision Amendment: 20.1.1 Controlled Activities - Subdivision

Amend Rule 20.1.1(a) as follows:

“Any subdivision that complies with all of the standards in 20.1.2 for ~~subdivision~~ is a Controlled Activity”.

Amend 20.1.1(a)(xxiii) as follows:

*“Compliance with New Zealand Standard 4404:2004 Land Development and Subdivision Engineering and other ~~related~~ standards **referenced in NZS4404:2004.**”*

Reasons

This decision is made for the following reasons:

- The amended rule increases the certainty of the standards to be applied in determining compliance with this rule.
- The amended matter of control better describes the application of NZS4404 in assessing application, and is effective in managing subdivision and the effects on the environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
33.2	R Hunwick	-	-

Discussion

R Hunwick (33.2) request amend 20.1.1(a)(i) be deleting the word "size".

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the reference to "size" in matter of control (i) is a critical factor in managing the effects of subdivision. If "size" was deleted from the matter of control, this amendment would significantly limit Councils ability to effectively manage the effects of subdivision on the character and amenity of the respective Environmental Zone.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 33.2 Reject

Reasons

This decision is made for the following reasons:

- The existing matter reserving control over the size of a lot is effective in managing the effects of subdivision, in particular, the effects on the amenity and character of the respective Environmental Zone.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.88	Greater Wellington Regional Council	FS 33 Adamson Land Surveyors FS 52 Horticulture NZ	Oppose Oppose

Discussion

Greater Wellington Regional Council (526.88) requests adding a standard to rule 20.1.1 for contaminated land and site stability. **Horticulture New Zealand** and **Adamson Land Surveyors** oppose this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation that added subdivision of a site with a HAIL activity be discretionary, and a new standard on site stability.

Adamson Land Surveyors submitted that there are some activities in the HAIL list, including fuel tanks and market gardening. They request discretion for when testing is required.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that if contaminated land is proposed to be subdivided, it is important an assessment is completed to determine whether it is appropriate to subdivide, and that the risks posed by the contamination are effectively managed. Hazardous Activities and Industries List (HAIL) is an effective approach for managing potentially contaminated land. However, as discussed further in the decision report on Chapter 15 Hazardous Substances, the complete HAIL is not considered the most appropriate for the Wairarapa, given the nature and scale of historical land uses.

For site stability, the Commissioners do not consider a new standard or rule is the most effective approach for managing the subdivision of land. No detailed information was presented at the hearing identifying situations where the existing rules did not effectively manage this issue. The Commissioner note Section 106 of the Resource Management Act provide Councils with the ability to decline subdivision applications if the site has stability issues, and the applicant has not demonstrated how the risks posed by the site stability have been avoided, remedied or mitigated.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 526.88	Accept in part
FS 33	Accept in part
FS 52	Accept in part

Decision Amendment: 20.1.1 Controlled Activities - Subdivision

Add a new Rule to 20.1.5 as follows:

(ii) It is on land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) in Appendix 3.2.

Reasons

This decision is made for the following reasons:

- The new rule is effective and efficient in managing the subdivision of land on sites which have been used for activities listed in the HAIL schedule. The discretionary activity status provides Council with the ability to approve or decline the application, and if approved, the ability to impose conditions to ensure the adverse effects are avoided, remedied or mitigated.
- Section 106 of the Act provides an effective approach for managing the subdivision of land subject to natural hazards, including site stability. Where no detailed information is available on site stability in the Wairarapa, this approach is considered to be the most effective.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.30	Wairarapa Inc trading as Go Wairarapa	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 54 NZ Winegrowers	Oppose Oppose Oppose
35.8	S Burt	-	-
430.6	D Stanton	-	-
428.2	A Stewart	-	-
523.23	M & K Williams	-	-
317.2	T Reid	-	-

383.9	Sustainable Wairarapa	-	-
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Discussion

Wairarapa Inc trading as Go Wairarapa (398.30) request the Notification clause under 20.1.1 requires service of notice on affected persons. **Federated Farmers of New Zealand (Inc), D Riddiford** and **New Zealand Winegrowers** oppose this submission.

S Burt (35.8), **D Stanton** (430.6) and **A Stewart** (428.2) requests the Notification clause be deleted.

M & K Williams (523.23) requests amending Plan so that notification and affected person signoff is required for all subdivisions except those of minor effect (for example, boundary adjustments, or where lots have existing dwellings).

T Reid (317.2) requests amending 20.1.1 to redefine the requirements for notification to ensure that all subdivisions below minimum standards are notified.

Sustainable Wairarapa (383.9) requests amending the notification of affected parties provisions in the Plan.

Evidence Heard

Wairarapa Inc trading as Go Wairarapa submitted that the public should be provided with an opportunity to participate in the resource consent process.

A Stewart submitted that not requiring notification or written approvals would limit public participation in the resource consent process.

M & K Williams submitted that all subdivisions, except for proposals with minor effects such as boundary adjustments, should require written approvals of affected parties, and/or notification of the application.

Commissioners' Deliberations

Sections 93-94 of the Act provide the legislative framework for determining the notification process for resource consent applications. Section 93 of the Act provides for Controlled Activities to be processed without public notification. In addition, Section 94D(3) provides for applications for Controlled Activities not to be served notice if a rule in a Plan expressly provides for this.

The Commissioners note a series of standards must be complied with for a subdivision to be assessed as a Controlled Activity. These standards vary depending on the Environmental Zone, and reflect the objectives for the Environmental Zones and District Wide Issues, in particular, in maintaining and enhancing the function, character and amenity of the different Environmental Zones. The effects from subdivisions which comply with the standards can be effectively avoided, remedied or mitigated by the imposition of conditions. Public participation is provided for in the setting of these standards through the District Plan process.

Providing for Controlled Activity subdivision applications without public notification and service of notice is considered the most efficient and effective approach. This approach provides a cost effective and time efficient process for applicants, while achieving the objectives in the Plan, given the proposals comply with minimum standards. Therefore, the existing notification clause is to be retained.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 398.30	Reject
FS 112	Accept
FS 85	Accept
FS 54	Accept
35.8	Reject
430.6	Reject
428.2	Reject
523.23	Reject
317.2	Reject
383.9	Reject

Reasons

This decision is made for the following reasons:

- The existing notification clause provides a cost effective and time efficient process for applicants, while achieving the objectives in the Plan.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
523.23	M & K Williams	-	-
497.6	New Zealand Historic Places Trust	-	-

Discussion

New Zealand Historic Places Trust (497.6) requests that the Controlled Activity status for subdivision be deleted and that all subdivision be a discretionary activity.

M & K Williams (523.23) requests the amendment of 20.1.1 so that only subdivisions of minor effect (for example, boundary adjustments, or where lots have existing dwellings) are controlled activities, and all other subdivisions are either restricted discretionary, discretionary or non-complying.

Evidence Heard

M & K Williams presented evidence supporting the above submission point, that only subdivisions with minor effects (e.g. boundary adjustments) be Controlled Activities.

New Zealand Historic Places Trust presented evidence requesting subdivision of land that relate to all listed heritage items in Appendix 1 be a discretionary activity, not just subdivision within historic heritage precincts.

Commissioners' Deliberations

The Plan seeks to achieve a balance in providing a level of certainty to individual landowners, the community and the Council, as well as some flexibility to how the natural

and physical resources of the Wairarapa are sustainably managed. The activity status for subdivision and land use is an important factor in determining this balance. Furthermore, standards applied in the regulatory controls also form part of the balance between certainty and flexibility.

For subdivisions, one of the common themes during the hearing of submissions was the desire for more certainty as to the location, scale, intensity and nature of subdivision. This view was expressed by parties requesting more lenient standards (e.g. smaller lot sizes) as well as parties requires more stringent standards (e.g. larger lot sizes). To achieve a higher degree of certainty, the Controlled Activity status in conjunction with the minimum standards provides for this certainty. Making all subdivisions a discretionary activity introduces a high level of uncertainty, and is not considered the most efficient activity status for all subdivision.

The Commissioners concur with the evidence presented by the NZ Historic Places Trust and Section 42A report that the subdivision of land containing a listed heritage item being a discretionary activity would be effective in managing the effects of the subdivision on the historic heritage values of the site.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 523.23 Reject
 497.6 Accept in part

Decision Amendment

Add a new rule to 20.1.5 as follows:

(viii) Contains all or part of a site of an Archaeological or Geological Site listed in Appendix 1.5a or 1.5b;

(ix) Contains all or part of a Site of Significance to Tangata Whenua listed in Appendix 1.6;

(x) Contains all or part of a Site of Historic Heritage listed in Appendix 1.7;

Reasons

This decision is made for the following reasons:

- Controlled Activity status is the most efficient and effective for managing subdivision where the effects of the subdivision would achieve the objectives for the Environmental Zone and District Wide issues.
- The new rule is effective in managing the subdivision of land which has been identified as having historic heritage value. Being a discretionary activity, a case-by-case assessment would be made to determine whether the effects of the subdivision would be avoided, remedied or mitigated on the historic heritage values of the site.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.9	Tomlinson & Carruthers	-	-

Discussion

Tomlinson & Carruthers (273.9) requests amending 20.1.1 (a) matters of control be located at the end of the section.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the existing structure of the rules in the Plan is clear and enables provide guidance for achieving the objectives.

Decision: 20.1.1 Controlled Activities - Subdivision

Submission Reference: 273.9 Reject

Reasons

This decision is made for the following reasons:

- The existing structure is clear and provides for a user friendly Plan.

20.1.2 Standards for Controlled Activities - General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.10	Adamson Land Surveyors	-	-
273.29	Tomlinson & Carruthers	FS 31 Adamson Land Surveyors	Support

Discussion

Adamson Land Surveyors (456.10) requests boundary adjustments where no new buildable lots are created be added as a controlled activity.

Tomlinson & Carruthers (273.29) requests boundary adjustments and amalgamations be added as a permitted activity. **Adamson Land Surveyors** support this submission.

Evidence Heard

Adamson Land Surveyors presented evidence requesting boundary adjustments be provided for in the Plan. They noted the different relief sought by submitters in providing for boundary adjustments, from permitted activities to controlled activities with standards. They noted the recommendation for a 10% threshold for the area to be considered a boundary adjustment, and requested this only apply if a reduction in size was proposed.

Tomlinson & Carruthers submitted that boundary adjustments be a permitted activity provided the subdivision did not create an additional dwelling building area, and for those lots that contain a building area shall comply with the Controlled Activity minimum standards.

Commissioners' Deliberations

The Commissioners concur with the submitters that boundary adjustments need to be provided for in the Plan so these types of subdivision can be managed. As a boundary adjustment involves the subdivision of land, there is the potential that the new lot size, configuration and location may alter access, servicing and land use. To effectively manage the environmental effects from these changes, an assessment is required to ensure any adverse effects are avoided, remedied or mitigated. To achieve this, the Commissioners have determined a Controlled Activity status is the most appropriate for boundary adjustment subdivisions.

There are a number of potential different types of boundary adjustment that can occur, as outlined in the evidence at the hearing. As these different scenarios could have a wide range of environmental effects, the Commissioners have determined it is effective to define the scope of boundary adjustments to be managed as Controlled Activities. The scope is restricted to proposals where there is no increase in the number of certificates of title, and where the area of the adjusted lots does not increase or decrease by more than 10%. The 10% threshold would only apply to lots which do not meet the minimum lot size standards for the respective Environmental Zones.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 456.10	Accept
273.29	Accept in part

Decision Amendment

Add the following exemptions to Rule 20.1.2(k) as follows:

(iii) Any subdivision creating a boundary adjustment as defined in Chapter 27.

(iv) Any subdivision of different floors or levels of a building, or different parts of a floor or level of a building.)

Add the following definition of "boundary adjustment" to Section 27.

Boundary Adjustment: means the subdivision of a lot where the following requirements are met:

(i) The number of existing certificates of title will not be increased.

(ii) Where any affected lot is already less than the minimum lot area for subdivision in that Environmental Zone, each of the adjusted lots shall be no more or less than 10% of the total area of the individual lots prior to the boundary adjustment.

Reasons

This decision is made for the following reasons:

- Controlled Activity status is the most efficient and effective for managing boundary adjustment subdivision where the effects of the subdivision are minor and the lots are

in accordance with the standards for the Zone would achieve the objectives for the Environmental Zone and District Wide issues.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.40	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 102 Windy Peak Trust	Support Oppose

Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.40) request a Note be added to 20.1.2 clarifying amalgamated lots. **Adamson Land Surveyors** support this submission. **Windy Peak Trust** opposes this submission.

Evidence Heard

Adamson Land Surveyors presented evidence supporting the Section 42A report recommendation of adding a Note to clarify the circumstances for amalgamating land.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the new Note clarifies the interpretation of the rules and standards where lots are proposed to be amalgamated.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 522.40	Accept
FS 32	Accept
FS 102	Reject

Decision Amendment

Add the Note to Rule 20.1.2 as follows:

"Note: For the purpose of the subdivision rules and standards, where any allotment is to be amalgamated or held together with any other allotment on the same survey plan or any land of an adjoining owner in accordance with a condition of subdivision, the combined area shall be deemed to be a single allotment for the purpose of determining compliance with these standards."

Reasons

This decision is made for the following reasons:

- The new Note clarifies the interpretation of the rules and standards where lots are proposed to be amalgamated, thereby improving the useability of the Plan.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
514.5	Rangitane o Wairarapa Inc	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Rangitane o Wairarapa Inc (514.5) requests 20.1.1 be deleted or amended to take into account tangata whenua values. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners note the earlier decision of adding tangata whenua values as a matter of control for subdivision. This addition is considered to be effective in managing the effects of subdivision on tangata whenua values where required.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 514.5	Accept
FS 112	Reject
FS 85	Reject

Decision Amendment

Add a new Matter of Control to Rule 20.1.1(a) as follows:

“(xviii) Effects on values of any waahi tapu sites and any resources of significance to Tangata Whenua.”

Reasons

This decision is made for the following reasons:

- The new matter of control is effective and efficient in managing subdivision and its effects on values of any waahi tapu and any resources of significance to tangata whenua.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
230.3	R, A & J Boyne	-	-

Discussion

R, A & J Boyne (230.3) request amend 20.1.2 for subdivision in coastal zones to be specific to the individual management plans.

Evidence Heard

J Boyne presented evidence expressing concern about the restrictive subdivision rules in the coastal area.

Commissioners' Deliberations

Management Plans are listed as a Method for managing subdivision and development in the coastal environment, primarily for existing settlements where there are pressures for further growth. The Management Plan can address a range of issues, including the location, nature and intensity of future development. As a recommendation or outcome of the Management Plan, a Plan Variation/Change may be required to give effect to the outcomes sought. Until a Management Plan is prepared and adopted, it is not appropriate to add specific reference to the Management Plan, as the outcomes sought are unknown.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 230.3 Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development in the coastal environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
335.1	J Eagle	-	-
335.2	J Eagle	-	-
335.3	J Eagle	-	-
335.4	J Eagle	-	-

Discussion

J Eagle (335.1) requests 20.1.2 be amended to stagger the size of subdivision. She also requests to limit the number of new subdivisions to accommodate water shortage (335.2). In

addition, she seeks that apply long-term environmental engineering for the whole urban area be used to retain a quality of life for all old and new residents (335.3). Lastly, she wants all dwellings to have tank water for gardens (335.4).

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

Minimum lot sizes establish a baseline for the intensity of subdivision within the respective Environmental Zones which in turn sets the baseline for changes in the character, amenity values and land use patterns. The actual developed size of subdivided sections would be at the discretion of the subdivider, provided the lots meet or are larger than the minimum standard. The Commissioners note that a range of lot sizes are usually created, as they are influenced by a number of factors, including location, aspect, existing building, access, services and market demand. Furthermore, the use of minimum average lot sizes will also promote variation in lots sizes. Therefore, it is considered the existing rules already allow for variable lot sizes.

A restriction on the number of subdivisions is not considered the most effective or efficient approach for managing subdivision, and achieving the purpose of the Act. The existing combination of subdivision rules are considered the most effective and efficient framework for managing subdivision, as the Residential Zones allow limited infill to more efficiently use the existing infrastructure.

Any new infrastructure installed as part of a subdivision is to be designed and constructed in compliance with New Zealand Standard 4404:2004. This Standard requires the infrastructure to meet the needs of current and future generations.

The Commissioners concur with the submitter that the installation of water tanks for dwellings can assist in providing an on-site water supply in urban areas to supplement the reticulated water supply. To introduce water tanks as a mandatory requirement is not considered to be the most effective approach at this time, as it would introduce significant costs for landowners, and the Councils have not specifically consulted on this requirement. However, we consider the Plan should provide greater recognition of water conservation issues and initiatives, and we have added a method for the Councils to urgently commit to a review of ways to achieve greater water conservation and introduce requirements for water conservation, in particular, the collection and use of rainwater runoff.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 335.1	Accept in part
335.2	Reject
335.3	Accept in part
335.4	Accept in part

Consequential Amendment:

Amend 18.3.6 Explanation by adding a new paragraph after paragraph four as follows:

Demand for water from reticulated water supply services is an effect of residential subdivision and development. Seasonally, such demand can place significant pressures on the urban water supply systems. Consideration needs to be given as to whether measures need to be taken to manage this demand at the time of subdivision and

development, such as by requiring supplementary water collection, including rainwater collection tanks.

Add a new Method to 18.3.16 as follows:

(n) Review the demand for water from reticulated water supply services from new residential subdivision and development, with the aim of, within 2 years of the District Plan being made operative, investigating and introducing water conservation requirements for new residential subdivision and development, such as rain water collection tanks.

Reasons

This decision is made for the following reasons:

- The existing rules and standards provide an efficient and effective management framework for managing the effects of subdivision and development. The standards reflect the capacity of the natural and physical resources, and how these resources can be most efficiently managed. New infrastructure is required to meet minimum standards and to meet both current and future demands.
- The new text recognises the increased demand for water in urban areas from new residential subdivision and development. A review and new requirements would identify the particular water conservation standards for the Wairarapa environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
28.1	G McKay	-	-

Discussion

G McKay (28.1) requests a soil map be used as a basis for subdivision. She also requests a requirement for landscaping when a new house built. Lastly, she requests any rural subdivision be subjected to scrutiny of immediate neighbours.

Evidence Heard

G McKay presented evidence re-iterating his submission point that rural subdivision should be managed based on soil type.

Commissioners' Deliberations

The Commissioners concur with the submitter that primary production activities are a significant contributor to the Wairarapa economy. The Plan seeks to provide for a wide range of primary production activities to be undertaken, with minimal regulatory controls. There are a number of factors influencing the location of primary production activities, including soil qualities, climate, topography, access to transport and water availability. In addition, different primary production activities require different soil qualities, therefore, not all soil qualities are valued equally. There are also often other drivers for smaller scaled subdivision on higher quality soils, such as access to public transport. Therefore, the Commissioners do not

consider managing rural subdivision based on soil types is the most efficient or effective approach.

If a proposed subdivision does not comply with the minimum standards, it would be assessed as to whether any neighbours were actually or potentially affected by the subdivision. The Commissioners consider this existing process to be the most effective for determining subdivision applications.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 28.1 Reject

Reasons

This decision is made for the following reasons:

- The existing rules provide an efficient and effective management framework for managing the effects of subdivision and development in the rural environment, and apply equally to the different soil types.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
271.1	J Read	-	-

Discussion

J Read (271.1) requests the subdivision provisions be amended to provide the same area for minimum subdivision in the various areas (urban, rural, special, coastal, development, etc). He also requested a Hearings Committee of 2 Councillors from each authority with an independent Chairperson.

Evidence Heard

J Read presented evidence re-iterating that the philosophy for the Combined Plan was for consistent policies to apply across all three Districts. He considered a 1.5ha minimum lot size was a fair compromise to apply for all three Districts for rural subdivision.

Commissioners' Deliberations

The Commissioners concur with the submitter that the subdivision provisions should apply to areas across the three Districts which have similar function, character and amenity. As discussed further in the decisions below, it has been determined that one set of subdivision rules should apply to all three Districts with no specific rules for just one District (i.e. the 2ha minimum lot size for South Wairarapa District for the Rural (Primary Production) Zone has been deleted).

However, the residential areas across the three Districts, as well as within individual Districts, have different character and amenity. Therefore, the Commissioners do not consider it to be effective to apply one standard across all residential areas, as this would not achieve the objective of maintaining and enhancing the character and amenity of the residential

environments. Accordingly, the Commissioners have amended the standards for residential subdivision as outlined further below.

The matter of hearing members' composition is outside of the scope of the District Plan, and each Council would determine this structure.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 271.1 Accept in part

Reasons

This decision is made for the following reasons:

- The amended rules (as detailed further below) provide an efficient and effective management framework for managing the effects of subdivision and development across the whole Wairarapa.

20.1.2 Standards for Controlled Activities (a) Minimum Lot Area – Urban Zones

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
303.2	KAZ Holdings	-	-
42.1	N Blackman	-	-
474.1	D & R Broadmore	-	-
71.1	A Priest	-	-
1.1	B Jolliffe	-	-
56.3	1880 Cottage Company Ltd	-	-
273.21	Tomlinson & Carruthers	-	-
270.1	J Read	-	-
236.1	W Knowles	-	-
237.1	R Knowles	-	-

Discussion

KAZ Holdings (303.2) requests that the minimum average lot area be consistent for the Residential Serviced (Masterton and Carterton Districts).

D & R Broadmore (474.1) requests the standards be amended so that the South Wairarapa District standards apply in the Masterton and Carterton Districts.

1880 Cottage Company Ltd (56.3) requests the Masterton and Carterton standards be applied to South Wairarapa.

Tomlinson & Carruthers (273.21) request that, in South Wairarapa District, the proposed minimum lot size for front lots stay at the proposed 400m² and the rear lot be amended to 500m² excluding the accessway area.

J Read (270.1) requests the minimum lot size be reduced for serviced lots in the coastal settlements.

N Blackman (42.1) requests amend the standards to exclude small size sections of 350 sq metres especially and only allow a percentage of 400 sq metre sections to each town area. **A Priest** (71.1) requests a consistent approach making the minimum subdivision in the urban zone 400m² across all of Wairarapa.

W Knowles (236.1) and **R Knowles** (237.1) requests amend the standards from 350m² to 400m² for the Carterton residential areas.

B Jolliffe (1.1) requests the proposed standards be retained.

Evidence Heard

Tomlinson & Carruthers presented evidence noting the historical lot sizes in residential areas and the common elements and size of infill development. Queried the rationale for having a larger rear minimum lot size in South Wairarapa District.

J Read submitted that serviced areas in the coastal environment should have smaller lot sizes similar to the main urban areas, as the 1,000m² minimum lot size may result in ribbon development.

Commissioners' Deliberations

The standards for subdivision are an integral method for achieving the objectives in the Plan for the respective Environmental Zones and District Wide Issues. For the Residential, Commercial and Industrial Environmental Zones, the subdivision standards seek to ensure the land resource in each respective Environmental Zones is efficiently used in a manner that protects the overall character and environmental qualities of the zone.

For the Commercial and Industrial Zones, there is no minimum lot size, as this provides the greatest level of flexibility for subdivision design to enable the efficient use of this land resource. In addition, the character and amenity of the Commercial and Industrial Zones is represented by a diversity of lot sizes, reflect the different scale of activities undertaken in these areas. The Commissioners consider this approach to be most efficient and effective for managing commercial and industrial land subdivision, as similar circumstances apply across the Wairarapa urban areas.

For the Residential Zone, the policies recognise that, while the function of the Wairarapa's residential are consistent across all locations, the character and amenity of residential environments varies between different urban areas. Masterton is the largest urban area and is characterised by more intensively subdivided and developed residential areas. The residential environments in the other Wairarapa towns are characterised by a slightly less dense residential area, reflecting the historical settlement and subdivision patterns of these towns. Therefore, the subdivision standards reflect the different character and amenity of these residential areas. The Commissioners consider different standards based on the character and amenity of the different towns in the most efficient and effective approach for achieving the objective for the Residential Zone of maintaining and enhancing this character and amenity.

Based on the information contained in submissions and evidence presented at the hearing, the Commissioners have determined the existing minimum lot size of 350m² is appropriate for Masterton only. This size reflects the character and amenity of the Masterton residential

areas, and the need to promote further intensification. For Carterton, the Commissioners consider the 400m² in the Operative Carterton District Plan to be appropriate, as it is in alignment with the character of Carterton's residential areas. However, a minimum average lot size has been introduced to manage the overall density of subdivisions, and to promote variety in lot sizes.

Similarly for South Wairarapa, a 400m² minimum lot size and 500m² minimum average lot size would result in a slightly lower overall density, reflecting the character and amenity of the South Wairarapa towns. No minimum number of lots thresholds has been applied to the minimum average lot size, as the cumulative effect of one lot infill subdivision could degrade the character and amenity values of the South Wairarapa towns' residential areas.

