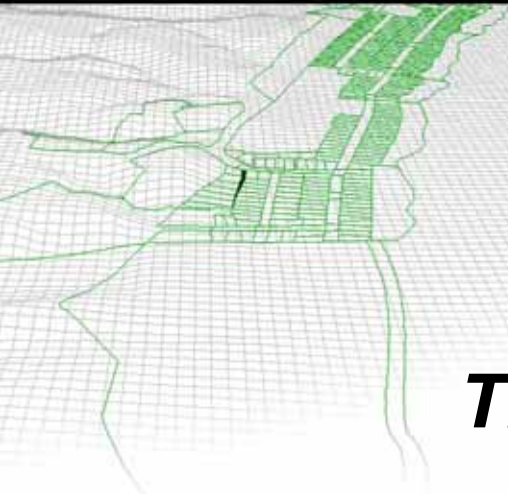


RESOURCE CONSENT APPLICATION FOR:



***Tiffin Estate Trust,
Tiffin Hill,
Woodlands Road,
Carterton District***



**TOMLINSON &
CARRUTHERS
SURVEYORS LTD**

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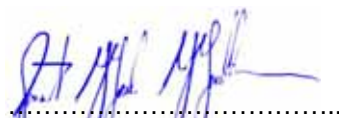
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Date: 25 November 2007
Reference: T07-146 RC
Status: Final

Prepared by:



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Planner

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APPLICATION FOR RESOURCE CONSENT UNDER SEC 88 OF THE RESOURCE MANAGEMENT ACT 1991

Date: 25 November 2007
To: Carterton District Council
P O Box 9
CARTERTON

Ref: 07/146

We, **TOMLINSON & CARRUTHERS**, Surveyors, apply for LAND USE & SUBDIVISION consent on behalf of: -

Tiffin Estate Trust,
Tiffin Hill, Woodlands Road,
Carterton District

The names and addresses of the owner/s and occupier/s (other than the applicant) of any land to which this application relates: None

Proposal Description:	Subdivide 1 rural lots into 16 rural lots.			
Location:	Tiffin Hill, Woodlands Road, Carterton			
Current Zoning:	Rural Zone			
Type of Activity:	Controlled	Discretionary	<input checked="" type="checkbox"/> Restricted Discretionary	Non-Complying
Notification:	Public Notification	Limited Notification	<input checked="" type="checkbox"/> Non Notified	
Non-complying aspects	Discretionary under Carterton District Plan as more than 1 lot is less than 3 hectares but Restricted Discretionary under Proposed Wairarapa Combined District Plan as all standards are met. Also, there is potential for housing on the skyline.			

LEGAL

Title Reference:	210952	Legal Description:	Lot 3 Deposited Plan 351518	
Legal Roads:	Woodlands Road	Encumbrances:	None.	
Rights of Way:	Appurtenant to a right of way easement.		Reserves:	None

PLANNING

Existing Activities:	Conventional Pastoral	<input checked="" type="checkbox"/>	Horticulture	<input type="checkbox"/>	Viticulture	<input type="checkbox"/>
	Intensive Cropping	<input type="checkbox"/>	Cropping	<input type="checkbox"/>	Forestry	<input type="checkbox"/>
	Existing Dwelling	<input type="checkbox"/>	Other Buildings/ Uses:	Bare Land		
Proposed: Use	Rural Residential		Rural Residential/Lifestyle	Yes		
Number of Lots	17	Sizes	16 developable lots ranging between 2 ha and 4.4 ha & 1 utility lot.			
Proposed building sites:	Available	Yes	Specified	No	Earthworks	None
Proposed: rights of way	To all lots.					
easements	Utilities to all lots.		reserves	None		

DESIGNATIONS/ HAZARDS

Historic Classification:	None		Significant Trees:	None.	
Drains/ Water Courses:	Water race across access.		Rivers/ Lakes:	None.	
Physical Nature of land:	Flat to steep pasture	Soil Type:	IIIe3	Slope Stability:	See geotech report
Hazards: Ocean	No	River	No	Earthquake fault	No

PROPOSED ACCESS

From legal road	Woodlands Road.	Formed	Yes	Sealed	Metalled
From right of way	To all lots	Formed	Yes	Sealed	Metalled

UTILITIES

Existing Services:	Telephone, electricity.			
Proposed Services:	Water Supply	Rainwater collection.	Stormwater	Site specific design.
	Sewage	Site specific septic systems	Electricity/ Telephone	Available at boundary.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Attached to this application.

CONSULTATION

Greater Wellington Regional Council	No	Railways	No	Iwi	No
Department of Conservation	No	Telecom	No	Neighbours	No
Transit New Zealand	No	PowerCo	No	Land Registrar	No
Other organisations consulted	None				
Other Consents applied for:	None				

SIGNED

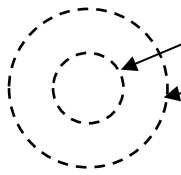
Dated at **MASTERTON** on Sunday, 25 November 2007.