For the coastal settlements, as discussed above and in the decisions on Section 13 Coastal Environment, these communities have a distinct character; in particular, a lower density. In addition, these settlements have limited infrastructure capacity, and the minimum lot size manages the overall capacity (in terms of number of properties) of the settlement to efficiently use the existing infrastructure. The Commissioners consider the existing standards for coastal settlements are appropriate to maintain the character and amenity of these areas.

If a subdivision proposes lots smaller than the minimum lot size, the discretionary activity status provides an efficient process for assessing the environmental effects of such lots.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 303.2	Reject
474.1	Reject
56.3	Reject
273.21	Accept in part
270.1	Reject
42.1	Accept in part
71.1	Accept in part
236.1	Accept
237.1	Accept
1.1	Accept in part

Decision Amendment

Amend Rule 20.1.2(a) as follows:

<i>Residential Serviced (Masterton and Carterton Districts)</i>	<i>350m²; and 400m² minimum average lot area (for three or more lots)</i>
<i>Residential Serviced (Carterton and South Wairarapa Districts)</i>	<i>400m²; and front lot 6500m² minimum average lot area rear lot</i>

Reasons

This decision is made for the following reasons:

- The amended standards for minimum lot sizes recognised the different character and amenity of the residential areas in the towns in the Wairarapa. The minimum lot sizes have been determined based on the overall character and amenity values of the

residential environments, reflecting the historical settlement and subdivision patterns of these towns.

- Minimum lot sizes are efficient and effective tool for achieving the objective of maintaining and enhancing the character and amenity of the residential environments.
- Allowing a degree of infill subdivision within the existing towns promotes a more efficient use of the existing urban land resource, accommodating a higher number of residential dwellings. In addition, it more efficiently utilises the existing physical resources, such as reticulated infrastructure and community facilities, with a greater concentration of dwellings.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
340.1	The Carterton Town & Country Development Group (Inc)	-	-
60.1	The Darandche Trust	-	-
83.2	L Braggins	FS 29 Adamson Land Surveyors	Oppose
108.2	E Brown	FS 29 Adamson Land Surveyors	Oppose
92.2	S Butler	FS 29 Adamson Land Surveyors	Oppose
91.2	R Butler	FS 29 Adamson Land Surveyors	Oppose
101.2	S Corbett	FS 29 Adamson Land Surveyors	Oppose
392.9	S Corbett	FS 29 Adamson Land Surveyors	Oppose
302.5	S & M Cretney	FS 29 Adamson Land Surveyors	Oppose
301.5	B & G Dale	FS 29 Adamson Land Surveyors	Oppose
384.2	J Denbee	FS 29 Adamson Land Surveyors	Oppose
100.2	H Dew	FS 29 Adamson Land Surveyors	Oppose
381.2	M & R Dewar	FS 29 Adamson Land Surveyors	Oppose
289.1	L Garrity	-	-
399.3	D & J Gibbs	FS 29 Adamson Land Surveyors	Oppose
77.2	B Harman	FS 29 Adamson Land Surveyors	Oppose
102.2	J Hennessy	FS 29 Adamson Land Surveyors	Oppose
103.2	E Hennessy	FS 29 Adamson Land Surveyors	Oppose
330.4	M Hennessy	FS 29 Adamson Land Surveyors	Oppose
87.2	D Hopman	FS 29 Adamson Land Surveyors	Oppose
90.2	G & S Hoskins	FS 29 Adamson Land Surveyors	Oppose
99.2	G Hudson	FS 29 Adamson Land Surveyors	Oppose
86.2	B Jephson	FS 29 Adamson Land Surveyors	Oppose

107.2	J King	FS 29 Adamson Land Surveyors	Oppose
236.1	W Knowles	FS 29 Adamson Land Surveyors	Oppose
237.1	R Knowles	FS 29 Adamson Land Surveyors	Oppose
88.2	B Laybourn	FS 29 Adamson Land Surveyors	Oppose
110.2	S Leckie	FS 29 Adamson Land Surveyors	Oppose
97.2	A & J Loder	FS 29 Adamson Land Surveyors	Oppose
104.2	F & M Frederick	FS 29 Adamson Land Surveyors	Oppose
105.2	M McIntyre	FS 29 Adamson Land Surveyors	Oppose
84.2	C & M Megaw	FS 29 Adamson Land Surveyors	Oppose
329.4	M Morris	FS 29 Adamson Land Surveyors	Oppose
80.2	D Murray	FS 29 Adamson Land Surveyors	Oppose
95.2	M O'Conner	FS 29 Adamson Land Surveyors	Oppose
94.2	H O'Conner	FS 29 Adamson Land Surveyors	Oppose
93.2	U O'Conner	FS 29 Adamson Land Surveyors	Oppose
517.1	E Oliphant	FS 29 Adamson Land Surveyors	Oppose
78.2	R Paewai	FS 29 Adamson Land Surveyors	Oppose
85.2	V Pickering	FS 29 Adamson Land Surveyors	Oppose
81.2	A & P Price	FS 29 Adamson Land Surveyors	Oppose
71.1	A Priest	-	-
72.1	A Priest	-	-
82.2	C Pugh	FS 29 Adamson Land Surveyors	Oppose
112.2	G Rapson	FS 29 Adamson Land Surveyors	Oppose
317.3	T Reid	FS 29 Adamson Land Surveyors	Oppose
109.2	T Reynolds	FS 29 Adamson Land Surveyors	Oppose
279.1	M & M Rogers	-	-
79.2	K Rosegger	FS 29 Adamson Land Surveyors	Oppose
98.2	J & C Ryan	FS 29 Adamson Land Surveyors	Oppose
111.2	G Smith	FS 29 Adamson Land Surveyors	Oppose
96.2	L Tanner	FS 29 Adamson Land Surveyors	Oppose
309.2	B & S Tearle	FS 29 Adamson Land Surveyors	Oppose
300.1	M Tortoza	FS 29 Adamson Land Surveyors	Oppose
516.1	H Tortoza	FS 29 Adamson Land Surveyors	Oppose
313.1	A Underhill	FS 29 Adamson Land Surveyors	Oppose
114.2	J Were	FS 29 Adamson Land Surveyors	Oppose
89.2	K Wilkie	FS 29 Adamson Land Surveyors	Oppose
240.1	C & N Williams	-	-
259.1	V Batchelor	FS 29 Adamson Land Surveyors	Oppose
75.5	M & B Gillespie	FS 29 Adamson Land Surveyors	Oppose

Discussion

The Carterton Town & Country Development Group (Inc) (340.1) and **A Underhill** (313.1) request amend 20.1.2 (a) to retain the current development provisions and standards in the Carterton residential zones.

The Darandche Trust (60.1), **L Garrity** (289.1), **D & J Gibbs** (399.3), **A Priest** (72.1), **T Reid** (317.3), **M & M Rogers** (279.1) and **C & N Williams** (240.1) request the amendment of the plan to retain the Low Density Residential Policy Area in the operative Carterton District Plan.

49 pro-forma submissions were received from the submitters listed in the table above, requesting the Low Density Residential Policy Area in Carterton be re-introduced to the Proposed Plan.

Adamson Land Surveyors oppose these submissions.

Evidence Heard

M Gillespie submitted that the 350m² minimum lot size was too small, and would change the character of Carterton. She contended that the Low Density Policy Area was a key part of Carterton's character as a rural town, and was a good buffer zoned between the main urban areas and rural areas.

M Morris submitted that the 350m² minimum lot size would not achieve the Plan objectives of maintaining the existing character of Carterton. He submitted that growth statistics did not support the need for more infill with a stable population. The recommendation in the Section 42A report of 1,000m² for low density would still result in quarter-acre sections, which would compromise the character of Carterton. Requested the Low Density Policy Area in the Operative Carterton District Plan be introduced into the Combined Plan.

V Pickering submitted that the Low Density Policy Area provides a 'lifestyle' which is not provided in other areas and is unique to Carterton. Also queried whether the existing infrastructure was able to cope with increased development, noting summer water shortages and problems with wastewater during winter.

H Dew submitted that the standards in the Operative Carterton District Plan should be retained. She believed that 350m² lots were too small, creating difficulties for orientating buildings towards the sun for passive solar heating, and for providing sufficient land for growing food (vegetables and fruit) on.

J King submitted that the Low Density Policy Area was a unique feature of Carterton. Noted some parts of the Low Density Policy Area experienced localised flooding and ponding, and had wastewater spillages in the past.

J Hennessey submitted that more people living closer together on smaller sections was why people moved from other areas to Carterton to avoid this type of environment. The Low Density Policy Area provided a certain lifestyle which attracted people to Carterton. Supported allowing residential businesses in residential areas as it had economic benefits for the district.

G Rapson submitted that 350m² lot size was too small and would not attract people, in particular, families, to move and live in Carterton. She submitted that Carterton had an abundance of flat land that could be expanded onto, rather than more intensively developing existing residential areas.

P Foothead presented evidence opposing the rezoning of the Low Density Policy Area to Residential Zone as it would have a wide range of effects, including loss of character, increased traffic, pressure on infrastructure and more houses close to rural activities. Noted

the Low Density Policy Area provided a good buffer between residential areas and rural areas.

Adamson Land Surveyors presented evidence supporting the removal of the Low Density Policy Area and rezoning to standard Residential with a minimum lot size of 350m². Support the Section 42A report recommendation of retaining the land in the north-east corner of Carterton as standard Residential Zone, and the recommendation of a low density area at the south end of Carterton, as this addresses the needs and desires of the community.

Commissioners' Deliberations

As discussed in the decision report on Chapter 5 – Residential Zone, the Commissioners have determined the character and amenity of the residential area in Carterton is different from Masterton. Accordingly, the minimum lot size of 400m² and average minimum lot size of 500m² has been adopted (i.e. the same as the Operative Carterton District Plan). These lot size thresholds would allow for the existing larger properties to be subdivided for infill development, providing for smaller properties on a limited scale, while efficiently utilising the urban land resource and infrastructure. These standards would apply to the land zoned Residential.

The Plan seeks to promote further urban development in existing urban centres, in particular, areas close to central business districts and main public transport links. Accordingly, the zoning of the northern end of Carterton as Residential is appropriate.

The Commissioners have determined to retain the Low Density Policy Area at the southern end of Carterton with a 2,000m² minimum lot size (to be called 'Carterton Low Density Residential Character Area' to be consistent with the terminology applied in the Combined Plan). This area is not currently as intensively developed as the northern end of Carterton, with areas of existing low density residential use.

However, a matter identified during the hearing of submissions was the lack of internal connections (north-south road links) within this area and the consequent pressure on State Highway 2. To ensure a sustainable pattern of development is achieved for this area, the Commissioners consider that a Structure Plan would be an effective tool for managing the spatial arrangement of the key infrastructure (roads, reserves and development areas). The development of a Structure Plan would also provide an opportunity to determine whether specific locations within this area may be suitable for more intensive development, such as by having a smaller lot size. The Commissioners recommended Carterton District Council should progress the development of a Structure Plan for this area in the near future.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 340.1	Accept in part
313.1	Accept in part
60.1	Accept in part
289.1	Accept in part
399.3	Accept in part
72.1	Accept in part
317.3	Accept in part
279.1	Accept in part
240.1	Accept in part
83.2	Accept in part
108.2	Accept in part
92.2	Accept in part
91.2	Accept in part
101.2	Accept in part

392.9	Accept in part
302.5	Accept in part
301.5	Accept in part
384.2	Accept in part
100.2	Accept in part
381.2	Accept in part
77.2	Accept in part
102.2	Accept in part
103.2	Accept in part
330.4	Accept in part
87.2	Accept in part
90.2	Accept in part
99.2	Accept in part
86.2	Accept in part
107.2	Accept in part
88.2	Accept in part
110.2	Accept in part
97.2	Accept in part
104.2	Accept in part
105.2	Accept in part
84.2	Accept in part
329.4	Accept in part
80.2	Accept in part
95.2	Accept in part
94.2	Accept in part
93.2	Accept in part
517.1	Accept in part
78.2	Accept in part
85.2	Accept in part
81.2	Accept in part
82.2	Accept in part
112.2	Accept in part
109.2	Accept in part
79.2	Accept in part
98.2	Accept in part
111.2	Accept in part
96.2	Accept in part
309.2	Accept in part
300.1	Accept in part
516.1	Accept in part
114.2	Accept in part
89.2	Accept in part
259.1	Accept in part
75.5	Accept in part
FS 29	Accept in part

Decision Amendment

Amend Rule 20.1.2(a) as follows:

<i>Residential Serviced (Masterton and</i>	<i>350m²; and</i>
<i>Carterton Districts)</i>	<i>400m² minimum average lot</i>
	<i>area (for three or more lots)</i>

Residential Serviced (Carterton and South Wairarapa Districts) ~~400m²; and front lot~~
~~6500m² minimum average lot area rear lot~~

Add the following standard to Rule 20.1.2(a) as follows:

Residential Serviced (Carterton Low Density Residential Character Area) **2,000m²**

Add Carterton Low Density Residential Character Area to Planning Maps as shown on the Map in the Residential Zone report.

Reasons

This decision is made for the following reasons:

- The amended standards for minimum lot sizes recognised the character and amenity of Carterton's residential areas. The minimum lot sizes have been determined based on the overall character and amenity values of the residential environments, reflecting the historical settlement and subdivision patterns of these towns.
- Minimum lot sizes are efficient and effective tool for achieving the objective of maintaining and enhancing the character and amenity of the residential environments.
- Allowing a degree of infill subdivision within the existing towns more efficiently uses the existing urban land resource, accommodating a higher number of residential dwellings. In addition, it more efficiently utilises the existing physical resources, such as reticulated infrastructure and community facilities, with a greater concentration of dwellings.
- A Structure Plan for the Carterton Low Density Residential Character Area would be an effective tool in managing the spatial arrangement of development, promoting a more integrated and connected urban form. The Structure Plan may also identify that there is the ability for a variety of different sized lots in this area, not just 2,000m² lots.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.10	Tomlinson & Carruthers	-	-

Discussion

Tomlinson & Carruthers (273.10) requests that the minimum lot size for the Residential (Opaki and Chamberlain Road Future Development Areas) be 600m².

Evidence Heard

Tomlinson & Carruthers submitted that larger lots in an urban area required more roading, cables and pipes per metre of frontage. Allowing smaller lot was more efficient as it provided for more lots to be serviced by the infrastructure.

Commissioners' Deliberations

The Opaki and Chamberlain Road Future Development Areas have been identified to provide for some of the urban growth needs of Masterton. As they are located on the periphery of the existing urban area, infrastructure (reticulated water, wastewater and stormwater systems and transportation networks) has a limited capacity.

Recognising this limited capacity, an assessment was made as to the availability of the infrastructure to effectively service any subdivision in this area. A minimum average lot size of 1,200m² provides for an overall density for these two areas, recognising the infrastructure constraints. As a minimum 'average' lot size, this allows for lots smaller down to 350m² (the minimum lot size for Masterton), provided there are some larger lots to achieve an overall average. The resource consent process provides for an applicant to propose a subdivision with a lower average lot size, with the application to include an assessment of the effects on the infrastructure.

The Commissioners consider the existing minimum lot size and minimum 'average' lot size is the most effective and efficient approach for managing subdivision in the Opaki and Chamberlain Road Future Development Areas to achieve the objectives in the Plan.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 273.10 Reject

Reasons

This decision is made for the following reasons:

- The existing minimum average lot size is the most effective and efficient approach for managing subdivision in the Opaki and Chamberlain Road Future Development Areas to achieve the objectives in the Plan of a sustainable urban environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.11	Tomlinson & Carruthers	-	-

Discussion

Tomlinson & Carruthers (273.11) requests that the minimum lot size of 1000m² for Residential (Unserviced) be removed entirely from the proposed plan.

Evidence Heard

Tomlinson & Carruthers submitted that no arbitrary lot size should be imposed, rather the lot size should be determined based on the area required to treat and dispose off wastewater.

Commissioners' Deliberations

The Commissioners consider providing certainty for subdivision in urban areas is an important element of the Plan. As the Plan supports consolidation of development in the coastal environment at existing settlements, providing a minimum lot size creates a high level of certainty. The 1,000m² minimum lot size has been previously effectively applied as the minimum area required to provide on-site servicing.

However, as all subdivision is assessed via the resource consent process, this assessment provides the ability to determine whether smaller lots can be suitably serviced. Accordingly, the existing minimum lot size of 1,000m² is retained.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 273.11 Reject

Reasons

This decision is made for the following reasons:

- The existing standard provides an efficient and effective threshold for managing the size of lots to ensure sufficient land is available to provide for on-site servicing, and minimising adverse effects on the environment.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.12	Tomlinson & Carruthers	-	-

Discussion

Tomlinson & Carruthers (273.12) request in 20.1.2(a) that Notes (2) and (3) exclude reference to Lake Ferry's sewage disposal issues.

Evidence Heard

Tomlinson & Carruthers submitted that the Plan should allow for the extension of infrastructure as this may be the most effective manner to service the subdivision.

Commissioners' Deliberations

Notes (2) and (3) recognise the Lake Ferry sewage disposal system has specific design and operational parameters, constraining the system's ability to service a number of properties.

Therefore, it is effective to apply specific standards to limit the total number of properties that could be serviced.

If additional lots were proposed to connect to this infrastructure, the resource consent process would be effective in assessing whether this was appropriate, and whether the adverse effects of this could be avoided, remedied or mitigated.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 273.12 Reject

Reasons

This decision is made for the following reasons:

- The existing standard provides an efficient and effective threshold for managing the density of subdivision at Lake Ferry based on the limited capacity of the reticulated wastewater system.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.16	Tomlinson & Carruthers	-	-

Discussion

Tomlinson & Carruthers (273.16) request clarification to the references of 'standards'.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report and recommendation, that the use of the word 'standards' applies to the range of measurable compliance thresholds in the Plan.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 273.16 Reject

Reasons

This decision is made for the following reasons:

- The existing standards provides an efficient and effective management framework for managing the effects of subdivision and development.

20.1.2 Standards for Controlled Activities (b) Minimum Developable Area

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

Discussion

The **Barbara Durbin Family Trust** (350.1) requests 20.1.2(b) building footprint be retained.

Evidence Heard

Barbara Durbin Family Trust presented evidence supporting the Section 42A report recommendation of retaining this standard.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that a minimum developable area is effective in managing the dimensions of lots to ensure they are readily developable.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 350.1 Accept

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a suitable shape.

20.1.2 Standards for Controlled Activities (c) Future Development Areas – Urban Zones

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
295.3	Upper Hutt Developments Limited	-	-

Discussion

Upper Hutt Developments Limited (295.3) requests clarification as to how a Development Concept Plan is to be obtained. In addition, it seeks a reduction of the minimum average lot area as it relates to the Opaki and Chamberlain Road Future Development Areas.

Evidence Heard

Upper Hutt Developments Limited presented evidence supporting the Section 42A report recommendation of clarifying the activity status of 'Development Concept Plan' for Future Development Areas by adding a specific rule. However, requested the activity status should be restricted discretionary instead of full discretionary, as the restricted discretionary activity status would provide greater certainty, and the matters of discretion could be the assessment matters listed in the Plan.

Commissioners' Deliberations

Future Development Areas are areas identified in the Plan which are appropriate for urban growth. To ensure an integrated and structured approach to the development in these areas, a Development Concept Plan is to be prepared setting out the framework for the overall Future Development Area.

The Commissioners consider the full discretionary activity status is the most effective status for this assessment, as it ensures all potentially relevant matters can be evaluated. Each Future Development Area is different, with individual issues that would need to be addressed in the Development Concept Plan. Therefore, restricting discretion to specific matters could limit the effectiveness of Concept Plan in providing a sustainable urban framework.

The matter of the minimum average lot size for the Opaki and Chamberlain Road Future Development Areas has been discussed above in 20.1.2(a), where the current standard has been retained.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 295.3 Accept in part

Decision Amendment

Add Rule 21.4(m) as follows:

(m) Development Concept Plan in a Future Development Area

Reasons

This decision is made for the following reasons:

- The new rule provides an efficient and effective management framework for managing the effects of subdivision and development in the Future Development Area to achieve a sustainable urban framework.

20.1.2 Standards for Controlled Activities (d) Land Use Standards – Urban Zones

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.89	Greater Wellington Regional Council	FS 54 NZ Winegrowers	Support

Discussion

Greater Wellington Regional Council (526.89) requests the land use standards apply to all Environmental Zones. **New Zealand Winegrowers** support this submission.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the Section 42A report recommendation of applying the land use standards to all Environmental Zones.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the land use standards for roads, access, parking and loading should apply across all Environmental Zones. This amendment would make the District Plan more effective in managing subdivision to achieve the objective of a safe and efficient transportation network.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 526.89 Accept
 FS 54 Accept

Decision Amendment

Amend Rule 20.1.2(d) as follows:

~~**(d) Land Use Standards**~~

~~*(i) All lots shall demonstrate compliance with the District-wide permitted activity land use standards for Roads, Access, Parking and Loading in Section 21.1.21.*~~

All Environmental Zones

(i) Land Use Standards

(i) All lots shall demonstrate compliance with the District-wide permitted activity land use standards for Roads, Access, Parking and Loading in Section 21.1.21.

Consequential Change: Re-number clauses in Rule 20.1.2.

Reasons

This decision is made for the following reasons:

- The amended rule is effective in managing subdivision to achieve the objective of a safe and efficient transportation network.

20.1.2 Standards for Controlled Activities (e) Maximum Site Coverage – Urban Zones

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
317.4	T Reid	-	-
71.1	A Priest	-	-
341.1	The Carterton Town & Country Development Group (Inc)	-	-
349.1	The Barbara Durbin Family Trust	-	-
456.3	Adamson Land Surveyors	-	-

Discussion

T Reid (317.4) requests 20.1.2 (e) be amended by deleting the words “containing an existing dwelling”.

A Priest (71.1) requests that a maximum coverage clause at 40% apply to all buildings.

The Carterton Town & Country Development Group (Inc) (341.1) and **The Barbara Durbin Family Trust** (349.1) request the maximum site coverage shall be no more than 40% of the minimum lot area.

Adamson Land Surveyors (456.3) requests that 20.1.2(e) be amended by substituting the word ‘building’ for ‘site’.

Evidence Heard

The Barbara Durbin Family Trust presented evidence highlighting the issues of allowing ‘over-development’, and the limited opportunities to redress these situations. Requested the site coverage standard apply to all lots, not just lots with existing dwellings.

Adamson Land Surveyors presented evidence noting the Section 42A report recommendation of amending ‘site’ coverage to ‘building’ coverage. They queried the recommended increase in building coverage from 35% to 40% in terms of improving the level of amenity for subdivided existing dwellings.

Commissioners’ Deliberations

The matter of applying a maximum site coverage to new lots is discussed in the decision report for Chapter 5 – Residential Zone. The Commissioners determined the existing suite of standards (e.g. maximum height, setbacks, recession planes) for built development in the Residential Zone are effective in managing the level of development to maintain the character and amenity in residential areas.

The Commissioners, however, concur with the submitter and Section 42A report that replacing the word ‘site’ with ‘building’ better expresses the application and purpose of this

rule. In addition, deleting the word 'minimum' ensures the calculation of maximum building coverage is based on the subject lot, not the minimum lot size threshold in the Plan.

In terms of the percentage of site coverage, decreasing the percentage to 30% is considered the most effective threshold in providing for the on-site amenity of existing dwellings. A balance is required in efficiently utilising the residential land, while maintaining the residential character and amenity values, such as building dominance and outdoor living and service areas for established dwellings. The size of existing dwellings varies considerably, and the older larger house, often require greater space to protect the appropriate scale and density of older residential neighbourhoods.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 317.4	Reject
71.1	Reject
341.1	Reject
349.1	Reject
456.3	Accept

Decision Amendment

Amend Rule 20.1.2(e) as follows:

(e) Maximum ~~Site~~ Building Coverage

(i) In the Residential Zone, the maximum resulting ~~site~~ building coverage of any lot containing an existing dwelling shall be no more than ~~35~~30% of the ~~minimum~~ lot area.

Reasons

This decision is made for the following reasons:

- The amended rule would provide an efficient and effective management framework for managing the building coverage on already developed lots to achieve the objective of maintaining the character and amenity of the residential areas.
- The existing set of performance standards in the Residential Zone provide an efficient and effective approach for managing the scale and intensity of development, while maintaining the amenity and character of the residential environments.

20.1.2 Standards for Controlled Activities (f) Minimum Lot Standards – Rural (Primary Production) Zone

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.4	Adamson Land Surveyors	-	-
509.1	Benfield & Delamare	-	-
509.2	Benfield & Delamare	-	-

463.1	Java Trust Limited	-	-
427.24	New Zealand Winegrowers	-	-
368.2	Oops!! Ltd	-	-
510.1	Small Producers Association	-	-
510.2	Small Producers Association	-	-
55.1	The Cabbage Tree Vineyard	-	-
295.4	Upper Hutt Developments Limited	-	-
413.2	T Berthold	-	-
474.1	D & R Broadmore	-	-
35.9	S Burt	FS 92 Enaki Investments	Support
35.10	S Burt	FS 92 Enaki Investments	Support
432.4	J Campin	-	-
390.1	M & S Guscott	-	-
424.1	C Harrison	-	-
33.3	R Hunwick	-	-
437.5	A Johnson	-	-
440.4	T Martin	-	-
490.5	N McDonald & S Kingsford	FS 5 B & M Opie FS 54 NZ Winegrowers FS 92 Enaki Investments	Support Support Support
490.7	N McDonald & S Kingsford	FS 5 B & M Opie FS 54 NZ Winegrowers FS 92 Enaki Investments	Support Support Support
362.1	S Meyrick	-	-
366.1	S Meyrick	-	-
299.1	J Porter	FS 14 J & M Doyle FS 92 Enaki Investments	Support Support
239.13	S Scott	-	-
430.7	D Stanton	-	-
27.1	A & A van der Tol	FS 92 Enaki Investments	Support
427.25	New Zealand Winegrowers	-	-
523.25	M & K Williams	FS 54 NZ Winegrowers	Support
26.1	H Bain	FS 92 Enaki Investments	Support

223.1	S Courteney	-	-
12.1	D Lacey	FS 92 Enaki Investments	Support
378.6	P Percy	-	-
70.1	A Priest	FS 92 Enaki Investments	Support
238.16	R Scott	-	-
238.17	R Scott	-	-
526.90	Wellington Regional Council	FS 32 Adamson Land Surveyors	Support

Discussion

Adamson Land Surveyors (456.4) requests Rule 20.1.2 (f) (3) be amended so that the minimum lot area be increased to 1.5 ha for all three authorities.

Benfield & Delamare (509.1), **Small Producers Association** (510.1 and 510.2), **The Cabbage Tree Vineyard** (55.1) and **J Porter** (299.1) requests 20.1.2 (f)(i)(1) be deleted and substitute with a 5 hectare standard as in the Operative South Wairarapa District Plan. **J & M Doyle** and **Enaki Investments** support the submission from John Porter.

Benfield & Delamare (509.1) request 20.1.2 (f)(i)(3) be deleted and replace with Operative South Wairarapa District Plan subdivision rules.

Java Trust Limited (463.1), **Oops!! Ltd** (368.2) and **D & R Broadmore** (474.1) requests the standards for controlled activities be amended so that the standards prescribed for the South Wairarapa District apply in the Masterton and Carterton Districts.

New Zealand Winegrowers (427.24) requests 20.1.2(f) be deleted and replaced with a minimum lot area of 4 hectares and any further subdivision of the residual lot being a non-complying activity.

C Harrison (424.1) requests to keep section sizes in areas coastal and rural outside the Rural (Special) areas at 1000m², but allow only one dwelling on these sections.

A Johnson (437.5) requests a minimum lot size of 4 hectares.

D Lacey (12.1) requests a minimum lot size of 3 hectares. **Enaki Investments** supports this submission.

R Scott (238.16 and 238.17) requests 20.1.2 (f)(i)(2) be amended to a minimum of 4ha to preferably 10ha.

T Martin (440.4) requests the minimum lot size for rural area more than 5 km from the town centre to be increased to 20 ha. This should exclude those areas identified by the local authority as suitable for medium density residential development (lifestyle).

N McDonald & S Kingsford (490.5) requests the minimum subdivision size be 4 hectares, bringing consistency to provisions for both Rural (Primary Production) Zone and Rural (Special) Zone. **B & M Opie**, **Enaki Investments** and **New Zealand Winegrowers** support this submission.

A Priest (70.1) requests 20.1.2(f) be amended with a 2 hectare minimum lot size across all of Wairarapa area, and retaining the minimum frontage requirements.

T Berthold (413.2) requests a reduction in lot size, recognising areas of special interest.

S Burt (35.9) requests amend 20.1.2(f)(i)(1) to provide some limits or guidelines to prevent productive land from being carved up 'ad hoc'. **Enaki Investments** supports this submission.

S Burt (35.10) requests amend 20.1.2 (f)(i)(3) to provide for consistent lot sizes at the higher end of the existing minimums rather than at the lower end. This clause requires clarification of the rules surrounding lots remaining after subdivision or larger lots resulting from the subdivision. **Enaki Investments** support this submission.

M & S Guscott (390.1) requests 20.1.2 (f)(3) be amended with a minimum lot size of 3 hectares for up to 4 lots.

R Hunwick (33.3) requests 20.1.2 (f)(3) be amended with a minimum lot size of 1 hectare for up to 4 lots.

S Meyrick (362.1) requests 20.1.2 (f)(3) be amended with a minimum lot size of 1 hectare for up to 4 lots, and 20.1.2 (f)(3)(a) the minimum road frontage be removed.

S Meyrick (366.1) requests that rural land that borders residential zoned land be zoned transitional rural land and allow subdivision down to 5000m².

S Scott (239.13) requests 20.1.2 (f)(1) & (2) be amended to 10 hectares and 20.1.2 (f)(3) be amended to 5 hectares.

D Stanton (430.7) requests 20.1.2 (f)(i)(1) be amended to restrict the number of lots, and amend 20.1.2 (f)(i)(3) to provide consistent subdivision rules with the other Council areas.

M & K Williams (523.25) requests 20.1.2(f) be amended with a more appropriate (and increased) minimum lot standard. She states that a consistent minimum lot area applies across the Rural Zone in the Wairarapa (regardless of its underlying local government authority). She seeks to add a notation to 20.1.2(f)(i)(3)(c) that in the underlying Rural Zone standards, a “25 metre setback from all other boundaries (4.5.2(c)(iii))” is also required. **New Zealand Winegrowers** support this submission.

S Courteney (223.1) requests the rules revert back to the Operative Masterton District Plan rules.

Upper Hutt Developments Limited (295.4) requests 20.1.2(f) be amended to remove the number of smaller lots or increase the number to be more than four, or, identify land suitable for lifestyle subdivision (lifestyle zone).

N McDonald & S Kingsford (490.7) requests if there is to be a “rural-residential” category, then make this explicit, rather than introducing an undefined term. **B & M Opie, Enaki Investments** and **New Zealand Winegrowers** support this submission.

A & A van der Tol (27.1) requests Rule 20.1.2(f)(i)(3) be deleted. If there is a need for a subdivision into a smaller lot in the (Rural Primary Production) Zone then the subdivision option as mentioned in 20.1.2 (f) (i) (2) will suffice. **Enaki Investments** support this submission.

P Percy (378.6) requests 20.1.2 (f)(i)(3) be deleted and add a new rule to allow for smaller lot sizes in appropriate circumstances as a discretionary (limited) activity at least.

Wellington Regional Council (526.90) requests 20.1.2(f) be amended by either applying additional standards to subdivision where controlled activity status is set, or change the status of these subdivisions to discretionary or restricted discretionary activities. **Adamson Land Surveyors** support this submission

New Zealand Winegrowers (427.25) requests 20.1.2 (f) and (g) be deleted and made restricted discretionary activity status under 20.1.3.

J Campin (432.4) and **H Bain** (26.1) request this rule be deleted. **Enaki Investments** support the submission from H Bain.

Evidence Heard

Adamson Land Surveyors submitted that the Combined Plan should apply consistent standards across the Wairarapa. Request the minimum lot size be 1.5 hectares (with access not excluded in Carterton District), as this size would maintain rural amenity and provide flexibility in subdivision design.

Benfield & Delamare submitted that the 4 hectare minimum lot size was too small, and 5 hectares was more appropriate. 4 hectares would result in the inefficient use of the rural land resource.

The Cabbage Tree Vineyard submitted that the 1 hectare minimum lot size would result in ribbon development, degradation of rural Wairarapa landscape. Requested the 5 hectare minimum lot size in the Operative South Wairarapa District Plan be retained.

J Porter submitted that a reduction in minimum lot size (below the 5ha minimum in South Wairarapa District Plan) would result in the fragmentation of the rural land resource. This fragmentation would result in land being permanently removed from production as new houses are constructed on the new smaller lots. Requested the 5 hectare minimum lot size in the Operative South Wairarapa District Plan be retained.

New Zealand Winegrowers presented evidence highlighting the importance of wine growing in the Wairarapa and the increasing land area being used for grape growing/wine production. They requested subdivision be a restricted discretionary activity in the Rural Zone with a minimum lot size of 4 hectares, with no exceptions. Support the intent of limiting further subdivision of properties as recommended in the Section 42A report. However, they request a Consent Notice or restrictive covenant be imposed on new created lots, with any further subdivision being a non-complying activity.

A Johnson presented evidence about the importance of the rural Wairarapa landscape, and that small lot subdivision could degrade the visual qualities of this landscape. Requested the Plan should retain the 4 or 5 hectare minimum lot size applied in the Operative District Plans.

T Martin submitted that the management or protection of the rural environment was largely interconnected to having a quality urban design plan that provides for sustainable growth around the urban centre. Failure to provide for this growth has resulted in the 1-2 hectare minimum lot sizes. Supports the policy of integrated and innovative subdivision design, and seeks development guidelines to assist with achieve the objectives for the rural area. Considered each subdivision should be assessed on this merits.

N McDonald & S Kingsford presented evidence about the importance of retaining the rural landscape, and managing the intensity of subdivision to minimise reverse sensitivity issues. Requested a more appropriate minimum lot size to give effect to the objectives and policies in the Plan, or a consistent standard across all three Districts.

B & M Opie submitted that the cumulative of the small lot subdivision (1-2 hectares) would result in the loss of rural amenity, in particular, the wide open spaces between vegetation and buildings. Request the Plan provides certainty and impose minimum thresholds which will be upheld, as the current approach is too permissive.

R Hunwick presented evidence seeking a specific solution to allow subdivision of his property for rural-residential or lifestyle purposes, or amending the minimum lot size to 1 hectare for South Wairarapa District. They presented an overview of the property, highlighting its location, topography, landscaping, aspect and access.

S Meyrick submitted that the minimum lot sizes should be standard over the whole Wairarapa. Requested the 1 hectare minimum lot size apply, as 2 hectares was too restrictive and too large for lifestyle allotments especially on the urban/rural fringe. Also requested a low density zone around the perimeter of Greytown to act as a transition between the rural and urban zone. A minimum lot size of 5,000m² was suggested.

M & K Williams submitted that the Plan includes some very good policy seeking to protect the character and amenity of rural Wairarapa, and highlighting the importance of the primary production activities to the Wairarapa, and New Zealand as a whole. They consider the minimum lot size of 1-2 hectares would not achieve the objectives and policies in the Plan. Also consider the character and amenity of rural Wairarapa is similar across all three Districts, therefore, the same minimum standards should apply to all three Districts. The 25m setback should apply to all boundaries, not just of the parent lot, as the building setback may not be complied with if this was the case.

S Courteney presented evidence the new rules would limit their ability to subdivide. Their property is in a location with strong demand for small lifestyle blocks, therefore, smaller lots would not be out of character in the area.

Upper Hutt Developments Limited presented evidence supporting the minimum lot sizes. However, requested a fundamental shift in managing subdivision, moving away from allowing subdivisions across the Wairarapa on an ad-hoc basis, to a more location specific approach, which identified areas suitable for rural-residential subdivision.

P Percy submitted that the minimum standards for subdivision would not achieve the objectives and policies in the Plan of protecting rural character and amenity. Supported more innovative subdivision and development, which could be achieved by applying different activity status.

Wellington Regional Council presented evidence supporting the Section 42A report recommendation of adding a clause limiting the further subdivision of properties, and sought a minor correction to the recommended rule.

Commissioners' Deliberations

Rule 20.1.2(f) provides the baseline level for maintaining the nature and intensity of subdivision in the Rural (Primary Production) Zone, which includes most of the rural areas of the Wairarapa. The Commissioners consider that it is essential to provide a level of certainty for subdivision controls, as it is the most efficient process for individuals and the community to plan for and work towards the ongoing use and development of the Wairarapa, and its social and economic wellbeing. To achieve this level of certainty, the Controlled Activity status is the most effective form of process, as all applications shall be granted, subject to the imposition of any conditions; any other form of resource consent would not be as efficient, and create a level of uncertainty, inhibiting individual and the communities' ability to provide for their economic and social wellbeing.

The Commissioners have analysed the range of relief sought in the submission for determining the minimum thresholds for rural subdivision. One common issue was the inconsistency in proposed subdivision standards applying across the three Districts. The Commissioners concur with submitters seeking greater consistency, and consider that, while there are variances in character and amenity values within each District, the Wairarapa's rural environment generally has similar qualities and commonalities.

The Commissioners consider that the application of minimum lot sizes is an effective tool in managing the nature and level of subdivision to achieve a baseline level of spaciousness or open rural character. Accordingly, the Commissioners support the retention of this method as setting the primary threshold for managing rural subdivision. In terms of the level of that threshold, a wide range of views were expressed by submitters as to the most appropriate minimum lot size. In setting the minimum lot size, the Commissioners have considered the character and amenity values of the different rural landscapes within the Wairarapa, and determined that a minimum lot size of 4 hectares is the most appropriate size, as it retains a low density of built development and open rural spaces. This threshold forms the baseline for subdivision in rural areas.

However, the Commissioners were concerned that setting a minimum lot size of 4 hectares has the potential for promoting an inefficient use of the rural land resource, where new allotments created for rural lifestyle purposes result in underutilised landholdings, and cumulatively result in a wider distribution of smaller lots. If designed well, small rural lots can be created in a manner that protects the wider rural character and environment. It was for this reason, the Proposed District Plan provided for limited smaller lot subdivision. To date, the Commissioners consider that small lot subdivisions have had limited overall effect on the Wairarapa's rural environment, but have generated significant social, cultural and economic benefits. They also noted the considerable diversity of locations in which rural lifestyle development has occurred (from isolated hill country pockets to intensively used river plains) has provided people with a wide range of opportunities for living in rural settings.

The Commissioners consider it is appropriate to manage the effects of smaller lot subdivision, with an emphasis on good design to avoid degrading the character and amenity values of the rural environment. To minimise the inefficient use of the rural land resource, and to provide a wide range of rural lifestyle opportunities within the Wairarapa, the Commissioners consider that it is appropriate, under limited circumstances, to allow the creation of smaller lots, with an emphasis on appropriate design.

To manage the cumulative effects of this type of subdivision, the Commissioners have determined that a combination of standards is required. First, it has been determined that the 1 hectare minimum lot size is an appropriate lower threshold, as this size would provide sufficient area to accommodate a dwelling and any accessory buildings, access, and on-site servicing, particularly wastewater treatment and disposal. It also allows for an effective use of planting that can integrate smaller lots into the rural context. Secondly, the Commissioners have determined that a minimum *average* lot size of 2 hectares would bring about diversity in lot sizes and promote the integration of small lots into the overall rural character of an area. Third, to prevent a high concentration of smaller lots within a specific location, it has been determined to retain a rationing technique for limiting the number of smaller lots as a controlled activity. The Commissioners consider that two lots is the maximum number of smaller lots that should be able to be subdivided as a controlled activity without compromising the local rural character and amenity. Lastly, to manage the cumulative effects of repeated subdivisions, it has been determined that the ability to undertake small lot subdivision should be limited to existing titles or those properties for which subdivision consent has been already been approved.

The above combination of thresholds is considered the most efficient and effective approach for providing for the subdivision of land for rural-residential purposes while maintaining the rural character and amenity values. Allowing for a limited amount of small rural lot lots as a controlled activity would provide for individuals who seek a rural lifestyle.

If a subdivision was proposed which did not comply with these thresholds, it would be assessed as a discretionary or non-complying activity depending on the degree of non-compliance with the standards.

In reaching this decision, the Commissioners considered a series of alternative approaches of achieving the objectives and policies for the rural environment in providing for subdivision of land for rural-residential purposes. Smaller and larger minimum lot sizes were considered. However, a smaller lot size was not effective in providing for the on-site requirements for rural-residential purposes and had a number of potentially adverse cumulative effects. The Commissioners noted that it is important that the lot standards could apply across a wide range of environments: for example, some areas may have constraints in satisfactorily disposing of wastewater. Conversely, a larger lot size was not preferred, as it would limit the effectiveness of the standard in achieving the objective for the rural zone by not efficiently using the rural land resource.

A lower and higher minimum average lot size for subdivision for rural-residential purposes was also analysed. A lower minimum average was not as effective in maintaining the rural character, with some already fragmented areas having the ability to be further subdivided, resulting in the cumulative effects. On the other hand, while a higher minimum average would be more effective in maintaining the rural character, but may result in the fragmentation of larger properties. The Commissioners consider that the 2 hectare minimum average lot size achieves a balance in allowing for some further fragmentation of already subdivided areas, with the two lot limit maintaining the rural character and amenity.

Finally, the Commissioners rejected the option of delineating areas within the Wairarapa for allowing small lot rural subdivision. First, this could not be introduced at this stage into the District Plan without either considerable consultation or a comprehensive Wairarapa-wide analysis of constraints and opportunities. Secondly, such approach would have limitation in ensuring that a wide range of rural lifestyle opportunities could be provided.

Decision: 20.1.2 Controlled Activities – Subdivision

Submission Reference: 456.4	Reject
509.1	Reject
509.2	Reject
463.1	Reject
427.24	Accept in part
368.2	Reject
510.1	Reject
510.2	Reject
55.1	Reject
295.4	Reject
413.2	Reject
474.1	Reject
35.9	Reject
FS 92	Reject
35.10	Accept in part
FS 92	Accept in part
432.4	Reject
390.1	Reject
424.1	Reject
33.3	Accept in part
437.5	Reject
440.4	Reject
490.5	Reject
FS 5	Reject
FS 92	Reject
FS 54	Reject
490.7	Reject
FS 5	Reject
FS 92	Reject
FS 54	Reject
362.1	Accept in part

366.1	Reject
299.1	Reject
FS 92	Reject
FS 14	Reject
239.13	Reject
430.7	Accept in part
27.1	Accept in part
FS 92	Accept in part
427.25	Reject
523.25	Accept in part
FS 92	Accept in part
26.1	Reject
FS 92	Reject
223.1	Reject
12.1	Reject
FS 92	Reject
378.6	Reject
70.1	Accept in part
238.16	Reject
238.17	Reject
526.90	Accept in part
FS 32	Accept in part

Decision Amendment

Amend Rule 20.1.2(f) as follows (only those standards relating to minimum lot size, minimum average lot size and limit on number of lots shown immediately below. The complete amendments are presented at the end of this section):

Rural (Primary Production) Zone

~~(f)~~(e) *Minimum Lot Standards*

(i) *Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:*

(1) *Minimum lot area of 4 hectares, **provided all lots comply with the following:***

...

(2) *One lot of less than 4 hectares if that lot contains an existing dwelling, provided that:*

...

(c) *The balance lot must have a minimum area of 4 hectares; and*

(d) The Certificate of Title for the site was issued before 26 August 2006, or resource consent to subdivide was granted for the site before 26 August 2006: or

(3) A ~~minimum~~ lot area of **one hectare for up to two lots, provided all lots comply with the following that:**

~~▪ 1 hectare (Masterton and Carterton Districts)~~

~~▪ 2 hectares (South Wairarapa District)~~

~~For up to four lots, provided that:~~

...

(d) A minimum average lot size of 2 hectares, provided that, where there are any lots larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot size; and

(e) The Certificate of Title for the site being subdivided was issued before 29 March 2008, or resource consent to subdivide was granted for the site before 29 March 2008.

Reasons

This decision is made for the following reasons:

- The amended rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum size to accommodate a range of land uses, without detrimentally affecting the Wairarapa's rural environment.
- Four hectares achieves an appropriate balance between promoting the efficient use and development of the rural land resource, while maintaining the character and amenity of the rural environment.
- While smaller sized lots represent a more efficient use of the rural land resource for rural residential purposes, imposing a limitation on the number of smaller lots that can be subdivided is effective in managing the cumulative adverse effects of a number of small lots developing in a particular locality in an ad hoc manner.
- If further or more intensive subdivision is proposed, the discretionary activity resource consent process is effective in assessing the cumulative effects of this subdivision.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.5	Adamson Land Surveyors	-	-
273.13	Tomlinson & Carruthers	-	-

Discussion

Adamson Land Surveyors (456.5) requests Rule 20.1.2 (f) (3) (a) be amended so that the minimum frontage is decreased to 70m.

Tomlinson & Carruthers (273.13) request Rule 20.1.2 (f)(3)(a) be amended to also include an option for entranceways to be a safe distance apart.

Evidence Heard

Adamson Land Surveyors presented evidence noting that the 100m minimum frontage requirement had not caused the issues expected. Request any application for a reduction in the frontage be assessed on its merits, including the overall design.

Commissioners' Deliberations

Further to the deliberations above on minimum lot size, the Commissioners consider the minimum frontage is another effective mechanism for maintaining rural character, in particular, an open landscape with wide separation between properties.

The Commissioners have observed the effective application of this standard since the notification of the Proposed Plan in managing development along road frontages and internalising the effects from new development within the respective subdivided properties. To maintain the open rural landscape, the Commissioners have determined that the existing 100m minimum frontage should be retained.

Any proposed subdivision that does not comply with this standard would be assessed as a discretionary activity, provided the minimum average lot size was complied with. This consent process would ensure a thorough assessment of the environmental effects, and take into account the design of the subdivision. Minor non-compliances are likely to be addressed relatively straight forwardly, particularly if the effects are minor.

The matter of the number of entranceways is addressed in Section 17 Transportation decision report.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 456.5	Reject
273.13	Reject

Decision Amendment

Amend Rule 20.1.2(f) as follows (only standards relating to minimum frontage shown immediately below. Complete amendments shown as bottom of this section):

Rural (Primary Production) Zone

~~(f)~~**(e)** *Minimum Lot Standards*

(i) Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:

*(1) Minimum lot area of 4 hectares, **provided all lots comply with the following:***

(a) Each front lot shall have a minimum frontage of 100m; and

...

(2) ...

(3) ~~A~~ **Minimum lot area of one hectare for up to two lots, provided all lots comply with the following that:**

▪ ~~1 hectare (Masterton and Carterton Districts)~~

▪ ~~2 hectares (South Wairarapa District)~~

~~For up to four lots, provided that:~~

(a) ~~Each front lot shall have a minimum frontage of 100m; and~~

~~...~~

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum frontage to maintaining the open rural landscape.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.41	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 102 Windy Peak Trust	Support in part and oppose in part Oppose
273.15	Tomlinson & Carruthers	-	-

Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.41) requests a fourth bullet point be added Rule 20.1.2 (f)(i)(3)(c) to manage subdivision of steep land, and change the shape factor from a 20m circle to 15m by 12m rectangle. Windy Peak Trust opposes the full submission. **Adamson Land Surveyors** oppose the slope requirement part of this submission. **Adamson Land Surveyors** support the change to the shape factor requirement.

Tomlinson & Carruthers (273.15) requests 20.1.2(f)(3)(c) be amended to make the minimum building area made consistent with other standards in the Plan.

Evidence Heard

Adamson Land Surveyors presented evidence supporting the Section 42A report recommendation of replacing the shape factor standard with a 15m by 12m rectangle. Opposed the recommendation to add a slope standard, and requested, if a standard was introduced, no compliance with this standard be assessed as a restricted discretionary activity.

Tomlinson & Carruthers presented evidence supporting the Section 42A report recommendation of replacing the shape factor standard with a 15m by 12m rectangle.

Requested the recommended slope standard not be introduced as the Plan already included requirements to ensure each lot had a suitable building site.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that a minimum developable area of a rectangle measuring 15m by 12m is effective in managing the dimensions of lots to ensure they have a suitable area available for building.

In terms of the slope standard, the Commissioners acknowledge that the recommended slope standard is not to be the most efficient or effective approach for managing the subdivision of land potential subject to instability. The prime purpose of the rule was to avoid steep slopes being included within 'developable areas'.

Given the general knowledge of the Council officers and local surveying professionals about local soil and ground conditions, areas of soil instability within proposed subdivisions are readily identified and known. If a subdivision is proposed in an area of suspected of soil instability, an investigation would be required to assess the presence and risks associated with soil instability, to determine whether these risks can be avoided, remedied or mitigated. This investigation would then form part of the resource consent application. The Commissioners consider this approach to be the most effective and efficient for managing soil instability as part of the subdivision of land.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 522.41	Accept
FS 32	Accept in part
273.15	Accept in part

Decision Amendment

Amend Rule 20.1.2(f) as follows (only standards relating to minimum shape factor shown immediately below. Complete amendments shown as bottom of this section):

Rural (Primary Production) Zone

~~(f)~~**(e) Minimum Lot Standards**

(i) Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:

*(1) Minimum lot area of 4 hectares, **provided all lots comply with the following:***

...

(c) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, except the buffer distance shall be 10m from the road front boundary of sealed roads.

For the purpose of this rule, building area shall be defined as that area (or areas) shown within each lot on a proposed subdivision plan that:

- Contains any dwelling house to be located on the lot, and which is able to meet the minimum development standards for dwellings in the Rural (Primary Production) Zone; and***

- **Has minimum dimensions of ~~circle with a 20m radius~~ 15m by 12m; and**
- **Shall be able to satisfactorily dispose of effluent on-site; or**

(2) One lot of less than 4 hectares if that lot contains an existing dwelling, provided that:

...