To the best of my knowledge the information given in this report is accurate and correct.

Address for service: -



Legend:



Stages

Stage 1 - Lots 1-6
Stage 2 - Lots 7-16

Note:
Areas and distances are subject to the final survey.
All existing easements to continue.
New easements to be finalised at time of survey.

Subdivision & Land Use Consent Application & Assessment of Environmental Effects	7
1. INTRODUCTION	7
2. GENERAL INFORMATION	7
2.1 Site Location	7
2.2 Site Description.....	8
2.3 Soil Structure	8
3. PROPOSAL	9
3.1 Proposal Description	9
3.2 Water supply	9
3.3 Drainage.....	9
3.4 Sewage Disposal	9
3.5 Electricity and Telecommunications.....	9
3.6 Access	10
3.7 Easements, & Restrictions	10
4. STATUTORY REQUIREMENTS	12
4.1 Notification	12
4.2 Resource Management Act 1991	12
4.2.1 Section 5 - Purpose.....	13
4.2.2 Section 6 - Matters of national importance	13
4.2.3 Section 7 – Other Matters.....	14
4.3 Plans and Policies	14
4.3.1 Regional Policy Statement	14
4.3.2 Regional Soil Plan.....	15
4.3.3 Regional Discharges to Land Plan	15
4.4 Operative Carterton District Plan.....	18
4.4.1 Rural Environment - Objectives.....	18
4.4.2 Policies	18
4.4.3 Rules.....	18
4.4.4 Limited Discretionary Activities	20
4.5 Proposed Wairarapa Combined District Plan	21
4.5.1 Subdivision Standards	23
5. ACTUAL AND POTENTIAL EFFECTS	26
5.1 Amenity Values	26
5.1.1 Amenity & Character	26
5.1.2 “Permitted Baseline”	27
5.1.3 “Reverse Sensitivity”	29
5.2 Natural Resources	32
5.2.1 Landscapes	32
5.2.2 Groundwater.....	33
5.2.3 Water Environment	33
5.3 Physical Resources.....	34
5.3.1 Access.....	34
5.3.2 Roading	35
5.3.3 Electricity/Telecommunications.....	35
5.3.4 Water supply	35
5.3.5 Energy Efficiency.....	35
5.3.6 Sewage & Stormwater.....	36
5.4 Development & Land Use	37
5.4.1 Subdivision Design	37
5.4.2 Intensification.....	37
5.4.3 Earthworks	37

5.4.4	Development	37
5.4.5	Building Standards	38
5.4.6	Setback & Bulk Standards.....	38
5.4.7	Financial contributions	38
5.5	Hazards	39
5.5.1	Stability	39
5.5.2	Earthquake Fault	39
5.5.3	Flooding	39
5.6	Heritage.....	40
6.	ALTERNATIVE SITES	41
7.	MITIGATION MEASURES	42
	APPENDIX 1: Certificate of Title & Legal Instruments.....	44
	APPENDIX 2: Civil Engineer's Report - Stormwater	58
	APPENDIX 3: Civil Engineer's Report - Wastewater Evaluation.....	58
	APPENDIX 4: Civil Engineer's Report - Wastewater Design.....	58
	APPENDIX 5: Geotechnical Engineer's Report	58
	APPENDIX 6: Scheme Plan.....	58

Subdivision & Land Use Consent Application & Assessment of Environmental Effects

1. INTRODUCTION

This report represents an Assessment of Effects on the Environment for a seventeen lot subdivision in the rural area. The activity is discretionary as some of the proposed lots are less than 3 hectares under the operative Carterton District Plan. The proposal is, however, a Restricted Discretionary activity under the Proposed Wairarapa Combined District Plan as all standards are met. Also, there is potential for some buildings to be erected in areas that will form the skyline. This assessment has been prepared in accordance with Section 88 and the Fourth Schedule of Resource Management Act 1991.

2. GENERAL INFORMATION

2.1 Site Location

The proposed subdivision is located on farmland on the eastern side of Woodlands Road 5 kilometres in a direct line south east of the Carterton Urban Area. The land proposed to be subdivided is approximately 48.6 hectares in size. The legal description of the site is Lot 3 Deposited Plan 351518 within certificate of title 210952.

For more information, please refer to Figure 2.1 below and the certificates of title at the rear of the application.