(3) ~~A minimum lot area of one hectare for up to two lots, provided all lots comply with the following that:~~

- ~~1 hectare (Masterton and Carterton Districts)~~
- ~~2 hectares (South Wairarapa District)~~

~~For up to four lots, provided that:~~

...

(c) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, ~~including~~ **except the buffer distance shall be 10m from the road front boundary of sealed roads.**

For the purpose of this rule, building area shall be defined as that area (or areas) shown within each lot on a proposed subdivision plan that:

- Contains any dwelling house to be located on the lot, and which is able to meet the minimum development standards for dwellings in the Rural (Primary Production) Zone; and
- **Has minimum dimensions of** ~~is able to accommodate a circle with a 20m radius~~ **15m by 12m; and**
- **Shall be able to satisfactorily dispose of effluent on-site; and**

...

Reasons

This decision is made for the following reasons:

- The amended rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots has a minimum developable area.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.45	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors NZ 54 NZ Winegrowers FS 102 Windy Peak Trust	Support Support Oppose

Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.45) request Rules 20.1.2(f)(i)(3)(c) and 20.1.4(4) relating to the requirement of building area locations for subdivisions be amended so that it is consistent with the minimum building setbacks under the land use rules. This amendment would result in a setback distance of 10m for front road boundaries of sealed roads. **Adamson Land Surveyors** and **New Zealand Winegrowers** support this submission. **Windy Peak Trust** opposes this submission.

Evidence Heard

Adamson Land Surveyors presented evidence supporting the Section 42A report recommendation of reducing the building setback/buffer area to be consistent with the building setback standards.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the subdivision rules should be consistent with the building setback standards, as this is effective in managing the effects of subsequent land development following subdivision.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 522.45	Accept
FS 32	Accept
FS 54	Accept
FS 102	Reject

Decision Amendment

Amend Rule 20.1.2(f) as follows (only standards relating to buffer distances shown immediately below. Complete amendments shown as bottom of this section):

Rural (Primary Production) Zone

~~(f)~~**(e)** *Minimum Lot Standards*

(i) Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:

*(1) Minimum lot area of 4 hectares, **provided all lots comply with the following:***

...

(c) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, except the buffer distance shall be 10m from the road front boundary of sealed roads.

...

(2) One lot of less than 4 hectares if that lot contains an existing dwelling, provided that:

...

(3) A ~~minimum~~ Minimum lot area of one hectare for up to two lots, provided all lots comply with the following that:

▪ ~~1 hectare (Masterton and Carterton Districts)~~

▪ ~~2 hectares (South Wairarapa District)~~

~~For up to four lots, provided that:~~

...

~~(c) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, including **except the buffer distance shall be 10m from the road front boundary of sealed roads.**~~

...

Reasons

This decision is made for the following reasons:

- The amended rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure each lot has a suitable building site and minimises the potential for reverse sensitivity effects to arising with neighbouring properties.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.4	Adamson Land Surveyors	-	-
509.1	Benfield & Delamare	-	-
509.2	Benfield & Delamare	-	-
463.1	Java Trust Limited	-	-
427.24	New Zealand Winegrowers	-	-
368.2	Oops!! Ltd	-	-
510.1	Small Producers Association	-	-
510.2	Small Producers Association	-	-
383.6	Sustainable Wairarapa	-	-

Discussion

Sustainable Wairarapa (383.6) requests the subdivision rules be amended to address the potential cumulative impact of subdivision under the proposed rules, especially as there is nothing to prevent people reapplying for consent to subdivide 1 hectare lots as a controlled activity from residual lots after an initial application for a consent.

Evidence Heard

Sustainable Wairarapa presented evidence highlighting the potential for incremental subdivision, and supported the Section 42A report recommendation of introduced a date clause limiting further subdivision.

Commissioners' Deliberations

As discussed further above, the Commissioners concur with the submitter and Section 42A report that introducing a standard managing further subdivision is effective in managing the cumulative effects of subdivision of the same property over time.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 383.6 Accept

Decision Amendment

Amend Rule 20.1.2(f) as follows (only standard relating to further subdivision is shown immediately below. Complete amendments shown as bottom of this section):

Rural (Primary Production) Zone

~~(f)~~**(e)** *Minimum Lot Standards*

(i) Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:

*(1) Minimum lot area of 4 hectares, **provided all lots comply with the following:***

...

(2) One lot of less than 4 hectares if that lot contains an existing dwelling, provided that:

...

(d) The Certificate of Title for the site was issued before 26 August 2006, or resource consent to subdivide was granted for the site before 26 August 2006: or

*(3) ~~A **Minimum lot area of one hectare for up to two lots, provided all lots comply with the following that:**~~*

~~▪ 1 hectare (Masterton and Carterton Districts)~~

~~▪ 2 hectares (South Wairarapa District)~~

~~For up to four lots, provided that:~~

...

(e) The Certificate of Title for the site being subdivided was issued before 29 March 2008, or resource consent to subdivide was granted for the site before 29 March 2008.

Reasons

This decision is made for the following reasons:

- Managing incremental subdivision over time is effective in achieving the objective of maintaining the character and amenity of the rural environment. If further subdivision is proposed, the discretionary activity resource consent process would be effective in assessing the cumulative effects of this subdivision.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
17.9	Transit New Zealand	-	-

Discussion

Transit New Zealand (17.9) request an exception be added for State Highways and the Masterton Heavy Traffic Bypass.

Evidence Heard

Transit New Zealand submitted that all subdivisions from State Highways and the Masterton Heavy Traffic Bypass be a discretionary activity if they comply with the minimum standards. This activity status would ensure an assessment is made as to whether the access to the subdivision is safe, and the efficiency of these arterial roads is maintained. If a subdivision proposal does not comply with the minimum standards, request these be assessed as non-complying activity.

Commissioners' Deliberations

The Commissioners concur with the submitter that managing subdivision with access to the State Highway network and Masterton Heavy Traffic Bypass would achieve the objective of maintaining a safe and efficient road transport network.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 17.9 Accept

Decision Amendment: 20.1.2(f) Controlled Activities - Subdivision

Consequential Change: Add to Rule 20.1.7 as follows:

All Environmental Zones

(d) Any subdivision with access to a State Highway, Limited Access Road, Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway which does not meet the relevant Environmental Zone's minimum standards for a Controlled Activity (Rule 20.1.2).

Reasons

This decision is made for the following reasons:

- The new rule provides an efficient and effective management framework for managing the effects of subdivision and development with access to the arterial

routes or over the railway to achieve the objective of a safe and efficient transportation network.

Complete Decision Amendment: 20.1.2(f) Controlled Activities - Subdivision

Amend Rule 20.1.2(f) as follows:

Rural (Primary Production) Zone

~~(f)~~**(e) Minimum Lot Standards**

(i) Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:

*(1) Minimum lot area of 4 hectares, **provided all lots comply with the following:***

(a) Each front lot shall have a minimum frontage of 100m; and

(b) If there are two or more rear lots they shall share a single vehicle access, and shall be designed in accordance with the requirements for accessways under this Plan; and

(c) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, except the buffer distance shall be 10m from the road front boundary of sealed roads.

For the purpose of this rule, building area shall be defined as that area (or areas) shown within each lot on a proposed subdivision plan that:

- **Contains any dwelling house to be located on the lot, and which is able to meet the minimum development standards for dwellings in the Rural (Primary Production) Zone; and***
- **Has minimum dimensions of 15m by 12m; and***
- **Shall be able to satisfactorily dispose of effluent on-site; or***

(2) One lot of less than 4 hectares if that lot contains an existing dwelling, provided that:

(a) The dwelling complies with the permitted activity setback standards in relation to the new lot boundaries; and

(b) All effluent disposal systems can be contained within the lot; and

(c) The balance lot must have a minimum area of 4 hectares; and

(d) The Certificate of Title for the site was issued before 26 August 2006, or resource consent to subdivide was granted for the site before 26 August 2006: or

*(3) ~~A~~**Minimum lot area of one hectare for up to two lots, provided all lots comply with the following that:***

▪ ~~1 hectare (Masterton and Carterton Districts)~~

▪ ~~2 hectares (South Wairarapa District)~~

~~For up to four lots, provided that:~~

(a) Each front lot shall have a minimum frontage of 100m; and

(b) If there are two or more rear lots they shall ~~must~~ share a single vehicle access, and shall be designed in accordance with the requirements for accessways under this Plan; and

*(c) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, including **except the buffer distance shall be 10m from the road front boundary of sealed roads.***

For the purpose of this rule, building area shall be defined as that area (or areas) shown within each lot on a proposed subdivision plan that:

- *Contains any dwelling house to be located on the lot, and which is able to meet the minimum development standards for dwellings in the Rural (Primary Production) Zone; and*
- ***Has minimum dimensions of 15m by 12m;** ~~Is able to accommodate a circle with a 20m radius~~ and*
- *Shall be able to satisfactorily dispose of effluent on-site; and*

(d) A minimum average lot size of 2 hectares, provided that, where there are any lots larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot size; and

(e) The Certificate of Title for the site being subdivided was issued before 29 March 2008, or resource consent to subdivide was granted for the site before 29 March 2008.

20.1.2 Standards for Controlled Activities (g) Minimum Lot Standards – Rural (Special) Zone

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
238.10	R Scott	-	-
419.2	Prairie Holm Trust	-	-
298.10	Ravensdown Fertiliser Co-operative Limited	-	-
247.5	D Freeman	-	-
440.5	T Martin	-	-
299.2	J Porter	FS 14 J & M Doyle FS 92 Enaki Investments FS 54 NZ Winegrowers	Support Support Support
239.13	S Scott	-	-
427.25	New Zealand Winegrowers	-	-
376.2	B & V Robertson	-	-

273.19	Tomlinson & Carruthers	FS 31 Adamson Land Surveyors	Support
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Discussion

R Scott (238.10) and **Ravensdown Fertiliser Co-operative Limited** (298.10) request Rule 20.1.2 (g) be retained.

Prairie Holm Trust (419.2), **D Freeman** (247.5) **T Martin** (440.5) and **Tomlinson & Carruthers** (273.19) request Rule 20.1.2(g) be deleted. **Adamson Land Surveyors** support the submission from Tomlinson and Carruthers.

New Zealand Winegrowers (427.25) requests 20.1.2(g) be deleted and made restricted discretionary activity status under 20.1.3.

J Porter (299.2) requests 20.1.2(g) be amended to a minimum 5 hectares, and that the balance title have a covenant registered to prevent further subdivision, and all subdivisions be notified. **J & M Doyle**, **Enaki Investments** and **New Zealand Winegrowers** support this submission.

S Scott (239.13) requests 20.1.2(g) be amended to a minimum of 10 hectares.

B & V Robertson (376.2) requests 20.1.2(g) be amended to a minimum of 1-2 hectares.

Evidence Heard

Ravensdown Fertiliser Co-operative Limited presented evidence supporting the Section 42A report recommendation of retaining of Rule 20.1.2(g).

T Martin submitted that the Resource Management Act does not provide for certain industries to be protected by zoning. The Rural (Special) Zone appeared ill founded as not land used as vineyards as zoned Rural (Special) and also some land within the Rural (Special) Zone is not used for vineyards.

Tomlinson & Carruthers submitted that the Rural (Special) Zone be deleted from the Plan. They consider Rule 20.1.5 Discretionary Activity is effective in managing subdivision, as it overlaps the Rural (Special) Zone rules. The Rural (Primary Production) Zone rules would provide for more efficient management of the highly productive farmland. Also increased risk for reverse sensitivity effects, with large farming blocks next to intense urban development.

New Zealand Winegrowers presented evidence highlighting the importance of wine growing in the Wairarapa and the increasing land area being used for grape growing/wine production. Requested subdivision be a restricted discretionary activity in the Rural Zone with a minimum lot size of 4 hectares, with no exceptions. Support the intent of limiting further subdivision of properties as recommended in the Section 42A report. However, request a Consent Notice or restrictive covenant be imposed on new created lots, with any further subdivision being a non-complying activity.

J Porter presented evidence supporting the Rural (Special) Zone concept and applying it to the vineyard land around Martinborough. Requested a minimum lot size of 5 hectares.

B & V Robertson presented evidence on the restrictions placed on this property based on the Hood Aerodrome Management Plan.

Commissioners' Deliberations

As outlined in the Rural Zone decision report, the Rural Zone is to be managed based on three different areas, being primary production, special and conservation management. 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 urban growth management. The zoning technique is considered the most effective and efficient approach for managing the rural environment in those parts of the Wairarapa subject to these constraints; as discussed in the Rural Zone decision report.

Given the range of development constraints that an area zoned Rural (Special), a more restrictive subdivision approach is required to manage intensification to minimise the adverse effects on the respective natural and physical resources in these specific areas. As discussed above for the Rural (Primary Production) Zone, the minimum lot size tool is generally effective in managing the intensity of development. Four hectares has proved to be an effective threshold for managing the intensification of subdivision in the Masterton District, and the Commissioners have determined that this threshold would be appropriate in other parts of the Wairarapa zoned Rural (Special). Accordingly, this threshold is applied to all districts for the Rural (Special) Zone.

In addition to the minimum lot size requirement, the Commissioners consider the minimum frontage is another effective mechanism for maintaining rural character, in particular, an open landscape with wide separation between properties. The same evaluation for the Rural (Primary Production) Zone discussed above applies to the Rural (Special) Zone, in that, to maintain the open rural landscape, the Commissioners have determined that the existing 100m minimum frontage should be added to the Rural (Special) Zone subdivision standards.

Any proposed subdivision that does not comply with this minimum frontage standard would be assessed as a discretionary activity, provided the minimum lot size was complied with. This consent process would ensure a thorough assessment of the environmental effects, and take into account the design of the subdivision. Minor non-compliances are likely to be addressed relatively straight forwardly, particularly if the effects are minor.

Lastly, the Rural (Primary Production) Zone applies a building area requirement to managing the siting of future buildings. The Commissioners consider this approach is also effective in the Rural (Special) Zone, and accordingly, have introduced these minimum standards to the Rural (Special) Zone.

Decision: 20.1.2(g) Controlled Activities - Subdivision

Submission Reference: 238.10	Accept
419.2	Reject
298.10	Accept
247.5	Reject
440.5	Reject
299.2	Accept in part
FS 14	Accept in part
FS 92	Accept in part
FS 54	Accept in part
239.13	Reject
427.25	Reject
376.2	Reject
273.19	Reject
FS 31	Reject

Decision Amendment: 20.1.2(g) Controlled Activities - Subdivision

Amend Rule 20.1.2(g) as follows:

~~(g)~~**(f) Minimum Lot Standards**

*(i) Any subdivision within the Rural (Special) Zone shall **comply with the following:** ~~have a~~*

(1) ~~Minimum~~ Minimum lot area of 4 hectares.

(2) Each front lot shall have a minimum frontage of 100m; and

(3) If there are two or more rear lots they shall share a single vehicle access, and shall be designed in accordance with the requirements for accessways under this Plan; and

(4) Each lot must contain a building area outside a buffer distance of 25m from all existing boundaries of the parent property, except the buffer distance shall be 10m from the road front boundary of sealed roads.

For the purpose of this rule, building area shall be defined as that area (or areas) shown within each lot on a proposed subdivision plan that:

- *Contains any dwelling house to be located on the lot, and which is able to meet the minimum development standards for dwellings in the Rural (Primary Production) Zone; and*
- *Has minimum dimensions of 15m by 12m; and*
- *Shall be able to satisfactorily dispose of effluent on-site;*

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum size to accommodate a range of land uses while minimising the adverse effects on the attributes and values of the Rural (Special) Zone.
- A balance is achieved in efficiently utilising the rural land resource, while maintaining the character and amenity of the rural environment. Four hectares has been determined as the appropriate density to achieve these objectives, as it allows for wide range of uses and maintains a low density of built development.
- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum frontage to maintaining the open rural landscape.
- The amended rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure each lot has a suitable building site and minimises the potential for reverse sensitivity effects to arising with neighbouring properties.

20.1.2 Standards for Controlled Activities (h) Minimum Lot Standards – Rural (Conservation Management) Zone

Submitter	Submitter Name	Further Submitter Name and	Further Submission
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Number		Number	Support/Oppose
34.5	J & M McGuinness	This is unfairly restrictive in respect of existing dwellings.	20.1.2 (h) (i) (1) Lower the scrutiny basis for subdivision containing existing dwellings.

Discussion

J & M McGuinness (34.5) requests the subdivision standards be lowered for lots containing an existing dwellings.

Evidence Heard

J & M McGuinness submitted that the rules should allow for the subdivision of existing dwellings on to a separate title.

Commissioners' Deliberations

The matter of subdividing dwellings onto a separate title is provided for in Rule 20.1.2(f)(2) subject to compliance with minimum standard. It is not considered appropriate to add a specific rule for the Rural (Conservation Management) Zone, as this would not be effective in achieving the objective of maintaining these areas for conservation purposes.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 34.5 Reject

Consequential Amendment:

Amend Rule 20.1.2(h) as follows:

~~(h)~~(g) *Minimum Lot Standards*

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development in areas of conservation value.

20.1.2 Standards for Controlled Activities (k) Exceptions for All Environmental Zones

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.81	Department of Conservation	-	-
522.43	Planning Departments of Masterton,	FS 32 Adamson Land Surveyors FS 102 Windy Peak Trust	Support Oppose

	Carterton and South Wairarapa District Councils		
296.22	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Department of Conservation (525.81) requests 20.1.2 (k)(ii) be retained, and amend the wording to require the adverse effects to be avoided, remedied or mitigated.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.43) request an exemption be added to Rule 20.1.2(k) to allow boundary adjustment subdivisions as Controlled Activities. **Adamson Land Surveyors** support this submission. **Windy Peak Trust** opposes this submission.

Transpower New Zealand Ltd (296.22) requests Rule 20.1.2(k)(i) be retained. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendation of retaining Rule 20.1.2(k)(ii).

Adamson Land Surveyors presented evidence requesting boundary adjustments be provided for in the Plan. They noted the different relief sought by submitters in providing for boundary adjustments, from permitted activities to controlled activities with standards. They noted the recommendation for a 10% threshold for the area to be considered a boundary adjustment, and requested this only apply if a reduction in size was proposed.

Transpower New Zealand Ltd presented evidence supporting the Section 42A report recommendation of retaining Rule 20.1.2(k)(i).

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that retaining Rules 20.1.2(k)(i) and (ii) is effective in managing the subdivision of land for conservation and network utility purposes.

As outlined above in the general discussion for Rule 20.1.2, the Commissioners concur with the submitters that boundary adjustment need to be provided for in the Plan so these types of subdivision can be managed.

Decision: 20.1.2 Controlled Activities - Subdivision

Submission Reference: 525.81 Reject

522.43 Accept
 FS 32 Accept
 FS 102 Reject

296.22 Accept
 FS 112 Reject
 FS 85 Reject

Decision Amendment: 20.1.2 Controlled Activities - Subdivision

Add the following exemptions to Rule 20.1.2(k) as follows:

(iii) Any subdivision creating a boundary adjustment as defined in Chapter 27.

(iv) Any subdivision of different floors or levels of a building, or different parts of a floor or level of a building.

Consequential Change: Add the following definition of “boundary adjustment” to Section 27.

Boundary Adjustment: means the subdivision of a lot where the following requirements are met:

(i) The number of existing certificates of title will not be increased.

(ii) Where any affected lot is already less than the minimum lot area for subdivision in that Environmental Zone, each of the adjusted lots shall be no more or less than 10% of the total area of the individual lots prior to the boundary adjustment.

Reasons

This decision is made for the following reasons:

- The existing rules provide an efficient and effective management framework for managing the effects of subdivision and development for conservation and network utility purposes.
- Controlled Activity status is the most efficient and effective for managing boundary adjustment subdivision where the effects of the subdivision would achieve the objectives for the Environmental Zone and District Wide issues.

20.1.3 Restricted Discretionary Activities (a) – Rural (Primary Production) Zone

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.82	Department of Conservation	-	-
33.7	R Hunwick	-	-
273.16	Tomlinson & Carruthers	-	-
526.90	Wellington Regional Council	FS 32 Adamson Land Surveyors	Support
514.6	Rangitane o Wairarapa Inc	-	-
33.4	R Hunwick	-	-
523.26	M & K Williams	-	-
526.91	Greater Wellington	FS 54 NZ Winegrowers	Support

	Regional Council		
378.7	P Percy	-	-

Discussion

Department of Conservation (525.82) requests that a new restricted discretionary activity rule and associated policy and methods be added for a new zone called the 'Biodiversity Management Buffer Zone'. This new zone would be around Mount Bruce and Lake Wairarapa (including Lake Onoke and Lake Pounui), where subdivision would be a restricted discretionary activity.

R Hunwick (33.7) requests adding a cross reference to Rules 20.1.1 and 20.1.3 to the effect that these rules are subject to Rule 20.1.5.

Tomlinson & Carruthers (273.16) request clarification to the references of 'standards'.

Wellington Regional Council (526.90) requests 20.1.2(f) be amended by either applying additional standards to subdivision where controlled activity status is set, or change the status of these subdivisions to discretionary or restricted discretionary activities. **Adamson Land Surveyors** support this submission.

Rangitane o Wairarapa Inc (514.6) requests that 20.1.3 be amended to take into account tangata whenua values.

R Hunwick (33.7) requests clause (ii) be deleted from Rule 20.1.3(a) and renumber clause (iii) as (ii).

Wellington Regional Council (526.91) requests amend 20.1.3 & 20.1.4 so as to encourage innovative subdivision developments. **New Zealand Winegrowers** support this submission

P Percy (378.7) requests delete or amend 20.1.3 and 20.1.4 to ensure that the minimum lot sizes are clearly related to the objectives and policies of the Plan.

M & K Williams (523.26) requests amending 20.1.3 so that only subdivisions of minor effect (for example, boundary adjustments or where lots have existing dwellings) are controlled activities, and all other subdivisions are either restricted discretionary, discretionary or non-complying.

Evidence Heard

Department of Conservation presented extensive evidence seeking the addition of 'Biodiversity Management Buffer Zone' around Mount Bruce and Lake Wairarapa (including Lake Onoke and Lake Pounui) and any subdivision within this Zone to be a restricted discretionary activity. This approach would allow all aspects of a development to be considered and appropriate design to be provided to avoid, remedy or mitigate the impacts on wildlife and indigenous vegetation.

M & K Williams submitted that all subdivisions, except for proposals with minor effects such as boundary adjustments, should require written approvals of affected parties, and/or notification of the application.

R Hunwick presented evidence seeking a specific solution to allow subdivision of his property for rural-residential or lifestyle purposes, or amending the minimum lot size to 1 hectare for South Wairarapa District. They presented an overview of the property, highlighting its location, topography, landscaping, aspect and access.

Wellington Regional Council presented evidence accepting the Section 42A report recommendation of retaining Rule 20.1.3.

P Percy submitted that the minimum standards for subdivision would not achieve the objectives and policies in the Plan of protecting rural character and amenity. Supported more innovative subdivision and development, which could be achieved by applying different activity status.

Commissioners' Deliberations

As outlined above for subdivision as a controlled activity, the District Plan seeks to achieve a balance in providing a level of certainty to individual landowners, the community and the Council, as well as some flexibility to how the natural and physical resources of the Wairarapa can be developed sustainably. The use of different forms of resource consent for addressing the effects of subdivision on the environment is an important means of determining this balance. Underpinning this framework are the standards to be applied to subdivision and land development, which are also critical elements in achieving an appropriate balance between certainty and flexibility.

For subdivisions, one of the common themes during the hearing of submissions was the desire for more certainty as to the location, scale, intensity and nature of subdivision. This view was expressed by both parties requesting more lenient standards (particularly smaller lot sizes) and by parties seeking more stringent standards. The resource consent process for controlled activities, based on a set of definitive standards, provides the greatest level of certainty. The Commissioners consider that making all subdivision a discretionary activity would introduce an unreasonably and unacceptably high level of uncertainty and costs, and is therefore not considered the most efficient activity status for managing all subdivision, particularly where the effects are minor and can be addressed through conditions of resource consent.

The restricted discretionary activity status provides a resource consent process for managing subdivisions where the effects of non-compliance with the standards for controlled activities may potentially be significantly adverse but which are relatively discrete and of a specific nature. Under these circumstances, discretion can be restricted to specified matters of non-compliance, and, where any adverse effects cannot be satisfactorily avoided, remedied or mitigated, consent may be declined.

The types of effects that the Commissioners considered come under this category would be those arising from non-compliance with any of the standards for controlled activity other than those relating to minimum lot area (of 4ha) and minimum frontage requirement (of 100m) for subdivision in the Rural (Primary Production) and Rural (Special) Zones. The minimum lot and frontage standards are considered to be key baseline requirements, and non-compliance with these standards may raise a wide range of issues that are best addressed as a discretionary activity.

The Commissioners concur cross-references are useful in guiding Plan users to other related rules, such as the standards for building development. However, too many cross references can cause confusion, as some activities would have a number of potentially applicable rules. Similarly, for subdivision, there are a number of rules which may apply; therefore, the Commissioners considered that adding cross-references may also create a degree of uncertainty and confusion. However, to assist in the administration of Rule 20.1.3, a specific cross reference is to be added to refer to the standards rule reference number (e.g. Rule 20.1.4).

As discussed in the decision report on Chapter 11 Indigenous Biodiversity, a Biodiversity Strategy is to be prepared for the Wairarapa. This Strategy would provide guidance and recommendations on new methods for managing the biodiversity values, in particular, in and around areas of high biodiversity value. Accordingly, at this time, the Commissioners do not consider it to be appropriate to introduce Biodiversity Management Buffer Zones around some areas in the absence of this more detailed work.

Decision: 20.1.3 Restricted Discretionary Activities - Subdivision

Submission Reference: 525.82	Reject
33.7	Reject
273.16	Reject
526.90	Reject
FS 32	Reject
514.6	Accept
33.4	Reject
523.26	Reject
526.91	Accept in part
FS 54	Accept in part
378.7	Reject

Decision Amendment

Amend heading to refer to Rural (Primary Production) Zone and Rural (Special) Zone

Amend Rule 20.1.3(a) as follows:

(a) Any subdivision that does not comply with any one of the minimum standards for Controlled Activities provided that the standards for Restricted Discretionary Activities in 20.1.4 are met.

Reasons

This decision is made for the following reasons:

- Restricted discretionary activity status is the most efficient and effective for managing subdivision where the effects of the subdivision are discrete and known, and would achieve the objectives for the Environmental Zone and District Wide issues.
- It would not be appropriate to include arbitrary conservation buffer areas until the Wairarapa Biodiversity Strategy has been undertaken.

20.1.4 Standards for Restricted Discretionary Activities – Rural (Primary Production) Zone

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.6	Adamson Land Surveyors	-	-
456.7	Adamson Land Surveyors	-	-
456.8	Adamson Land Surveyors	-	-
399.4	D & J Gibbs	-	-

33.5	R Hunwick	-	-
437.6	A Johnson	FS 54 NZ Winegrowers	Support
239.14	S Scott	-	-
427.26	New Zealand Winegrowers	-	-
238.18	R Scott	-	-

Discussion

Adamson Land Surveyors (456.6) requests amending Rule 20.1.4 (1) so that the minimum average lot size be increased to 1.5 ha and that a dispensation be provided for the current 3 ha blocks within the Carterton District.

Adamson Land Surveyors (456.7) requests adding to Rule 20.1.4 (i) (1) a time limit in no further subdivision is imposed.

Adamson Land Surveyors (456.8) requests amend Rule 20.1.4 (i) (2) so that the minimum frontage is decreased to 70m.

D & J Gibbs (399.4) requests that lots of 10ha or more should not be counted when determining the average lot area under 20.1.4(i)(1), and the section should be amended accordingly.

R Hunwick (33.5) requests amending Rule 20.1.4(i)(1) to read - " A minimum average lot area of 1 hectare. Where any lots are larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot area; and" OR amend Rule 20.1.4 to provide for subdivisions of Lot 1 DP 303087 to have a minimum average lot area of 1 hectare.

A Johnson (437.6) and **New Zealand Winegrowers** (427.26) request amending 20.1.4(i)(1) by deleting the minimum average lot area of 1 hectare (Masterton and Carterton Districts) 2 hectares (South Wairarapa District) and replacing it with a 10 ha minimum lot size and a rationing of the number of lots based on the size of the parent lot. **New Zealand Winegrowers** support the submission of A Johnson.

S Scott (239.14) and **R Scott** (238.18) requests amend 20.1.4 (1) to 10 hectares.

Evidence Heard

Adamson Land Surveyors submitted that the Combined Plan should apply consistent standards across the Wairarapa. Request the minimum average lot size be 1.5 hectares (with access not excluded in Carterton District), as this size would maintain rural amenity and provide flexibility in subdivision design. In addition, they noted that the 100m minimum frontage requirement had not caused the issues expected. Request any application for a reduction in the frontage be assessed on its merits, including the overall design. Noted the Section 42A report addressed the matter of further subdivision.

R Hunwick presented evidence seeking a specific solution to allow subdivision of his property for rural-residential or lifestyle purposes, or amending the minimum lot size to 1 hectare for South Wairarapa District. They presented an overview of the property, highlighting its location, topography, landscaping, aspect and access.

A Johnson presented evidence about the importance of the rural Wairarapa landscape, and that small lot subdivision could degrade the visual qualities of this landscape. Requested a rationing approach based on the size of the property.

New Zealand Winegrowers submitted that the restricted discretionary activity status and minimum standards fail to control rural residential subdivision. Larger minimum average lot size of 10 hectares should apply, and a rationing in the number of lots based on property size.

Commissioners' Deliberations

As discussed above in relation to Rule 20.1.2(f), a baseline of 4 hectares has been determined as the appropriate threshold for maintaining the character and amenity in the Wairarapa's rural environment.

The Commissioners have considered the range of relief sought requested by submitters in determining the minimum thresholds for rural subdivision.

Firstly, as with Rule 20.1.2(f), the Commissioners concur with the submitters that one standard should apply consistently across all three Districts, given the commonalities in the rural environment.

Secondly, in reviewing the application of the subdivision rules since the notification of the Proposed District Plan, the Commissioners consider that providing for smaller lot subdivision as a restricted discretionary activity is not the most efficient or effective method for managing the effects of more intensive subdivision. This provision, which was intended to provide for more innovative small lot rural subdivision, has been rarely used, with most subdivisions simply seeking to meet the controlled activity standards. Given the decision to revise the baseline standards for subdivision to manage the potential cumulative effects of small lot rural subdivision, the Commissioners determined to also revise the restricted discretionary activity standards to exclude non-compliance with the baseline lot size and frontage requirements from the rule.

For proposals seeking to deviate from the baseline subdivision standards, a full discretionary activity status is considered the most appropriate method for addressing the potential effects, which may vary considerably given the diverse environmental qualities and contexts within the Wairarapa.

Minimum lot size is an effective tool in managing the nature and level of subdivision to achieve a degree of spaciousness or open rural character. Accordingly, the Commissioners consider the 4 hectare minimum lot size apply for restricted discretionary activity for the same reasons noted in the deliberations on Rule 20.1.2(f) above.

Accordingly, as noted above in regard to Rule 20.1.3, the Commissioners consider that non-compliance with all subdivision standards for the Rural (Primary Production) and Rural (Special) Zones, other than the baseline requirements for minimum lot size and frontages, can appropriately be addressed a restricted discretionary activity. Such non-compliances are relatively discrete and are limited in effect.

The restriction on further subdivision is not applied as a restricted discretionary standard, as any subdivision proposal would need to comply with the minimum lot size of 4 hectare, being the baseline for subdivision in the rural environment.

Decision: 20.1.4 Restricted Discretionary Activities - Subdivision

Submission Reference: 456.6	Reject
456.7	Reject
456.8	Reject
399.4	Accept in part
33.5	Reject
437.6	Reject

FS 54 Reject

239.14 Reject

427.26 Reject

238.18 Reject

Decision Amendment:

Amend heading to refer to Rural (Primary Production) Zone and Rural (Special) Zone

Amend Rule 20.1.4(i) as follows:

- (i) *Any subdivision within the Rural (Primary Production) Zone **and Rural (Special) Zone** shall comply with all of the following:*

- (1) ~~A **minimum average** lot area of 4 hectares; and~~

~~▪ 1 hectare (Masterton and Carterton Districts)~~

~~▪ 2 hectares (South Wairarapa District)~~

~~Where any lots are larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot area; and~~

- (2) ~~No more than two **Each** front lots shall have a **minimum** road frontage of less than 100m.; and~~

Reasons

This decision is made for the following reasons:

- The amended rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum size to accommodate a range of land uses in a way that protects the character and the qualities of the Wairarapa's rural environment.
- While the effects of non-compliance with some subdivision standards are relatively discrete and specific, baseline subdivision requirements of a 4 hectare minimum lot size and 100m minimum frontage have been determined as the appropriate density to achieve these objectives, as it allows for wide range of uses and maintains a low density of built development and an open rural landscape.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.42	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 102 Windy Peak Trust	Support in part and oppose in part Oppose
522.46	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose

399.4	D & J Gibbs	-	-
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Discussion

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (552.42) request a building area requirement be added to Rule 20.1.4 similar to Rule 20.1.2. **Adamson Land Surveyors** oppose the slope requirement part of this submission, but supports the change to the shape factor requirement. **Windy Peak Trust** opposes this submission.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.46) request Rule 20.1.4(i)(4) relating to the requirement of building area locations for subdivisions be amended so that it is consistent with the minimum building setbacks under the land use rules. This would result in a shorter setback distance of 10m for front road boundaries of sealed roads. **Windy Peak Trust** opposes this submission.

D & J Gibbs (399.4) requests that the complete section of 20.1.2 (f) (i) (3) (c) from the paragraph starting “For the purposes of this rule,... “ and including the 3 bullet points ending “... effluent on-site.” be added to s 20.1.4 (i) (4) (this is in effect what is being sought by the Planning Departments’ submission).

Evidence Heard

Adamson Land Surveyors presented evidence supporting the Section 42A report recommendation of replacing the shape factor standard with a 15m by 12m rectangle. Opposed the recommendation to add a slope standard, and requested, if a standard was introduced, no compliance with this standard be assessed as a restricted discretionary activity.

Commissioners’ Deliberations

As noted above in using the restricted discretionary activity status, non-compliances with the building area requirement in the Rural (Primary Production) Zone are relatively discrete and are specific to the non-complying lot. The effects on the character and amenity area as a whole are achieved by compliance with the minimum standards for restricted discretionary activities. Accordingly, the standards for shared accessway and building area have been deleted as consequential changes.

Decision: 20.1.4 Restricted Discretionary Activities - Subdivision

Submission Reference: 522.42	Accept in part
FS 32	Accept in part
FS 102	Accept in part
522.46	Accept in part
FS 102	Accept in part
399.4	Accept in part

Decision Amendment: 20.1.4 Restricted Discretionary Activities - Subdivision

Delete Rule 20.1.4(i)(3) and (4) as follows:

~~(3) Three or more rear lots must share a single vehicle accessway, designed in accordance with the requirements for accessways under this Plan; and~~

~~(4) Each lot is able to contain a building area outside a buffer distance of 25m from existing boundaries of the parent property, including road front boundary.~~

Reasons

This decision is made for the following reasons:

- Deleting the standards provides for a case-by-case assessment of the access arrangements and building area location to ensure the adverse effects are avoided, remedied or mitigated. The restricted discretionary activity status provides an efficient and effective process.

20.1.5 Discretionary Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.6	New Zealand Historic Places Trust	-	-
520.26	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
32.2	J McFadzean	-	-
34.6	J & M McGuinness	-	-
296.23	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

New Zealand Historic Places Trust (497.6) request that the Controlled Activity status for subdivision be deleted and all subdivision be a discretionary activity.

J McFadzean (32.2) requests that Rule 20.1.5 be deleted.

J & M McGuinness (34.6) requests Rule 20.1.5 (vi) be amended to exclude subdivision containing existing buildings.

Mighty River Power Limited (520.26) and **Transpower New Zealand Limited** (296.23) request Rule 20.1.5(x) be retained. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose these submissions.

Evidence Heard

New Zealand Historic Places Trust presented evidence requesting subdivision of land that relates to all listed heritage items in Appendix 1 be a discretionary activity, not just subdivision within historic heritage precincts.

J & M McGuinness submitted that the rules should allow for the subdivision of existing dwellings on to a separate title.

Commissioners' Deliberations

The Commissioners concur with the evidence presented by the Historic Places Trust and in Section 42A report that the subdivision of land containing a listed heritage item being a discretionary activity would be effective in managing the effects of the subdivision on the historic heritage values of the site.

The Commissioners note that the matter of subdividing dwellings onto a separate title is provided for in Rule 20.1.2(f)(2) subject to compliance with minimum standard.

The Commissioners noted the support from submitters for retaining Rule 20.1.5(x).

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 497.6	Reject
32.2	Reject
34.6	Reject
520.26	Accept
296.23	Accept

Reasons

This decision is made for the following reasons:

- The existing rule for restricting subdivision of land near high voltage transmission lines provides an efficient and effective management framework for managing the effects of subdivision and development to maintain a safe electricity supply.
- The new rule is effective in managing the subdivision of land which has been identified as having historic heritage value. Being a discretionary activity, a case-by-case assessment would be made to determine whether the effects of the subdivision on the historic heritage values of the site would be satisfactorily avoided, remedied or mitigated.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.47	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
522.49	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 102 Windy Peak Trust	Support Oppose
523.27	M & K Williams	-	-
295.5	Upper Hutt Developments Limited	-	-
526.92	Wellington	-	-

	Regional Council		
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Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.47) requests Rule 20.1.5(a)(i) be amended to refer to the other activity status rules in Chapter 20. **Windy Peak Trust** opposes this submission.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.49) request a new rule be added to 20.1.5 stating the specific standards in Rule 20.1.4 which are triggered for a discretionary activity. **Adamson Land Surveyors** support this submission. **Windy Peak Trust** opposes this submission.

M & K Williams (523.27) requests amending 20.1.5(a)(i) so that it does not capture lots below the minimum standards as Discretionary Activities.

Upper Hutt Developments Limited (295.5) requests amending 20.1.5 so that subdivision that does not comply with the standards for Restricted Discretionary Activities is assessed as a discretionary and not as a non-complying activity.

Wellington Regional Council (526.92) requests clarification of the relationship between 20.1.5(a)(i) and 20.1.7(a).

Evidence Heard

M & K Williams presented evidence supporting the Section 42A report recommendation of amending the rule references to assist Plan interpretation. Also requested non-compliances with the minimum boundary setback distance be assessed as non-complying activities.

Wellington Regional Council presented evidence supporting the Section 42A report recommendation of amending the rule references to assist Plan interpretation.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the subdivision rules must clearly identify the activity status for any subdivision proposal, and not leave any room for doubt. Therefore, specific rule references have been added to the rules to provide for this certainty where there are potential interlinkages between different relevant rules.

For the Residential, Commercial and Industrial Zones, the Commissioners have added reference to these Zones to confirm the activity status as a Discretionary Activity for proposals which do not comply with the minimum standards for a Controlled Activity.

For the Rural (Primary Production) Zone, as discussed above, the 4 hectare threshold has been determined as the minimum area required to maintain the character and amenity for the rural environment. If a subdivision does not comply with the minimum standards for a Controlled or Restricted Discretionary Activity, but complies with a minimum average lot size of 4 hectares, a Discretionary Activity status provides for a case-by-case assessment. The full Discretionary Activity status provides for a thorough assessment of all effects for the proposal, and the application would be determined on its merits.

For the Rural (Special) Zone, greater intensification than 4 hectares could not only have significant effects on the qualities and attributes of this Zone, but also the need to maintain lower development densities due to the constraints from flood hazards, proximity to large infrastructure facilities and pressure of sporadic ad hoc urban expansion.

To better clarify the relationship of the Rules in 20.1.5 with the other subdivision rules, the heading “All Environmental Zones” has been added in regard to the District-Wide Issues managed as discretionary activities.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference:	522.47	Accept
	FS 103	Reject
	522.49	Accept
	FS 32	Accept
	FS 103	Reject
	523.27	Accept in part
	295.5	Accept in part
	526.92	Accept in part

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Add to the top of Rule 20.1.5 as follows:

The following are Discretionary Activities

Amend 20.1.5(a) as follows:

Residential, Commercial and Industrial Zones

- (a) *Any subdivision is a discretionary activity where **that does not comply with any** one or more of the following circumstances apply: standards for controlled activities in Rule 20.1.2.*

Delete 20.1.5(a)(i) as follows:

~~(i) It does not meet one or more of the standards for a controlled, or restricted discretionary activity.~~

Amend 20.1.5(a)(xii) and (xiii) by re-numbering as follows:

[to come under “Residential, Commercial and Industrial Zones”]

~~(xii)~~ ***(b) Any subdivision within a Future Development Area...***

~~(xiii)~~ ***(c) Any subdivision in the Waingawa Industrial Area...***

Add a new rule to 20.1.5 as follows:

Rural (Primary Production) Zone

- (e) Any subdivision in the Rural (Primary Production) Zone that does not comply with the minimum standards for Controlled Activity in Rule 20.1.2(e) or Restricted Discretionary Activities in Rule 20.1.4(i), provided that the standards for Discretionary Activities are met;***

Add a new standard to 20.1.6 as follows:

Rural (Primary Production) Zone

- (a) ***Any subdivision within the Rural (Primary Production) Zone under Rule 20.1.5(e) shall comply with the following:***
- (i) ***Minimum average lot area of 4 hectares, provided that, where there are any lots larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot size.***

Amend Rule 20.1.5(ii) as follows:

Rural (Primary Production) and Rural (Special) Zones

- ~~(iii)~~ (f) ***Any subdivision ~~it requires an~~ extendingsion to public water, stormwater or wastewater utility services or to extending any legal road.***

Add a new Rule 20.1.5(g) as follows:

All Environmental Zones

- (g) ***A subdivision that is not otherwise a controlled, restricted discretionary, or non-complying activity under Chapter 20.***

Add heading to Rules 20.1.5(vi)-(xvi), add new Rule 20.1.5(h) and re-number as follows (incorporating consequential changes):

[under heading of “All Environmental Zones”]

- (h) ***Any subdivision that creates a new allotment in which one or more of the following circumstances apply:***
- ~~(iv)~~ (i) ***Contains ~~it includes a Scheduled Contaminated Site~~ Land listed in Appendix 3;***
- (ii) ***It is on land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) in Appendix 3.2.***
- ~~(v)~~ (iii) ***~~It~~ The allotment is within a Flood Hazard Area or Erosion Hazard Area;***
- ~~(vi)~~ (iv) ***~~It~~ The allotment is within the Coastal Environment Management Area;***
- ~~(vii)~~ (v) ***~~It~~ The allotment is within an Outstanding Landscape listed in Appendix 1.1;***
- (vi) ***Contains an Outstanding Natural Feature listed in Appendix 1.2;***
- (vii) ***Contains all or part of a site of a Significant Natural Area listed in Appendix 1.3, except if the Significant Natural Area is wholly contained in a Conservation Lot under Rule 20.1.2(l)(ii);***
- (viii) ***Contains all or part of a site of an Archaeological or Geological Site listed in Appendix 1.5a or 1.5b;***

- (ix) Contains all or part of a Site of Significance to Tangata Whenua listed in Appendix 1.6;**
- (x) Contains all or part of a Site of Historic Heritage listed in Appendix 1.7;**
- ~~(viii) (xi) It relates to land or premises~~ **The allotment is within an identified Historic Heritage Precinct listed in Appendix 1.8 (refer also to Rule 21.1.3)**
- ~~(ix) (xii) It includes~~ **Any part of the allotment land that is within 150 metres of an effluent distribution area, effluent holding pond or oxidation pond (excluding waste disposal areas associated with domestic septic tanks located on an adjacent site).**
- ~~(x) (xiii)~~ **Any part of the new allotment is within 20 metres of the centreline of a high voltage (110 kV or more) transmission line (as shown on the Planning Maps).**

Amend Rule 20.1.5(a)(xi) as follows:

All Environmental Zones

- ~~(xi) (i) Any subdivision with proposed~~ **It involves access to a State Highway, or the Limited Access Road, Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway, provided that the standards for Discretionary Activities are met;**

Amend standard 20.1.6 (a) as follows:

All Environmental Zones

- ~~(a) (b) Access to a State Highway, Limited Access Road, or the Masterton Heavy Traffic Bypass,~~ **or over or under the Wairarapa Railway**
- ~~(i) All Any subdivision under Rule 20.1.5(i) must meet the minimum standards for a Controlled Activity (Rule 20.1.2)~~ **shall comply with the following:**
 - (1) Standards for a Controlled Activity in the respective Environmental Zone in Rule 20.1.2.**

Reasons

This decision is made for the following reasons:

- The amended rules clarify the application of the subdivision rules, and also improve the interrelationship between the rules, producing a more efficient and effective management framework for managing the effects of subdivision and land development.
- The new rules are effective in managing the subdivision of land where the potential adverse effects of non-compliance with standards can be broad and variable, and are required to be identified on a case-by-case basis to determine whether the effects of the subdivision can be satisfactorily avoided, remedied or mitigated.
- Retaining four hectare minimum average lot size for subdivision as a discretionary activity in the Rural zones provides a balance between efficiently utilising the rural land resource, while maintaining the character and amenity of the rural environment. Four hectares has been determined as the appropriate density to achieve these

objectives, as it allows for wide range of uses and maintains a low density of built development and a relatively open landscape with prevailing natural elements. A minimum average lot requirement provides for some flexibility and diversity in lot sizes and the design of subdivisions in accordance with the characteristics of each particular site.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
295.3	Upper Hutt Developments Limited	-	-

Discussion

Upper Hutt Developments Limited (295.3) requests amend Rule 20.1.5(xii) to clarify how a Development Concept Plan is approved.

Evidence Heard

Upper Hutt Developments Limited presented evidence supporting the Section 42A report recommendation of clarifying the activity status of 'Development Concept Plan' for Future Development Areas by adding a specific rule. However, requested the activity status should be restricted discretionary instead of full discretionary, as the restricted discretionary activity status would provide greater certainty, and the matters of discretion could be the assessment matters listed in the Plan.

Commissioners' Deliberations

Future Development Areas (FDAs) are those parts of the Wairarapa that have been assessed as being appropriate for further urban growth, and are identified in the District Plan maps. Primarily, the current FDAs provide limited urban expansion for Masterton, although part of Greytown has also been identified as an appropriate FDA.

To ensure an integrated and structured approach to the development in these areas, where an FDA relates to a single property-holding, a Development Concept Plan is to be prepared by the proponent setting out the framework for the development of the land. Under the District Plan, this can occur without a specific subdivision scheme through land use consent as a discretionary activity: subsequent subdivision proposals undertaken in accordance with the approved DCP need only consent as a controlled activity, subject to compliance with other subdivision and development standards.

However, the Commissioners accept that the District Plan does not make specific provision for proponents seeking concurrent approval for a Development Concept Plan and subdivision consent. Accordingly, a new discretionary activity category is to be introduced to specifically provide for this opportunity.

The Commissioners consider the full discretionary activity status is the most effective status for this assessment, as it ensures all potentially relevant matters can be evaluated. Each Future Development Area is different with individual issues to be addressed in the Development Concept Plan; therefore, restricting discretion to specific matters could limit the

effectiveness of Concept Plan in providing a sustainable urban framework on a case-by-case basis.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 295.3 Accept in part

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Add a new rule to 20.1.5 as follows:

(b) Any subdivision within a Future Development Area that does not have an approved Development Concept Plan, or is not consistent with an approved Development Concept Plan under Rule 0.

Consequential Amendment: 20.1.5 Discretionary Activities - Subdivision

Add a new rule to 21.4(m) as follows:

(m) Development Concept Plan in a Future Development Area.

Reasons

This decision is made for the following reasons:

- The new rule provides an efficient and effective management framework for managing the effects of subdivision and development in the Future Development Area to achieve a sustainable urban framework.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.11	Adamson Land Surveyors	-	-
273.17	Tomlinson & Carruthers	-	-

Discussion

Adamson Land Surveyors (456.11) notes that a subdivision becomes discretionary when it is not possible to discharge stormwater to a stormwater system or on site. There is no corresponding rule for sewage disposal.

Tomlinson & Carruthers (273.17) request amending 20.1.5 (a)(ii) to clarify what an 'extension' is.

Evidence Heard

Adamson Land Surveyors presented evidence supporting the Section 42A report recommendation of adding a new rule for sewage disposal.

Tomlinson & Carruthers submitted that every subdivision of more than 6 lots to become discretionary as the road reserve is at least 11 metres wide and a water or sewer main will most likely be required to be laid according to NZS 4404:2004 standards.

Commissioners' Deliberations

As discussed above in terms of compliance with NZS4404, Rule 21.1.22 requires water supplies, wastewater disposal and stormwater systems to be provided in accordance with NZS4404 as a permitted activity standard. The Commissioners concur with the submitter, that assessing an application for non-compliance with the NZ Standard is typically an internal matter within the subdivision, and can be effectively assessed as a restricted discretionary activity. To achieve this outcome, a new restricted discretionary activity is required, with matters of discretion restricted to how the proposed water supply, wastewater and stormwater disposal systems would meet the needs of activities and sites for which they served, while avoiding, remedying and mitigating the adverse effects on the environment

This amendment would make Rule 20.1.5(a)(iii) regarding stormwater redundant, as the matter would be covered by the new restricted discretionary activity rule.

As noted above in the discussion on improving the interrelationship between rules, Rule 20.1.5(iii) for extending reticulated infrastructure networks and roading only needs to apply to the Rural Zones.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 456.11	Accept in part
273.17	Accept in part

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Delete Rule 20.1.5(a)(iii) as follows:

~~“(iii) It is not possible to discharge stormwater to a reticulated public stormwater system and cannot adequately control and/or dispose of stormwater on the site.”~~

Amend Rule 20.1.5(ii) as follows:

Rural (Primary Production) and Rural (Special) Zones

~~“(f) Any subdivision it requires an extending to public water, stormwater or wastewater utility services or to extending any legal road.”~~

Re-number Rules in Rule 20.1.5

Reasons

This decision is made for the following reasons:

- Requiring compliance with NZS 4404 is an effective approach in ensuring that each lot has a suitable water supply, wastewater disposal system, stormwater disposal system, and transport infrastructure. If an alternative method of servicing is proposed, the restricted discretionary activity status provides an efficient and effective resource consent process to assess the environmental effects of this alternative approach, and determine its suitability for the proposed subdivision.

- The issues of the potential expansion of urban infrastructure only applies to proposed subdivision and land developments in the adjoining Rural (Primary Production) and Rural (Special) Zones.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.84	Department of Conservation	-	-

Discussion

Department of Conservation (525.84) requests amending Rule 20.1.5 to provide for any subdivision of a Significant Natural Area listed in Appendix 1.3 as a discretionary activity unless a conservation lot is provided in which case it could be considered as a controlled activity.

Evidence Heard

Department of Conservation presented evidence accepting and supporting the Section 42A report recommendation of making the subdivision of land of a site listed in Appendix 1.3 Significant Natural Areas a discretionary activity.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the subdivision of land through which a new allotment contains a Significant Natural Area listed in Appendix 1.3 should be assessed and determined as a discretionary activity, except when a Conservation Lot is being created under the Controlled Activity rule.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 525.84 Accept

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Add a new rule to 20.1.5 as follows:

[Under new rule (h) "any subdivision that creates a new allotment in which one of more of the following circumstances apply:...]

(vii) Contains all or part of a site of a Significant Natural Area listed in Appendix 1.3, except if the Significant Natural Area is wholly contained in a Conservation Lot under Rule 20.1.2(k)(ii);

Reasons

This decision is made for the following reasons:

- The new rule provides an effective and efficient management framework for managing the effects of subdivision and development to maintain the biodiversity values of the significant natural areas.

Submission Summary

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

Discussion

New Zealand Historic Places Trust (497.21) requests that all historic heritage sites in Appendix 1 be added to 20.1.5(a)(viii).

Evidence Heard

New Zealand Historic Places Trust presented evidence requesting subdivision of land that relates to all listed heritage items in Appendix 1 be a discretionary activity, not just subdivision within historic heritage precincts.

Commissioners' Deliberations

As outlined earlier, the Commissioners concur with the evidence presented by the submitter and Section 42A report that the subdivision of land containing a listed heritage item being a discretionary activity would be effective in managing the effects of the subdivision on the historic heritage values of the site.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 497.21 Accept

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Add new rules to 20.1.5 as follows:

[Under new rule (h) "any subdivision that creates a new allotment in which one of more of the following circumstances apply:...]

(viii) Contains all or part of a site of an Archaeological or Geological Site listed in Appendix 1.5a or 1.5b;

(ix) Contains all or part of a site of Significance to Tangata Whenua listed in Appendix 1.6;

(x) Contains all or part of a site of Historic Heritage listed in Appendix 1.7;

Reasons

This decision is made for the following reasons:

- The new rule is effective in managing the subdivision of land which has been identified as having historic heritage value. Being a discretionary activity, a case-by-case assessment would be made to determine whether the effects of the subdivision would be avoided, remedied or mitigated on the historic heritage values of the site.

Submission Summary

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

Discussion

ONTRACK (New Zealand Railways Corporation) (495.12) requests 20.1.5(a) (xi) be amended to include reference to the Wairarapa railway.

Evidence Heard

ONTRACK (New Zealand Railways Corporation) presented evidence supporting the Section 42A report recommendation of adding reference to railway for Rule 20.1.5(a) (xi).

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that adding a reference to railway is effective in managing the subdivision of land if access is proposed over the railway.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 495.12 Accept

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Under new rule (h) "any subdivision that creates a new allotment in which one of more of the following circumstances apply:..., amend 20.1.5(a)(xi) as follows:

~~(xi)~~ **(i) Any subdivision with proposed ~~it involves~~ access to a State Highway, or the Limited Access Road, Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway, provided that the standards for Discretionary Activities are met;**

Consequential Amendment:

Amend standard 20.1.6 (a) as follows:

All Environmental Zones

~~(a)~~ **(b) Access to a State Highway, Limited Access Road, or the Masterton Heavy Traffic Bypass, or over or under the Wairarapa Railway**

(i) All Any subdivision under Rule 20.1.5(i) must meet the minimum standards for a Controlled Activity (Rule 20.1.2) shall comply with the following:

(1) Standards for a Controlled Activity in the respective Environmental Zone in Rule 20.1.2.

Reasons

This decision is made for the following reasons:

- The amended rule is effective in managing the subdivision of land to assess the effects of the subdivision would be avoided, remedied or mitigated to maintain a safe and efficient railway network.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
514.7	Rangitane o Wairarapa Inc	-	-

Discussion

Rangitane o Wairarapa Inc (514.7) requests that 20.1.5 be amended to take into account tangata whenua values.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

As discussed above under Rule 20.1.1, the Commissioners concur with the submitter and Section 42A report that adding a matter of control on the effects on values of any waahi tapu and any resources of significance to tangata whenua provides an effective approach in ensuring these values and resources are assessed at the time of subdivision where required. In addition, adding a new rule to 20.1.5 making any subdivision of land of a site of significance to tangata whenua listed in Appendix 1.6 provides an effective management framework for assessing the effects on these identified sites.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 514.7 Accept

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Under new rule (h) "any subdivision that creates a new allotment in which one of more of the following circumstances apply:..." add a new rules as follows:

- (viii) Contains all or part of a site of an Archaeological or Geological Site listed in Appendix 1.5a or 1.5b;**
- (ix) Contains all or part of a site of Significance to Tangata Whenua listed in Appendix 1.6;**
- (x) Contains all or part of a site of Historic Heritage listed in Appendix 1.7;**

Reasons

This decision is made for the following reasons:

- The amended rule is effective in managing the subdivision of land to assess the effects of the subdivision on the identified sites.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
273.20	Tomlinson & Carruthers	-	-

Discussion

Tomlinson & Carruthers (273.20) request that a new clause be added to 20.1.5 (a) for any subdivision where there is potential for an unreasonable amenity conflict with permitted activities in the surrounding area.

Evidence Heard

Tomlinson & Carruthers presented evidence highlighting the importance of having clear rules and associated assessment criteria.

Commissioners' Deliberations

As discussed above on the relationship between rules, the Commissioners have made a number of changes to better clarify these relationships to assist in Plan administration.

The Commissioners consider the controlled activity standards provide an effective approach for managing potential amenity conflicts; in particular, the requirement for building areas to be identified on each lot with a 25m buffer distance. If a reduction in the buffer distance is sought, this non-compliance and its potential effects would be assessed as a restricted discretionary activity.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 273.20 Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development to minimise amenity conflicts.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
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273.18	Tomlinson & Carruthers	-	-
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Discussion

Tomlinson & Carruthers (273.18) request amending 20.1.5(a)(xiii) so it relates to subdivision that is *in*consistent with the Waingawa Industrial Area Structure Plan.

Evidence Heard

Tomlinson & Carruthers presented evidence questioning the rationale for the Waingawa Industrial Area Structure Plan rules.

Commissioners' Deliberations

Similar to the provisions for Future Development Areas discussed above, the Waingawa Industrial Area has been identified for expansion, but for industrial and related activities, rather than urban residential purposes. To ensure that the expansion of this area occurs in a coordinated and well-planned manner, the District Plan contains a hierarchy of rules to manage subdivision and development in an integrated and structured manner.

The District Plan contains a Structure Plan that sets out the overall anticipated spatial layout of the industrial area, providing a base structure for its future subdivision and development.

The likely first step for development at Waingawa is the subdivision of land, with subsequent roading and servicing. The Commissioners consider the full discretionary activity status for proposals that are consistent with the Structure Plan is the most effective status for this assessment, as it ensures all possible relevant matters can be evaluated. In addition, if a subdivision proposal did not effectively avoid, remedy or mitigate the adverse effects, Council would have the ability to decline consent. Proposals do not need to fully replicate the Structure Plan, but would need to be largely in agreement with its basic elements.

If a subdivision proposal was not consistent with the Structure Plan, non-complying activity status is the most effective, as the form of the proposal could compromise the structure and integrated nature of the industrial area.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 273.18 Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development in the Waingawa Industrial Area.

Submission Summary

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

	Fertiliser Co-op Ltd		
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Discussion

Ravensdown Fertiliser Co-op Ltd (298.8) request that any subdivision of a Rural (Special) Zoned site adjoining the Industrial Zone be classified as a discretionary activity.

Evidence Heard

Ravensdown Fertiliser Co-op Ltd submitted that the Operative Carterton District Plan provides for subdivision adjoining the Industrial Zone as a discretionary activity, with the ability to decline applications if the effects were not avoided, remedied or mitigated. Requests this rule be retained in the Combined Plan to ensure reverse sensitivity issues can be adequately addressed at the subdivision stage.

Commissioners' Deliberations

The Rural (Special) Zone is applied to locations where intensification of land use activities, particularly residential activities, could compromise the efficient operation of existing industrial areas, such as the Ravensdown site and the adjacent Waingawa Industrial Area. Locating potentially sensitive land use activities (particularly residential uses) close to the source of activities with potentially significant offsite environmental effects, such as noise, odour or dust, is termed reverse sensitivity or "coming to the nuisance".

Four hectares has proved to be generally an effective threshold for managing the intensification of subdivision in the Masterton District in its Rural (Special) Zone which seeks, among other matters, to limit small lot rural subdivision in close proximity to large industrial activities. The Commissioners consider that 4 hectare minimum as a controlled activity provides an effective balance between allowing a reasonable degree of further development opportunities and the need to limit reverse sensitivity development in close proximity to large-scale industrial activities.

The Commissioners note that, in addition to the minimum lot size, a buffer area of 25m is required for building areas on new lots from existing property boundaries. 25m is considered an effective distance for minimising potential amenity conflicts between activities in the Rural (Special) Zone.

The Commissioners consider the combination of the above matters is the most efficient and effective approach for managing the subdivision of land near industrial areas, including that of the Ravensdown Depot.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 298.8 Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum size to accommodate a range of land uses while minimising the adverse effects on the attributes and values of the Rural (Special) Zone.

- A balance is achieved in efficiently utilising the rural land resource, while maintaining the character and amenity of the rural environment. Four hectares has been determined as the appropriate density to achieve these objectives, in combination with a 25m setback requirement, as it allows for wide range of uses and maintains a low density of built development.

20.1.6 Standards for Discretionary Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.13	ONTRACK (New Zealand Railways Corporation)	-	-
273.14	Tomlinson & Carruthers	-	-

Discussion

ONTRACK (New Zealand Railways Corporation) (495.13) requests 20.1.6(a) be amended to include reference to the Wairarapa railway.

Tomlinson & Carruthers (273.14) request Rule 20.1.6 be clarified in terms of the application of the standards.

Evidence Heard

ONTRACK (New Zealand Railways Corporation) presented evidence supporting the Section 42A report recommendation of adding reference to railway for Rule 20.1.5(a) (xi).

Tomlinson & Carruthers submitted that the standards to be complied with needed to be clear.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that adding a reference to railway is effective in managing the subdivision of land if access is proposed over the railway.

As discussed above, a series of amendments are made to clarify the application of standards for discretionary activities.

Decision: 20.1.6 Discretionary Activities - Subdivision

Submission Reference: 495.13 Accept
 273.14 Accept in part

Decision Amendment: 20.1.6 Discretionary Activities - Subdivision

Amend 20.1.6(a) as follows:

(a) (b) Access to a State Highway, Limited Access Road, or the Masterton Heavy Traffic Bypass, or over or under the Wairarapa Railway

Reasons

This decision is made for the following reasons:

- The amended rule is effective in managing the subdivision of land to assess the effects of the subdivision would be avoided, remedied or mitigated to maintain a safe and efficient railway network.
- The amended rules clarify the application of the subdivision rules, and improve the interrelationship between rules. This results in an efficient and effective management framework for managing the effects of subdivision and development.

20.1.7 Non-Complying Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
456.9	Adamson Land Surveyors	-	-
522.48	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
522.50	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 102 Windy Peak Trust	Support Oppose
522.51	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 54 NZ Winegrowers FS 102 Windy Peak Trust	Support Support Oppose
17.10	Transit New Zealand	FS 52 Horticulture NZ	Oppose
526.93	Wellington Regional Council	FS 33 Adamson Land Surveyors FS 54 NZ Winegrowers	Oppose Support
33.6	R Hunwick	-	-
295.5	Upper Hutt Developments Limited	-	-
526.92	Wellington Regional Council	-	-
427.27	New Zealand	-	-

	Winegrowers		
437.7	A Johnson	FS 54 NZ Winegrowers	Support

Discussion

Transit New Zealand (17.10) and the **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (552.48) request a rule be added to 20.1.7 for subdivisions which do not comply with the minimum standards for subdivisions with access to a State Highway or the Masterton Heavy Traffic Bypass to become a non-complying activity. **Windy Peak Trust** opposes the submission from the Planning Departments.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.50) request that 20.1.7(a) be amended to refer to the correct rule reference. **Adamson Land Surveyors** support this submission. **Windy Peak Trust** opposes this submission.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.51) request 20.1.7(b) be amended to refer to the correct rule reference. **New Zealand Winegrowers** support this submission. **Adamson Land Surveyors** and **Windy Peak Trust** oppose this submission.

Adamson Land Surveyors (456.9) request amend Rule 20.1.7 non-complying Activities - where a subdivision cannot meet the minimum average it becomes discretionary if the average is between 1.5 ha and 1 ha and non-complying if the average is less than 1 ha.

Upper Hutt Developments Limited (295.5) requests amend 20.1.7 so that subdivision which does not comply with the standards for Restricted Discretionary Activities be assessed as a Discretionary and not as a Non-Complying activity.

Wellington Regional Council (526.92) requests clarification of the relationship between 20.1.5(a)(i) and 20.1.7(a).

Wellington Regional Council (526.93) also requests a new rule be added to 20.1.7 for any subdivision which does not comply with the minimum lot size standards for the Rural (Primary Production) Zone. **New Zealand Winegrowers** support this submission. **Adamson Land Surveyors** oppose this submission.

R Hunwick (33.6) requests Rule 20.1.7(a) be deleted.

New Zealand Winegrowers (427.27) and **A Johnson** (437.7) request amending the Rule by renumbering 20.1.7 (a) to 20.1.7 (a)(i) and adding an additional clause numbered 20.1.7 (a) (ii) to require any subdivision of a residual lot previously subdivided to be a non-complying activity. **New Zealand Winegrowers** support the submission from A Johnson.

Evidence Heard

Transit New Zealand submitted that all subdivisions from State Highways and the Masterton Heavy Traffic Bypass be a discretionary activity if they comply with the minimum standards. This activity status would ensure an assessment is made as to whether the access to the subdivision is safe, and the efficiency of these arterial roads is maintained. If a subdivision proposal does not comply with the minimum standards, request these be assessed as non-complying activity.

Adamson Land Surveyors presented evidence supporting the intent of the Section 42A report recommendation of clarifying the application of the rules. Request that for discretionary activity the minimum average lot size be 1.0 hectare (i.e. between 1 and 1.5 ha) and less than 1 hectare be assessed as a non-complying activity.

New Zealand Winegrowers presented evidence highlighting the importance of wine growing in the Wairarapa and the increasing land area being used for grape growing/wine production. Requested subdivision be a restricted discretionary activity in the Rural Zone with a minimum lot size of 4 hectares, with no exceptions. Support the intent of limiting further subdivision of properties as recommended in the Section 42A report. However, request a Consent Notice or restrictive covenant be imposed on new created lots, with any further subdivision being a non-complying activity.

Wellington Regional Council presented evidence supporting the Section 42A report recommendation of amending the rule references to assist Plan interpretation.

R Hunwick presented evidence requesting Rule 20.1.7(a) be deleted.

New Zealand Winegrowers presented evidence highlighting the importance of wine growing in the Wairarapa and the increasing land area being used for grape growing/wine production. Requested subdivision be a restricted discretionary activity in the Rural Zone with a minimum lot size of 4 hectares, with no exceptions. Support the intent of limiting further subdivision of properties as recommended in the Section 42A report. However, request a Consent Notice or restrictive covenant be imposed on new created lots, with any further subdivision being a non-complying activity.

Commissioners' Deliberations

As discussed above in relation to Rules 20.1.2(f), 20.1.3 and 20.1.5, a series of amendments are to be made to the rules managing rural subdivision in the Wairarapa. The key reason for these amendments is to establish the 4 hectare threshold as the minimum lot size that generally maintains the rural character and amenity values of the Wairarapa's rural environment.

Recognising the need for providing some flexibility in providing for small lot rural subdivision in the Rural (Primary Production) Zone, however, the proposed amendments also allow for some variation in lot size through the proposed provision for a 4 ha minimum average lot size as a discretionary activity. Where a proposed subdivision cannot comply with this threshold, the resource consent would be determined as a non-complying activity. Such flexibility would not be provided in the Rural (Special) Zone, as it may result in a degree of intensification that would be contrary to the objectives and policies for this zone.

This consent hierarchy has been determined to be the most effective means of managing subdivision in the Wairarapa's rural environment. The non-complying activity status would apply for subdivision proposals that do not meet the minimum subdivision thresholds, as such proposals have the potential to compromise the qualities and attributes for which the Wairarapa's rural environment is valued. The non-complying activity consent process requires a thorough assessment of the environmental effects of a proposal to determine whether its effects are minor, but, importantly, it also requires an assessment of the proposal against the objectives and policies of the District Plan to determine whether it is contrary to the outcomes being sought by the District Plan.

The non-complying activity category of resource consent is used sparingly in the Wairarapa Combined District Plan, and has been applied only where non-compliant proposals may potentially challenge key objectives and policies of the Plan; in other words, where a proposal may exceed a critical environmental baseline. It is considered that the protection of the rural environment – its amenity values, its character, and the potential of the land resource to provide for the social and economic wellbeing of the Wairarapa – is a critical cornerstone of the Combined District Plan.

In regard specifically to the Rural (Special) Zone, as discussed elsewhere in this decision, a more restrictive subdivision approach is required in these parts of the Wairarapa's rural environment to minimise the adverse effects of intensification, given the particular

environmental constraints and pressures within this Zone. Any proposal that does not comply with the minimum lot size of 4 hectares would be thoroughly assessed as a non-complying activity to determine whether it would achieve the outcomes sought for the Zone, given the sensitivity of these areas to intensification.

In regard to subdivision of land with access to the State Highway network and Masterton Heavy Traffic Bypass, the non-complying activity status would be effective means of assessing and controlling the effects and policy consistency of proposals that have the potential to significantly affect the safe and efficient functioning of these critical resources.

Decision: 20.1.7 Non-Complying Activities - Subdivision

Submission Reference: 17.10	Accept
33.6	Reject
522.48	Accept in part
FS 102	Accept in part
522.50	Accept in part
FS 32	Accept in part
FS 102	Accept in part
522.51	Accept
FS 54	Accept
FS 32	Reject
FS 102	Reject
456.9	Accept in part
295.5	Reject
526.92	Accept
526.93	Accept in part
FS 54	Accept in part
FS 33	Accept in part
427.27	Accept in part
437.7	Accept in part

Decision Amendment: 20.1.7 Non-Complying Activities - Subdivision

Add to 20.1.7 as follows:

All Environmental Zones

- (d) ***Any subdivision with access to a State Highway, Limited Access Road, Masterton Heavy Traffic Bypass or over or under the Wairarapa Railway, which does not meet the relevant Environmental Zone's minimum standards for a Controlled Activity (Rule 20.1.2).***

Amend 20.1.7(a) as follows:

- (a) ***Any subdivision that does not comply with the minimum standards for Restricted Discretionary Activities in Rule 20.1.3 6(a).***

Amend Rule 20.1.7(b) as follows:

- (b) *Any subdivision that does not comply with the minimum standards for Controlled Activities in Rule 20.1.2(f).*

Reasons

This decision is made for the following reasons:

- The amended rule provides an efficient and effective management framework for managing the effects of subdivision and development to ensure lots are of a minimum size to accommodate a range of land uses.
- Four hectares has been determined as the appropriate baseline density for managing the Wairarapa's rural environment, to promote the efficient use and development of the rural land resource, while maintaining the character and amenity of the rural environment.
- The new rule provides an efficient and effective management framework for managing the effects of subdivision and development with access to the arterial routes or over the railway where proposals may not achieve the objective of maintaining a safe and efficient transportation network.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.83	Department of Conservation	-	-

Discussion

Department of Conservation (525.83) requests amending 20.1.7 to provide for any subdivision with an Outstanding Natural Feature to be a discretionary activity.

Evidence Heard

Department of Conservation presented evidence noting the Section 42A report recommendation to assessing subdivision of Significant Natural Areas as a discretionary activity. Request that the same activity status apply to Appendix 1.2 Outstanding Natural Features.

Commissioners' Deliberations

The Commissioners concur with the submitter that managing the subdivision of land in Outstanding Natural Features listed Appendix 1.2 as a discretionary activity is effective in ensuring the adverse effects on the natural feature is avoided, remedied or mitigated.

Decision: 20.1.5 Discretionary Activities - Subdivision

Submission Reference: 525.83 Accept

Decision Amendment: 20.1.5 Discretionary Activities - Subdivision

Add a new rule to 20.1.5(h) as follows:

(vi) Contains an Outstanding Natural Feature listed in Appendix 1.2.

Re-number Rule 20.1.5:

Reasons

This decision is made for the following reasons:

- The new rule provides an effective and efficient management framework for managing the effects of subdivision on the values of Outstanding Natural Features.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
443.6	Juken New Zealand Ltd	FS 103 Waipine	Support

Discussion

Juken New Zealand Ltd (443.6) requests the retention of Rule 20.1.7 (b), subject to clarification that the term “productive use” includes industrial activities, either by amendment to the policy, definitions and/or explanations as appropriate. **Waipine** support this submission.

Evidence Heard

Juken New Zealand Ltd presented evidence requesting clarification of the term ‘productive use’.

Commissioners’ Deliberations

As discussed above for Policy (i), the policy applies to established productive activities which includes industrial activities. Therefore, Rule 20.1.7(b) is to be retained.

Decision: 20.1.7 Non-Complying Activities - Subdivision

Submission Reference: 443.6 Accept

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision on adjoining productive activities.

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
493.8	T & G Williams	FS 22 G & C Hearfield FS 20 S & M Matthews FS 21 T & N Vallance FS 30 Adamson Land Surveyors	Oppose Oppose Oppose Oppose

Discussion

T & G Williams (493.8) requests the addition of a new rule to 20.1.7 so that any subdivision that is located within the Inner or Outer Noise Boundary of any helicopter operation is a non-complying activity. **G & C Hearfield, S & M Matthews, T & N Vallance** and **Adamson Land Surveyors** oppose this submission.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

As discussed in the decision report for the Transportation Chapter, in the first instance, helicopter operations are to internalise their effects within their property. Any restrictions on adjoining land are to achieve a balance between the efficient functioning of the helicopter operations and maintaining the amenity values of adjoining properties.

The Commissioners do not consider making the subdivision of land within air noise contours a non-complying activity an efficient method for managing the reverse sensitivity issues for helicopter operations.

Decision: 20.1.7 Non-Complying Activities - Subdivision

Submission Reference: 493.8	Reject
FS 20	Accept
FS 21	Accept
FS 22	Accept
FS 30	Accept

Reasons

This decision is made for the following reasons:

- The existing rules provide an efficient and effective management framework for managing the amenity conflicts between existing helicopter landing areas and neighbouring activities.

21.1.22 Permitted Activities – Water Supply, Wastewater and Stormwater

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.73	Federated Farmers of New Zealand (Inc)	FS 157 G & J Diederich FS 155 K Reedy	Support Support
263.9	New Zealand Fire Service Commission	FS 76 NZ Fire Service Commission FS 104 Wairarapa Rural Fire District	Support Support
260.7	G & G & J Diederich	FS 157 G & J Diederich	Support
264.39	D Riddiford	-	-

Discussion

Federated Farmers of New Zealand (Inc) (524.73) requests that an exception be added to Rule 21.1.22 for single household water supplies and waste water systems. **G & J Diederich** and **K Reedy** support this submission.

G & J Diederich (260.7) requests the standard provide for stockwater supplies. **J Diederich** and **K Reedy** support this submission.

D Riddiford (264.39) requests that farmers' schemes be exempt.

New Zealand Fire Service Commission (263.9) supports the use of NZS4404, and requests the application of SNZ PAS 4509:2003 for water supply to un-reticulated developments. **New Zealand Fire Service Commission** and **Wairarapa Rural Fire District** support this submission.

Evidence Heard

D Riddiford presented evidence about the fire risks in remote coastal locations.

New Zealand Fire Service Commission presented evidence about fire risks and the coverage provided by the Fire Service in the Wairarapa. They highlighted the large areas with limited water availability and the need for properties to provide for their own on-site water supply for fire fighting purposes in compliance with NZS PAS 4509:2003. In addition, they detailed typical monetary costs of complying with NZS PAS 4509 for different methods of compliance in non-reticulated water supply areas.

Commissioners' Deliberations

The Commissioners note the comment in the Section 42A report that NZS4404:2004 does not impose requirements in relation to individual infrastructure within a subject property.

The Commissioners concur with the submitter and Section 42A report that NZS4404:2004 provides an effective approach for ensuring areas with a reticulated water supply are designed and constructed in accordance with fire fighting water requirements.

For non-reticulated water supply areas, such as rural areas, the Commissioners noted the range of methods for complying with the relevant Code (NZS PAS 4509:2003) in providing for minimum water supply for fire fighting purposes. The methods adopted in the Wairarapa would depend on a number of factors, including water availability, topography, climate, access, built development and cost.

Requiring compliance with the Code on an individual property basis is considered to impose significant costs on individuals, which does not outweigh the benefits of minimising the fire risk. These costs are in the form of providing for on-site water storage, whether in the form of tanks and/or natural or artificial ponds, and the ability to ensure water availability for fire fighting purposes year round, especially during dry summer conditions. The Commissioners consider voluntary compliance with the Code is the most efficient approach, with the Councils providing an advocacy and information role for property owners to manage the fire risk of their properties.

For subdivisions, the Commissioners have a similar finding to individual properties above. Adding compliance with the Code as a minimum 'standard' for subdivision is considered to impose significant costs which are not outweighed by the benefits of minimising fire risk. Rule 20.1.1 lists measures for managing the fire risk as a matter of control, providing Council with the ability to impose conditions for individual subdivisions. This assessment would be on a case-by-case basis, and specific conditions could require compliance with the Code. This approach is considered the most efficient and effective for managing the effects of fire risk.

Decision: 21.1.22 Permitted Activities

Submission Reference: 524.73	Accept in part
FS 157	Accept in part
FS 155	Accept in part
263.9	Accept in part
FS 76	Accept in part
FS 104	Accept in part
260.7	Accept in part
FS 157	Accept in part
264.39	Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of infrastructure, by requiring compliance with the New Zealand Standard.
- Fire fighting water supply requirements are the responsibility of individual landowners in non-reticulated areas. The Council provide an information and advocacy role for minimising fire risk on properties and providing for on-site water for this purpose.

21.1.23 Permitted Activities – Financial Contributions

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
264.40	D Riddiford	-	-

Discussion

D Riddiford (264.40) requests that financial contributions must be applied locally in the vicinity of the subdivision.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

The Commissioners noted the Section 42A report assessment that the use of contributions would be determined through the Long Term Community Council Plan and Annual Plan processes.

Decision: 21.1.23 Permitted Activities

Submission Reference: 264.40 Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development. The use of contributions would be determined through the LTCCP and Annual Plan process, and would be used for purposes set out in the District Plan.

21.3.7 Restricted Discretionary Activities – Financial Contributions

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
264.45	D Riddiford	-	-

Discussion

D Riddiford (264.45) states that he will submit in further detail on financial contributions.

Evidence Heard

No specific evidence was presented on this matter.

Commissioners' Deliberations

As no specific relief sought has been stated for Rule 21.3.7, the Commissioners have determined to retain this rule in its current form.

Decision: 21.3.7 Restricted Discretionary Activities

Submission Reference: 264.45 Reject

Reasons

This decision is made for the following reasons:

- The existing rule provides an efficient and effective management framework for managing the effects of subdivision and development.

21.4(l) Discretionary Activities – Future Development Area

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
331.7	D & S Murphy	-	-
295.3	Upper Hutt Developments Limited	-	-

Discussion

D & S Murphy (331.7) requests the deletion of Rule 21.4(l) and its replacement with a requirement for a Local Area Development Plan.

Upper Hutt Developments Limited (295.3) requests clarification as to how a Development Concept Plan is to be obtained. In addition, it seeks a reduction of the minimum average lot area as it relates to the Opaki and Chamberlain Road Future Development Areas.

Evidence Heard

Upper Hutt Developments Limited presented evidence supporting the Section 42A report recommendation of clarifying the activity status of 'Development Concept Plan' for Future Development Areas by adding a specific rule. However, requested the activity status should be restricted discretionary instead of full discretionary, as the restricted discretionary activity status would provide greater certainty, and the matters of discretion could be the assessment matters listed in the Plan.

Commissioners' Deliberations

The Tora/Te Awaiti area has been identified in the Plan as a location where a Management Plan would be prepared to manage local development pressures (refer 13.3.3, paragraph 10). This Management Plan would address similar issues to a Local Area Development Plan.

Future Development Areas are areas identified in the Plan which are appropriate for urban growth. To ensure an integrated and structured approach to the development in these areas, and Development Concept Plan is to be prepared setting out the framework for the overall Future Development Area.

The Commissioners consider the full discretionary activity status is the most effective status for this assessment, as it ensures all relevant matters are evaluated. Each Future Development Area is different with individual issues to be addressed in the Development Concept Plan, therefore, restricting discretion to specific matters could limit the effectiveness of Concept Plan in providing a sustainable urban framework.

Decision: 21.4(l) Discretionary Activities

Submission Reference: 331.7 Accept in part
 295.3 Accept in part

Decision Amendment

Add Rule 21.4(m) as follows:

(m) Development Concept Plan for a Future Development Area

Reasons

This decision is made for the following reasons:

- The existing Plan provisions recognise and provide for local development frameworks based on the preparation of a Management Plan for individual areas.
- The new rule provides an efficient and effective management framework for managing the effects of subdivision and development in the Future Development Area to achieve a sustainable urban framework.

22.1.1 Assessment Criteria – Subdivision

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.96	Department of Conservation	-	-
525.97	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
525.98	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc) FS 90 Wellington Regional Council	Oppose Oppose Support
525.99	Department of Conservation	-	-
495.14	ONTRACK (New Zealand Railways Corporation)	-	-
495.15	ONTRACK (New Zealand Railways Corporation)	-	-
522.38	Planning Departments of Masterton, Carterton and South Wairarapa	FS 102 Windy Peak Trust	Oppose

	District Councils		
522.61	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
498.10	Wairarapa Public Health	-	-
423.4	Wairarapa Rural Fire District	-	-
526.106	Wellington Regional Council	-	-
273.24	Tomlinson & Carruthers	FS 31 Adamson Land Surveyors	Support
239.10	S Scott	-	-
296.28	Transpower New Zealand Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Department of Conservation (525.96) requests that Rule 22.1.1(a)(v) include reference to conservation management activities.

Department of Conservation (525.97) also requests that 22.1.1(a) include a new criteria relating to the impact on indigenous wildlife. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Department of Conservation (525.98) requests that 22.1.1(a) include a new criteria relating to the impact on natural character values and waterbodies. **Greater Wellington Regional Council** supports this submission. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Department of Conservation (525.99) requests that 22.1.1(g) on conservation lots be retained.

ONTRACK (495.14) requests 22.1.1(a) be amended to recognise the importance of the rail network.

ONTRACK (495.14) requests 22.1.1 include a separate matter on the access over the Wairarapa Railway.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.38) requests add a new criteria to 22.1.1(a) relating to reserve land. **Windy Peak Trust** opposes this submission.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.61) requests add a new criteria to 22.1.1(a) relating to consistency with NZS4404:2004 and the provision of a potable water supply. **Windy Peak Trust** opposes this submission.

Wairarapa Public Health (498.10) requests adding new criteria to 22.1.1(a) in regard to the adequacy of a potable water supply and cycling and pedestrian network.

Wairarapa Rural Fire District (423.4) requests 22.1.1(a)(xviii) be amended to refer to Fire Smart Manual.

Wellington Regional Council (526.106) requests 22.1.1(a)(vii) be amended or deleted relating to areas where groundwater quality is known or likely to be a problem.

Tomlinson & Carruthers (273.24) requests 22.1.1 (a) be amended to avoid an overlap of terms and have a logical flow. **Adamson Land Surveyors** support this submission.

S Scott (239.10) requests 22.1.1 be retained.

Transpower New Zealand Limited (296.28) requests Section 22.1.1(a)(viii) be retained. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendations of retaining and amending the assessment criteria for a wide range of matters.

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation of deleting the reference in criteria (vii) to areas where groundwater quality is known or likely to be a problem.

D Riddiford submitted that criteria needed to be clear and enforceable.

ONTRACK presented evidence accepting the Section 42A report recommendation of adding a criteria relating to access over and under the Wairarapa railway with slightly modified wording requested.

Tomlinson & Carruthers presented evidence agreeing with the Section 42A report recommendation of revising the structure and format of the assessment criteria.

Adamson Land Surveyors presented evidence noting the duplication and overlap of criteria.

Transpower New Zealand Limited presented evidence supporting the Section 42A report recommendation of retaining criteria (viii).

Commissioners' Deliberations

The assessment criteria outline the matters that would be assessed for any resource consent application. The criteria are based on different matters and correlate with the Environmental Zones and District Wide Issue rules.

Section 22.1.1 sets out the criteria for assessing subdivision application. The criteria would be considered for all applications, with only the relevant criteria being applied to each application.

The Commissioners concur with the submitter and Section 42A report that re-ordering the criteria for subdivision improves the usability of the Plan and is effective in determining the relevance of the criteria to different applications.

As deliberated for the policies above, adding reference to indigenous vegetation and habitats is considered to encompass a wide range of matters, and is consistent with the wording applied in the Plan.

The Commissioners concur with the assessment and recommendations in the Section 42A report for retaining and amending the other criteria. These criteria provide a robust and thorough suite of matters relevant to subdivision, and are an efficient and effective approach to managing the effects of the subdivision of land.

Decision: 22.1.1 Assessment Criteria – Subdivision

Submission Reference: 525.96 Accept in part

525.97 Accept in part
 FS 112 Accept in part
 FS 85 Accept in part

525.98 Accept in part
 FS 112 Accept in part
 FS 85 Accept in part
 FS 90 Accept in part

525.99 Accept
 495.14 Accept in part
 495.15 Accept

522.38 Accept
 FS 102 Reject

522.61 Accept
 FS 102 Reject

498.10 Accept in part
 423.4 Reject
 526.106 Accept

273.24 Accept
 FS 31 Accept

239.10 Accept

296.28 Accept
 FS 112 Reject
 FS 85 Reject

Decision Amendment

Amend, re-order and add matters to 22.1.1(a) as follows:

Amenity

- (i) *The extent to which the area's amenity values and character are protected and/or enhanced.*
- (ii) *The provision to mitigate reverse sensitivity effects where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining land based primary production activities.*

Natural Resources

- (iii) *The extent to which existing landforms, significant trees, ~~and native~~ **indigenous** vegetation **and habitats and waterbodies** are protected and/or enhanced.*

- (iv) *Whether the subdivision would create adverse effects on groundwater quality in areas where groundwater quality is known or likely to be a problem.*
- (v) *The provision for esplanade reserves and/or strips.*

Physical Resources

- (vi) ***Whether the subdivision is consistent with the requirements of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering and other related standards.***
- (vii) ***The provision of a potable water supply.***
- (viii) *The adequate and effective disposal of sewage and stormwater, or the ability of every lot to dispose of sewage and stormwater effectively without risk to public health and the environment.*
- (ix) *The cumulative impacts on infrastructure and its efficient use and development, including the capacity, and safety **and efficiency** of the roading **and rail** network, and the ability of the area's utility services to function efficiently.*
- (x) *The adequate provision of access within every lot to meet modern vehicular standards.*
- (xi) *The provision of renewable energy and energy efficiency in the design and construction methods of the subdivision, and the consequential land use development.*

Development

- (xii) *Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects on the surrounding environment.*
- (xiii) *Whether the proposed subdivision will create an additional lot for building/development or will change the use of the affected land.*
- (xiv) *The ability of any existing or likely proposed building to comply with all standards in this Plan.*
- (xv) *The ability of every allotment of land to accommodate a conforming dwellinghouse or a principal building and to be utilised in a manner that can comply with the Plan provisions.*
- (xvi) *The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.*
- (xvii) ***Whether additional reserve land is necessary, including connections to existing and future reserves, to provide for the increased demand on the reserve network as a result of the subdivision.***
- (xviii) *The extent to which the subdivision is consistent with the Development/Management/Structure Plan for the area*
- (xix) *The effects on the safe and efficient operation of Hood Aerodrome.*

Heritage

- (xx) *The effects on any historic or archaeological site and the surroundings associated with any historic or archaeological site.*
- (xxi) *The effect of the subdivision on the values of any waahi tapu site and any resources of significance to Tangata Whenua.*

Hazards

- (xxii) *The risk where land is subject to flooding or inundation, erosion, landslip or subsidence, or is within an identified natural hazard high-risk area.*
- (xxiii) *The extent to which earthworks are required and the effects of earthworks on the site and surrounding environment.*
- (xxiv) *The risk of fire, and whether mitigation measures will effectively mitigate this risk.*

Add a new criteria to 22.1.1 as follows:

“(g) Access over or under the Wairarapa Railway

- (i) ***The approval of ONTRACK the railway premises owner and/or the railway access provider for the Wairarapa Railway, for any access to be obtained over a road/rail level crossing.***
- (ii) ***Location and design of access over and under the Wairarapa Railway***

Reasons

This decision is made for the following reasons:

- The existing and amended assessment criteria provide efficient and effective matters for managing the effects of subdivision to achieve the objectives for the respective Environmental Zone and District Wide Issues.
- The additional criteria ensures the effects on the Wairarapa Railway, infrastructure and reserve land are effectively assessed as the time of subdivision of land.

22.1.22 Assessment Criteria – Future Development Area

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
495.18	ONTRACK (New Zealand Railways Corporation)	-	-
498.14	Wairarapa Public Health	-	-

Discussion

ONTRACK (495.18) requests that both 22.1.22(i) and (vi) be retained, and that (iii) be amended to include reference to the railway.

Wairarapa Public Health (498.14) requests amending 22.1.22(iii) to specify potable water and wastewater.

Evidence Heard

ONTRACK presented evidence accepting the Section 42A report recommendation of adding a criteria relating to access over and under the Wairarapa railway with slightly modified wording requested.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the efficiency of the transportation network is a relevant assessment matter, as well as the rail network.

For the potable water and wastewater system, the Commissioners consider this matter is already provided for in matter (iii).

Decision: 22.1.22 Assessment Criteria – Future Development Area

Submission Reference: 495.18 Accept
 498.14 Reject

Decision Amendment

Amend the criteria 22.1.22(iii) as follows:

*(iii) The effects on infrastructure and its efficient use and development, including the capacity, ~~and~~ safety **and efficiency** of the roading **and rail** network, and the ability of the area's utility services to function efficiently.*

Reasons

This decision is made for the following reasons:

- The existing and amended assessment criteria provide efficient and effective matters for managing the effects of subdivision to achieve the objectives for the respective Environmental Zone and District Wide Issues.

23 Financial Contributions - General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
343.1	The Carterton Town & Country Development Group (Inc)	-	-
385.18	J Gleisner	-	-
490.8	N McDonald & S Kingsford	FS 54 NZ Winegrowers FS 85 B & M Opie	Support Support
264.52	D Riddiford		

Discussion

The **Carterton Town & Country Development Group (Inc)** (343.1) requests that all references to a fixed sum contribution be removed from Section 23, and be indexed on inflation, land values and development costs.

J Gleisner (385.18) seeks that the Plan use of financial incentives, for example discounts on building consents for approved environmentally beneficial structures.

N McDonald & S Kingsford (490.8) requests that contributions to roading and reserves should be set at a minimum rather than a maximum level, and should be linked to an external measure so that they remain consistent throughout the ten year life of the plan. **New Zealand Winegrowers** and **B & M Opie** support this submission.

D Riddiford (264.52) did not specify a particular request.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners note the requirement of Section 108(10) of the Act which requires a District Plan to state the level of financial contributions. The Commissioners consider that having a set contribution amount in the Plan (rather than by formula) provides the most certain approach, which is effective for parties undertaking subdivision and for Council financial planning.

A number of variables influence the costs that the contributions are used to fund, for example, land values for reserve land acquisition and construction and contracting costs for infrastructure development. If these costs change over the life of the Plan, Council could propose a Plan Change to adjust the contribution amount. Alternatively, the amount could be adjusted based on an annual index which reflects the costs. Thirdly, the District Council's have the ability to implement development contributions under the Local Government Act 2002 to replace the financial contributions in the Plan.

The Commissioners investigated the appropriateness of applying an index adjustment to the infrastructure contributions. A review of indexes was completed, including the Consumer Price Index (CPI) and Construction Cost Index (CCI). The amount of contribution must correlate with the costs of infrastructure, and there is no applicable index which measures these specific costs. Changes to the CPI or CCI do not directly correlate with infrastructure costs, therefore, it is not appropriate to apply these indexes as an annual adjustment to the contribution.

As the roading and reserve contributions are based on land values, the amount for these contributions is retained as a set percentage, as these contributions would vary based on land values.

The Plan recognises the use of financial incentives as a method for addressing a range of issues, including historic heritage. However, the setting of financial initiatives and fees, such as building consent fees, is determined through the Long Term Council Community Plan (LTCCP) process under the Local Government Act 2002, and therefore the Commissioners do not have jurisdiction on this matter.

Decision: 23 Financial Contributions - General

Submission Reference: 343.1	Accept in part
385.18	Reject

490.8 Reject
 FS 54 Reject
 FS 85 Reject

264.52 Reject

Decision Amendment:

Amend 23.3.2 (h) as follows:

*(h) For land use development for residential, **administrative, commercial and industrial** purposes, \$5000 (plus GST) per ~~residential~~ **new** unit for linking with public infrastructure and services; **plus 0.5% of the assessed value of any building development in excess of \$1,000,000 (plus GST).** The assessed value of the development will be based on the estimated value of the building as stipulated on the building consent application, or*

Reasons

This decision is made for the following reasons:

- The existing and amended contribution amount provides an efficient and effective management framework for managing the effects of subdivision and development to achieve the objective of a sustainable and efficient infrastructure.

23.1 Financial Contributions - Introduction

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.36	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
498.15	Wairarapa Public Health	-	-

Discussion

Mighty River Power Limited request that the first paragraph be amended to use consistent terminology with Act. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Wairarapa Public Health request that the second paragraph be amended to include reference to footpaths and cycleways.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the Plan provisions recognise the contributions may be a variety of forms, and that the list of examples in the Introduction is not exhaustive.

Decision: 23.1 Financial Contributions - Introduction

Submission Reference: 520.36	Accept in part
FS 112	Accept in part
FS 85	Accept in part
498.15	Reject

Reasons

This decision is made for the following reasons:

- The existing Introduction provides an overview of the Plan provisions on financial contributions to provide for a sustainable and efficient infrastructure and reserve network.

23.2.2 Reserve Contribution - Amount

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
451.1	Adamson Land Surveyors	FS 52 Horticulture NZ.	Support
522.62	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
348.1	The Barbara Durbin Family Trust	-	-
490.4	N McDonald & S Kingsford	FS 5 B & M Opie	Support

Discussion

Adamson Land Surveyors (451.1) request that the reserve and roading contribution be capped at \$7,500 for all zones. In addition, that contributions not be imposed on commercial, industrial and rules lots of 5 hectares and over. **Horticulture New Zealand** supports this submission.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.62) request that GST be included for all contributions. **Windy Peak Trust** opposes this submission.

The Barbara Durbin Family Trust (348.1) requests a 7.5% contribution of the land value in the urban zones and 2% in the Rural Zone. In addition, requests removal of maximum contributions.

N McDonald & S Kingsford (490.4) requests minimum contributions should be imposed rather than maximum contributions. **B & M Opie** supports this contribution.

Evidence Heard

Adamson Land Surveyors submitted that the demand for reserves increases with population and not the value of the land. In addition, that reserve contributions should not be required for commercial or industrial zones, as these contributions would have already been paid as part of a residential component of people's lives. Furthermore, in the Rural Zone, for properties over 4 hectares, they have enough open space on-site and should not need to pay high contributions.

The Barbara Durbin Family Trust submitted that the contributions grossly under-estimate the likely capital expenditure necessary to meet the reasonable future needs of the district. Requested that no maximum limit placed on reserve contributions, and suggested a 7.5% reserve contribution would not be unreasonable.

Commissioners' Deliberations

The Commissioners note the requirement of Section 108(10) of the Act which requires a District Plan to state the level of financial contributions. The Commissioners consider that having a set contribution amount in the Plan (rather than by formula) provides the most certain approach, which is effective for parties undertaking subdivision and for Council financial planning.

The purpose of the reserve contribution is for the acquisition and development of reserves and open spaces, to protect conservation values of riparian and coastal margins, to provide access to and along waterbodies, and to provide for recreational opportunities. The funding available from such contributions assists in meeting the costs of acquiring such reserves.

Subdivision and development of land within the Wairarapa increases the pressure on the reserves of each district, irrespective of the Environmental Zone in which such development occurs. However, urban development does produce a relatively greater pressure on open space and reserve resources compared to rural development, partly because of the greater level of permanent residential occupancy, partly due to the more intensive commercial and industrial uses, and partly to greater pressure on recreational facilities (for example, by visitors to the area).

Accordingly, placing a single maximum contribution across all zones is not considered to be most efficient or effective approach for managing the effects of subdivision and land development on the Wairarapa's reserves and open space resources. It has been determined that the Plan provisions should require a higher level of reserve contributions from urban development: 3% rather than 2%. This applies to industrial and commercial subdivision for lots 5 hectares and over in area, as the level of use from such large-scale uses places a relatively greater pressure on the reserve and open space network.

In the Rural Zone, subdivision and land development is more dispersed, and pressure on reserve and open space is accordingly relatively less. In addition, as the reserve contribution for subdivision is based on land value, if no cap was applied to reserve contributions in the Rural Zone, the contributions could be a significant amount where large rural lots are involved. The costs to individuals and the consequent costs of requiring uncapped contributions are not considered to be outweighed by the public benefits for achieving the

purpose that a contribution is taken for. The existing \$7,500 (plus GST) cap is considered an effective and efficient level.

In terms of the request to increase the reserve contributions in urban areas to 7.5% of the land value, the Commissioners agree that such additional contributions would provide a substantial pool of funding to acquire reserve land and develop open space. However, the Commissioners consider that a 7.5% contribution would impose considerable costs on property development and consequent costs on individuals and the economic wellbeing of the Wairarapa at large, which would not be outweighed by the public benefits of receiving that level of contribution. Having re-assessed the relative advantages and disadvantages, including the costs and benefits, the Commissioners have determined that the existing 3% contribution for urban areas is the most efficient for achieving the objective for the open space and reserve networks.

The Commissioners consider the reference to GST better clarifies its application.

Decision: 23.2.2 Reserve Contributions - Amount

Submission Reference: 451.1	Accept in part
FS 52	Accept in part
522.62	Accept
FS 102	Reject
348.1	Reject
490.4	Reject
FS 5	Reject

Decision Amendment:

Amend 23.2.2(a) as follows:

*23.2.2(a) For subdivision, 3% of the land value of each allotment to be created in the Residential, Commercial and Industrial Zones **(plus GST)**, and 2% of the land value of each allotment to be created in the Rural Zone **(plus GST)**. In the Rural Zone, the maximum amount of the total combined contribution for reserves and roading contributions shall be \$7,500 (plus GST) per allotment created by a subdivision;*

Amend 23.2.2(b) as follows:

*23.2.2(b) For land use development for residential purposes, 0.25% of the value of each additional residential unit **(plus GST)**.*

Reasons

This decision is made for the following reasons:

- The existing reserve contributions provide an efficient and effective management framework for managing the effects of subdivision and development in achieving the objective of sustainably maintaining and development and reserves and open space network for current and future community needs and to protect and enhance significant environmental assets.
- The amendment for GST better describes the application of this tax on contributions.

23.2.3 Reserve Contribution – Assessment Criteria

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

Discussion

NZ Historic Places Trust (497.27) request that the Assessment Criteria to be retained.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the existing assessment criteria are effective for determining a remission or waiver of reserve contributions.

Decision: 23.2.3 Reserve Contributions – Assessment Criteria

Submission Reference: 497.27 Accept

Reasons

This decision is made for the following reasons:

- The existing assessment criteria provide an efficient and effective approach for managing the effects of subdivision and development and the application of reserve contributions.

23.2.4 Reserve Contribution – Form of Contribution

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
34.12	J & M McGuinness	-	-

Discussion

J & M McGuinness (34.12) request that the valuation report take into account the value of the reserve land.

Evidence Heard

J & M McGuinness submitted that when the land value of esplanade reserves was determined, it did not fairly reflect the true value of the land.

Commissioners' Deliberations

As the reserve contributions are based on land value, it is important the land valuation is a fair reflection of current value. Therefore, the existing Plan provision requires the valuation to be less than 3 months old.

The Commissioners recognise that a number of factors influence the value of land. However, the Commissioners consider a registered valuer's report is the most effective method for determining the current value of a property.

Decision: 23.2.4 Reserve Contributions – Form of Contribution

Submission Reference: 34.12 Reject

Reasons

This decision is made for the following reasons:

- The existing provision provides an efficient and effective method for determining the current valuation of the land for its intended purpose.

23.2.5 Reserve Contribution – Purpose

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

Discussion

Wellington Regional Council (526.111) request that the purpose of reserve contribution for public access includes the coast.

Evidence Heard

Wellington Regional Council presented evidence supporting the Section 42A report recommendation of amending 23.2.5(c) by adding reference to the coast.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that adding the reference to the coast is effective in achieving the objective of maintaining and enhancing access to the coast.

Decision: 23.2.5 Reserve Contributions – Purpose

Submission Reference: 526.111 Accept

Decision Amendment:

Amend the clause 23.2.5(c) as follows:

(c) To provide opportunities for public access to and along water bodies including the coast.

Reasons

This decision is made for the following reasons:

- The amended clause provides an efficient and effective approach for achieving the objective of maintaining and enhancing access to the coast.

23.3.1 Infrastructure Contribution – Circumstances

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
34.13	J & M McGuinness	-	-

Discussion

J & M McGuinness (34.13) request that the circumstances acknowledge and allow for adjustment where no infrastructure is provided.

Evidence Heard

J & M McGuinness submitted that contributions should only be required where infrastructure is provided, and no contributions be required for unserved areas.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that infrastructure contributions would only be taken when infrastructure is to be installed to service a subdivision or development. The existing circumstances described in the Plan are considered to be clear in this regard.

Decision: 23.3.1 Infrastructure Contributions – Circumstances

Submission Reference: 34.13 Reject

Reasons

This decision is made for the following reasons:

- The existing provision provides an efficient and effective approach for requiring infrastructure contributions, being the different processes and triggers for the

contribution. This approach would achieve the objective of maintaining sustainable and efficient infrastructure.

23.3.2 Infrastructure Contribution - Amount

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
521.46	Meridian Energy Limited	FS 5 Mighty River Power Limited	Support
522.63	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
347.1	The Barbara Durbin Family Trust	-	-

Discussion

Meridian Energy Limited (521.46) requests 23.3.2 (i) be deleted, or amended to be expressed as a 0.5% maximum and include a waiver and remissions clause. **Mighty River Power Limited** support this submission.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.63) request GST be included for all contributions. **Windy Peak Trust** opposes this submission.

The Barbara Durbin Family Trust (347.1) requests removal of references to a maximum contribution.

Evidence Heard

Meridian Energy Limited submitted that an infrastructure contribution should only be imposed where a development places a demand on infrastructure, and requested specific wording changes to the recommended text.

Mighty River Power Limited presented evidence supporting the Section 42A report recommendation clarifying the contributions does not apply if the development is not connecting to the infrastructure.

The Barbara Durbin Family Trust submitted that the contributions grossly under-estimate the likely capital expenditure necessary to meet the reasonable future needs of the district. Requested no fixed sum contributions, and contributions should be indexed.

Commissioners' Deliberations

The Commissioners concur that the infrastructure contributions should not be required where a development does not connect to the reticulated infrastructure. The Commissioners have therefore adopted the wording suggested by Meridian Energy in terms of 'connecting' to infrastructure better describes the application of the contribution.

As discussed above, Section 108(10) of the Act which requires a District Plan to state the level of contribution. The Commissioners consider that having a set contribution amount in the Plan (rather than a formula) provides the greatest level of certainty and administrative efficiency, which has benefits both for those parties undertaking subdivision and for Council in its financial planning and District Plan administration.

A number of variables influence the costs that the contributions are used to (partly) fund; for example, construction and contracting costs for infrastructure development. If these costs change over the life of the Plan, Council could propose a Plan Change to adjust the contribution amount. Alternatively, the amount could be adjusted based on an annual index which reflects the costs. Thirdly, the Plan provisions provide for a Council to implement development contributions under the Local Government Act to replace the financial contributions in the Plan.

The Commissioners investigated the appropriateness of applying an index adjustment to the infrastructure contributions. A review of indexes was completed, including the Consumer Price Index (CPI) and Construction Cost Index (CCI). The amount of contribution must correlate with the costs of infrastructure, and there is no applicable index which measures these specific costs. Changes to the CPI or CCI do not directly correlate with infrastructure costs, therefore, it is not appropriate to apply these indexes as an annual adjustment to the contribution.

The Commissioners also consider amending the references to GST assisting in the administration and calculation of the contributions.

Decision: 23.3.2 Infrastructure Contributions – Amount

Submission Reference: 521.46	Accept in part
FS 5	Accept in part
522.63	Accept in part
FS 102	Accept in part
347.1	Accept in part

Decision Amendment:

Amend 23.3.2(h) and (i) as follows:

(g) For subdivisions, \$5,000 (plus GST) per allotment ~~for linking that connects~~ with public infrastructure and services; or

*(h) For land use development for residential, **administrative, commercial and industrial** purposes, \$5000 (plus GST) per ~~residential new unit for linking that connects~~ with public infrastructure and services; **plus 0.5% of the assessed value of any building development in excess of \$1,000,000 (plus GST). The assessed value of the development will be based on the estimated value (excluding GST) of the building as stipulated on the building consent application, or***

*(i) For land use development for **additions and alterations** for administrative, commercial or industrial purposes **that connects with public infrastructure and services**, 0.5% of the assessed value of any building development in excess of ~~\$4050,000~~ **(plus GST)**. The assessed value of the development will be based on the estimated value **(excluding GST)** of the building as stipulated on the building consent application.*

Reasons

This decision is made for the following reasons:

- The contribution amount provides an efficient and effective management framework for managing the effects of subdivision and development to achieve the objective of a sustainable and efficient infrastructure, and is limited to those circumstances in which a development is proposing to connect with existing infrastructure.

23.3.3 Infrastructure Contribution – Form of Contribution

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.37	Mighty River Power Limited	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Mighty River Power Limited requests that this clause be amended to use consistent terminology with Act. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the Plan provisions recognise the contributions may be a variety of forms, and that the list of examples in the Introduction is not exhaustive.

Decision: 23.3.3 Infrastructure Contributions – Form of Contribution

Submission Reference: 520.37	Reject
FS 112	Accept
FS 85	Accept

Reasons

This decision is made for the following reasons:

- The existing provision provides an efficient and effective method for determining the current valuation of the land for its intended purpose.

23.3.4 Infrastructure Contribution – Purpose

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
498.16	Wairarapa Public Health	-	-

Discussion

Wairarapa Public Health (498.16) request 23.3.4(a) be amended to include reference to reticulated water supply.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that a potable water supply may be provided by a reticulated and non-reticulated means.

Decision: 23.3.4 Infrastructure Contributions – Purpose

Submission Reference: 498.16 Reject

Reasons

This decision is made for the following reasons:

- The existing provision is efficient and effective in providing for a range of potable water sources, and managing the effects of subdivision and development.

23.3 Infrastructure Contribution –Remission

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
386.1	E Greenberg and R Mangar, South Wairarapa District Council Officers	FS 50 Holdsworth Village Ltd	Support
386.2	E Greenberg and R Mangar, South Wairarapa District Council Officers	FS 50 Holdsworth Village Ltd	Support
522.65	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 5 Mighty River Power Limited FS 102 Windy Peak Trust	Support Oppose

Discussion

E Greenberg and R Mangar, South Wairarapa District Council (386.1) request the Infrastructure Contribution standard in part 23.3 in relation to subdivisions include consideration of whether the allotment is to connect to public infrastructure, whether a contribution has already been made, and an assessment of the actual cost of facilitating additional connections. **Holdsworth Village Limited** supports this submission.

E Greenberg and R Mangar, South Wairarapa District Council (386.2) request the word “and” be used to connect 23.3.2(i) and clauses (g) and (h). **Holdsworth Village Limited** supports this submission.

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.65) request assessment criteria be added for a remission of infrastructure contributions. **Mighty River Power Limited** supports this submission. **Windy Peak Trust** oppose this submission.

Evidence Heard

Mighty River Power Limited presented evidence supporting the Section 42A report recommendation of adding a remission clause.

Meridian Energy Limited noted the recommendation should also allow for waivers.

Commissioners’ Deliberations

The Commissioners concur with the submitters and Section 42A report that a remission section is an effective approach for assessing any variations to the contributions required under the Plan. The assessment criteria set out provides clear guidance for assessing applications requesting a remission or waiver of the infrastructure contribution. This approach can be applied where different policies have been previously in effect where part contributions may have already been paid, such as in South Wairarapa.

The matter that contributions would only be required where a development or subdivision connects to the infrastructure is addressed above.

Decision: 23.3 Infrastructure Contributions – Remission

Submission Reference: 386.1	Accept in part
FS 50	Accept in part
386.2	Reject
FS 50	Reject
522.65	Accept
FS 5	Accept
FS 102	Reject

Decision Amendment:

Add the following clause to 23.3 as follows:

23.3.3 Assessment Criteria for Remission or Waiver of Infrastructure Contribution

In determining whether to grant a remission of any infrastructure contribution, regard shall be had, but not limited to, the following criteria:

- (a) *Whether any allotment or any part of the development is proposed to be connected to public infrastructure and services.*
- (b) *The effect of the proposed subdivision or development on the infrastructure and the cost to the relevant Council to avoid, remedy, or mitigate these impacts.*
- (c) *Measures proposed by the developer to upgrade any existing infrastructure.*
- (d) *Whether any contribution had been previously made towards the establishment or upgrade of the infrastructure.*

Re-number 23.3.3-23.3.5 to 23.3.4-23.3.6.

Reasons

This decision is made for the following reasons:

- The added assessment criteria provide an efficient and effective approach for managing the effects of subdivision and development and the application of infrastructure contributions for maintaining sustainable and efficient infrastructure.

23.4.1 Roads, Access, Parking & Loading Contribution – Circumstances

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
17.11	Transit New Zealand	FS 59 Mighty River Power Ltd	Oppose

Discussion

Transit New Zealand (17.11) requests that the circumstances be amended so contributions for land use consents can be required for residential, commercial and industrial activities, and clarification the contribution relates to a specific item of transport infrastructure. **Mighty River Power Limited** opposes this submission.

Evidence Heard

Transit New Zealand submitted that contributions taken by the consent authority for mitigating adverse effects on a State Highway are to be used for this purpose.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that the circumstances for contributions not only apply to residential development, but also commercial and industrial developments.

The Commissioners do not consider adding the submitted text in relation to the same road, access, parking or loading area is the most effective approach, as different developments may have differing effects on the transport infrastructure. Therefore, further contributions may be required as new developments occur on the same road.

Decision: 23.4.1 Roads, Access, Parking & Loading Contribution – Circumstances

Submission Reference: 17.11 Accept in part
 FS 59 Accept in part

Decision Amendment:

Amend 23.4.1 as follows:

*(a) As a condition of a land use resource consent for any ~~additional residential unit~~, **commercial or industrial activity**, provided that a roads, access, parking and loading contribution has not already been made at the time of the subdivision creating that lot or under the relevant Council's Long Term Council Community Plan.*

Reasons

This decision is made for the following reasons:

- The existing provision provides an efficient and effective approach for requiring transport contributions, setting out the different processes and triggers for the contribution. This approach would achieve the objective of maintaining a sustainable and efficient transportation network.
- The amended text is effective in applying the circumstances to all types of activities which may require the payment of a transport contribution.

23.4.2 Roads, Access, Parking & Loading Contribution - Amount

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.64	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
17.12	Transit New Zealand	-	-
34.14	J & M McGuinness	-	-

Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.64) request GST be included for all contributions. **Windy Peak Trust** opposes this submission.

Transit New Zealand (17.12) requests access be required as a contribution and that the subdivision contribution based on land value be based on the costs to avoid, remedy or mitigate the effects.

J & M McGuinness (347.1) request the share cost for upgrading existing roads be in relation to roads in the immediate vicinity of the subdivision.

Evidence Heard

Transit New Zealand submitted that contributions taken by the consent authority for mitigating adverse effects on a State Highway are to be used for this purpose.

J & M McGuinness submitted that the costs for upgrading the roads needs to recognise existing road users, and only apply in the immediately vicinity of a development.

Commissioners' Deliberations

As discussed above, Section 108(10) of the Act requires the District Plan to state the level of financial contributions from subdivision and land development. The Commissioners consider that having a set contribution amount (rather than a formula-based approach) in the Plan provides the greatest certainty and least costs for both those proposing subdivision and for the Council in its District Plan administration and in its financial planning.

Clause 23.4.2(g) in the District Plan requires a 'global' contribution towards the upgrading of the transportation network to mitigate the adverse effects of the additional traffic movements to a subdivision or development. Clauses (d) and (e) provide Council with the ability to impose additional contributions to mitigate the effects of a particular subdivision or development on the transportation network, which includes State Highways. Therefore, the relief sought by Transit NZ is already provided for in the Plan provisions. The actual implementation of the works that the contribution is taken for is outside the jurisdiction of the District Plan, and should be further discussed between the Councils and Transit NZ.

The Commissioners concur with the amendments sought in regard to access, as these changes would better describe the parts of the transportation network that may form part of the mitigation measures and contribution costs.

The Commissioners also agree to amend the references to GST assisting in the administration and calculation of the contributions.

In terms of the cost sharing arrangements between existing users and future users as a result of a subdivision or development, this would need to be calculated on a case-by-case basis. The Commissioners consider the existing provisions are effective in setting out the requirements for this calculation.

Decision: 23.4.2 Roads, Access, Parking & Loading Contribution – Amount

Submission Reference: 522.64	Accept
FS 102	Reject
17.12	Accept in part
347.1	Reject

Decision Amendment:

Amend 23.4.2(g) as follows:

*23.4.2(g) For subdivision, 2% of the land value of each allotment to be created in the Residential, Commercial and Industrial Zones **(plus GST)**, and 3% of the land value of each allotment to be created in the Rural Zone **(plus GST)**. In the Rural Zone, the maximum amount of the total combined contribution for*

reserves and roading contributions shall be \$7,500 (plus GST) per allotment created by a subdivision.

Amend Rule 23.4.2 as follows –

- (a) *The actual costs of providing a road **or access** to the development concerned; and*
- (b) *The actual cost of all necessary roads and accesses within the development area for each allotment or building;*

Reasons

This decision is made for the following reasons:

- The existing contribution amount provides an efficient and effective management framework for managing the effects of subdivision and development to achieve the objective of a sustainable and efficient transportation network.
- The amendments better describe parts of the transportation network, and clarify the application of GST.

23.4.4 Roads, Access, Parking & Loading Contribution – Purpose

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
17.13	Transit New Zealand	-	-

Discussion

Transit New Zealand (17.13) requests the purpose be clarified to apply to movement “through” the Wairarapa, and to avoid, remedy or mitigate the effects on the roading network.

Evidence Heard

Transit New Zealand submitted that contributions taken by the consent authority for mitigating adverse effects on a State Highway are to be used for this purpose.

Commissioners’ Deliberations

The Commissioners concur with the submitter and Section 42A report that adding reference to ‘through the’ Wairarapa better describes the purpose of the transportation network.

The Commissioners consider the existing purpose of the contribution is effective, and already provides for the relief sought.

Decision: 23.4.4 Roads, Access, Parking & Loading Contribution – Purpose

Submission Reference: 17.13 Accept in part

Decision Amendment:

Amend clause 23.4.4 as follows:

(a) To provide for the safe and convenient movement on roads of motor vehicles, bicycles and pedestrians within **and through the** Wairarapa.

Reasons

This decision is made for the following reasons:

- The amended purpose is efficient and effective in recognising the role of the transportation network in the Wairarapa.

24 Esplanade Reserves/Strips - General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
385.19	J Gleisner	-	-
264.22	D Riddiford	-	-
264.53	D Riddiford	-	-

Discussion

J Gleisner (385.19) supports the extension of public access to waterbodies and the coast.

D Riddiford (264.22 and 264.53) requests full compensation for esplanade reserves and strips.

Evidence Heard

D Riddiford submitted that compensation must be paid for esplanade reserves and strips.

Commissioners' Deliberations

The Commissioners note the support from the submitter for the esplanade reserve provisions.

Sections 237E and 237F of the Act set out the circumstances for esplanade reserves and the compensation payable. The Commissioners consider the mechanisms in the Act are the most effective for compensation for esplanade reserves.

Decision: 24 Esplanade Reserves/Strips - General

Submission Reference: 385.19	Accept
264.22	Reject
264.53	Reject

Reasons

This decision is made for the following reasons:

- The existing Plan provisions are consistent with the requirements and mechanisms in Act for esplanade reserves and strips. The provisions are efficient and effective in maintaining and enhancing public access, recreational opportunities and conservation values on the margins of waterbodies.

24.1 Esplanade Reserves/Strips - Introduction

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

Discussion

Department of Conservation (525.105) requests that the esplanade areas to cover all water bodies, not just listed ones. **Federated Farmers of NZ (Inc)**, **D Riddiford** and **Horticulture New Zealand** oppose this submission.

Evidence Heard

Department of Conservation presented evidence accepting the Section 42A report recommendation of retaining the existing provisions.

Commissioners' Deliberations

Prioritising the waterbodies that esplanade reserves and strips would be required for is the most efficient method for maintaining and enhancing access to waterbodies, and protecting conservation values of waterbodies. Requiring an esplanade reserve/strip for all water bodies would be inefficient, as it would create an ad hoc network of reserves/strips and would be costly to administer and maintain.

Decision: 24.1 Esplanade Reserves/Strips - Introduction

Submission Reference: 525.105	Reject
FS 112	Accept
FS 85	Accept
FS 52	Accept

Reasons

This decision is made for the following reasons:

- The existing Plan provisions are consistent with the requirements and mechanisms in Act for esplanade reserves and strips. The provisions are efficient and effective in maintaining and enhancing public access, recreational opportunities and conservation values on the margins of waterbodies.

- Requiring esplanade reserves/strips for all waterbodies would be inefficient, as it would create an ad hoc reserve network, which would be costly to administer and maintain.

24.2.1 Esplanade Reserves/Strips – Standards for Lots of 4 Hectares or More

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
497.28	New Zealand Historic Places Trust	FS 112 D Riddiford FS 85 Federated Farmers of NZ (Inc)	Oppose Oppose
360.5	J Taylor	-	-

Discussion

NZ Historic Places Trust (497.28) requests that historic heritage be added to the matters for consideration when assessing a varied or reduced width of esplanade reserve. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

J Taylor (360.5) requests the esplanade reserves and strips be a minimum width of 3m.

Evidence Heard

NZ Historic Places Trust submitted that historic heritage values were an important matter for consideration in varying or reducing the width of an esplanade reserve.

J Taylor submitted that similar outcomes could be achieved with a minimum width of 3m. Noted esplanade reserves on lots over 4 hectares had to be purchased by Council which was a significant cost.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report that adding the matters of historic heritage to the criteria for assessing a variance or reduction is effective in managing the width esplanade reserves and strips.

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

Decision: 24.2.1 Esplanade Reserves/Strips

Submission Reference: 497.28	Accept
FS 112	Reject
FS 85	Reject

360.5 Reject

Decision Amendment:

Add an additional clause to 24.2.1(c)(5) as follows:

(10) The protection of historic heritage will be maintained or enhanced.

Reasons

This decision is made for the following reasons:

- The existing Plan provisions are consistent with the requirements and mechanisms in Act for esplanade reserves and strips. The provisions are efficient and effective in maintaining and enhancing public access, recreational opportunities and conservation values on the margins of waterbodies.
- A 3m minimum width would not be effective in maintaining and enhancing public access, protecting conservation values and enabling public recreational use.

24.2.4 Esplanade Reserves/Strips – Condition of Land Use Consent

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
387.2	Birch Hill Partnership	-	-
34.15	J & M McGuinness	-	-

Discussion

Birch Hill Partnership (387.2) request that clause 24.2.4 be deleted.

J & M McGuinness (34.15) request the word “includes” be deleted, and “or” is replaced with “and”.

Evidence Heard

No specific evidence was presented on this point.

Commissioners’ Deliberations

Clause 24.2.4 provides Council with the ability to require an esplanade reserve for land use activities which require a resource consent. The requirement does not apply to permitted activities, such as farming activities in the Rural Zone. In addition, Clause 24.2.4 is not a mandatory requirement, and an esplanade reserve would only be imposed if it is required to achieve one of the purposes for which esplanade reserves are taken.

In terms of the wording of Clause 24.2.4, the Commissioners concur with the submitter and Section 42A report that it can be better expressed to apply to the range of scenarios in which waterbodies are located within and adjacent to properties.

Decision: 24.2.4 Esplanade Reserves/Strips

Submission Reference: 387.2 Reject
34.15 Accept in part

Decision Amendment:

Amend clause 24.2.4(i) as follows:

*(i) Where a land use consent application relates to a site that adjoins **and/or** includes part of a waterbody listed in the Schedule of Significant Waterbodies in Appendix 1.9, a condition of consent may be imposed requiring an esplanade reserve or esplanade strip.*

Reasons

This decision is made for the following reasons:

- The existing and amended Plan provisions are consistent with the requirements and mechanisms in Act for esplanade reserves and strips. The provisions are efficient and effective in maintaining and enhancing public access, recreational opportunities and conservation values on the margins of waterbodies.

24.2.5 Esplanade Reserves/Strips – Access Strip

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
34.15	J & M McGuinness	-	-

Discussion

J & M McGuinness (34.15) request the word “includes” be deleted, and “or” is replaced with “and”.

Evidence Heard

No specific evidence was presented on this point.

Commissioners’ Deliberations

As discussed above on Clause 24.2.4, the Commissioners concur with the submitter and Section 42A report that Clause 24.2.5 can be better expressed to apply to the range of scenarios in which waterbodies are located within and adjacent to properties.

Decision: 24.2.5 Esplanade Reserves/Strips

Submission Reference: 34.15 Accept in part

Decision Amendment:

Amend clause 24.2.5(i) as follows:

*(i) The creation of an access strip may be appropriate where land being subdivided includes, adjoins **and/or** can provide enhanced public access to a significant:*

Reasons

This decision is made for the following reasons:

- The existing and amended Plan provisions are consistent with the requirements and mechanisms in Act for esplanade reserves and strips. The provisions are efficient and effective in maintaining and enhancing public access, recreational opportunities and conservation values on the margins of waterbodies.

27 Definitions – Boundary Adjustment

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
522.44	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 32 Adamson Land Surveyors FS 65 Mighty River Power Ltd FS 102 Windy Peak Trust	Support Partial Support Oppose

Discussion

Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.44) request that a definition of “boundary adjustment” be added to the Proposed Plan. **Adamson Land Surveyors** support this submission. **Mighty River Power Limited** partially support this submission. **Windy Peak Trust** oppose this submission.

Evidence Heard

Adamson Land Surveyors presented evidence requesting boundary adjustments be provided for in the Plan. They noted the different relief sought by submitters in providing for boundary adjustments, from permitted activities to controlled activities with standards. They noted the recommendation for a 10% threshold for the area to be considered a boundary adjustment, and requested this only apply if a reduction in size was proposed.

Commissioners’ Deliberations

As outlined earlier in this decision, the Commissioners concur that boundary adjustments need to be explicitly provided for in the Plan so these types of subdivision can be managed. As a boundary adjustment involves the subdivision of land, there is the potential that the new lot size, configuration and location may alter access and servicing arrangements, as well as the consequent land use and its effects. To effectively manage the effects from these

changes, an assessment should be required through the consent process to ensure the effects are adequately avoided, remedied or mitigated. To achieve this, the Commissioners have determined that managing boundary adjustments as a controlled activity to be the most appropriate for boundary adjustment subdivisions.

There are different forms of boundary adjustment that can occur, as outlined in the evidence presented at the hearing. Depending on the circumstances, different types of boundary adjustments can create different levels of effects, some of which may not be consistent with the outcomes sought by the District Plan. Accordingly, therefore, the Commissioners have determined that there should be a threshold imposed on what types of boundary adjustment can be determined as a controlled activity. It has been determined that the appropriate threshold is to restrict such proposals to where there is no increase in the number of certificates of title and where the area of the adjusted lots does not increase or decrease by more than 10%. The 10% threshold would only apply to lots which do not meet the minimum lot size standards for the respective Environmental Zones. Proposal exceeding these thresholds would be determined as a discretionary activity.

In addition, the Commissioners note the subdivision standards include specific provisions for lots created to contain network utility purposes.

Decision: 27 Definitions – Boundary Adjustment

Submitter Reference:	522.44	Accept
	FS 32	Accept
	FS 65	Accept in part
	FS 102	Reject

Decision Amendment:

Add the following definition of “boundary adjustment” to Section 27.

Boundary Adjustment: means the subdivision of a lot where the following requirements are met:

(i) The number of existing certificates of title will not be increased.

(ii) Where any affected lot is already less than the minimum lot area for subdivision in that Environmental Zone, each of the adjusted lots shall be no more or less than 10% of the total area of the individual lots prior to the boundary adjustment.

Reasons

This decision is made for the following reasons:

- Controlled Activity status is the most efficient and effective for managing boundary adjustment subdivision where the effects of the subdivision would achieve the objectives for the Environmental Zone and District Wide issues.