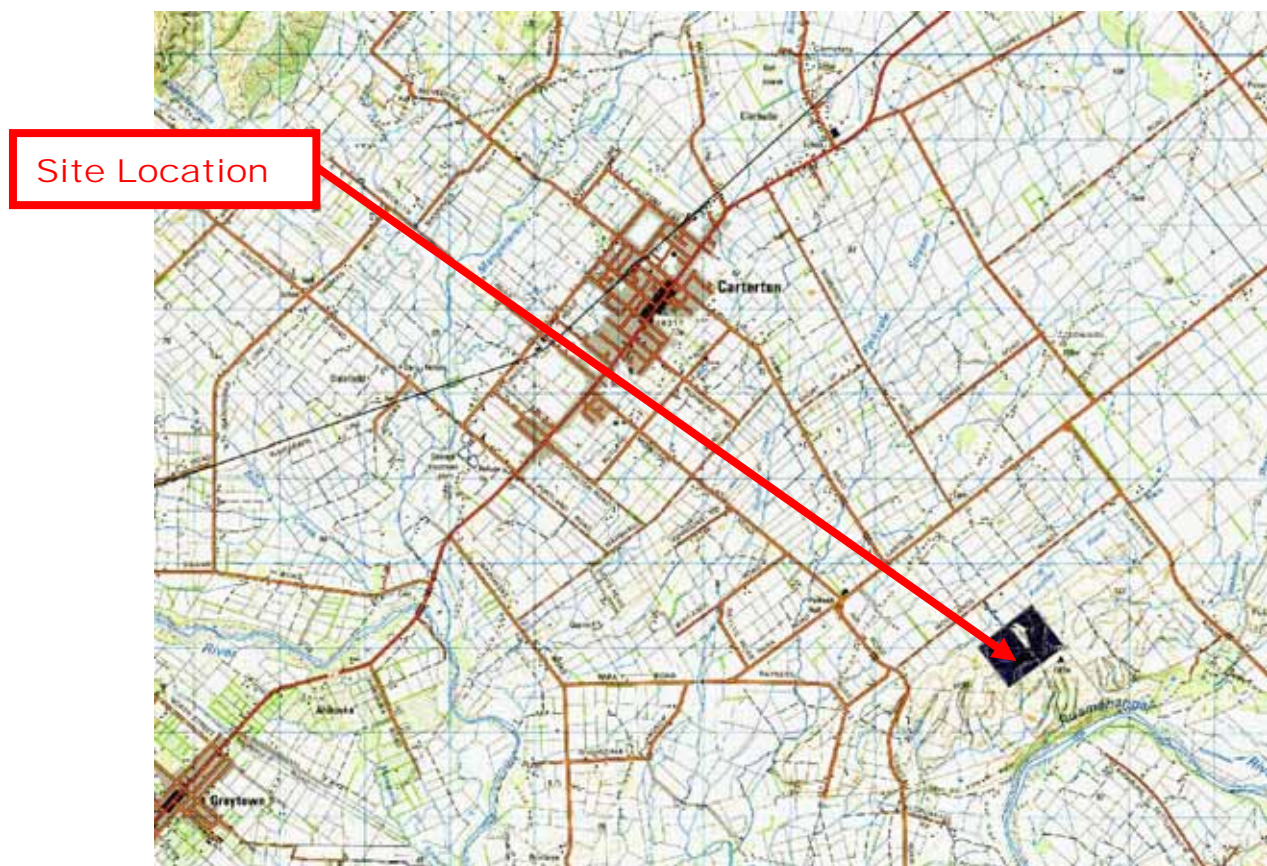


Figure 2.1 Proposed subdivision site

2.2 Site Description

The site is located in the rural environment of the Carterton District. The majority of the land is rolling to steep pasture used for a farming operation.

Although the site does have frontage with Woodlands Road, at present access to the site is via a shared right of way over part of the frontage.

For more details, please refer to the aerial photograph included in the scheme.

2.3 Soil Structure

Reference to the Land Use Capability Maps show one soil type on the property. This soil unit is classed as IIIe3 and can be described as 'Rolling loess covered terrace slopes and downs with a severe seasonal soil moisture deficiency. Soils have impeded drainage due to compact subsoils and a moderate sheet, rill and wind erosion potential when cultivated.'

A more detailed description of the soil is included in the attached engineers' reports.

3. PROPOSAL

3.1 Proposal Description

The proposal is to subdivide the property into seventeen lots in two stages. The proposed lot sizes are:

Lot	Size	Lot	Size
<u>Stage 1</u>		<u>Stage 2</u>	
1	3.0 ha	7	2.9 ha
2	2.6 ha	8	3.0 ha
3	2.0 ha	9	3.2 ha
4	2.0 ha	10	4.6 ha
5	3.3 ha	11	2.3 ha
6	2.1 ha	12	2.8 ha
		13	2.9 ha
		14	2.4 ha
		15	2.5 ha
		16	4.4 ha
<u>Utility lot</u>			
17	2.0 ha		

Proposed lots 1-16 are to be developed into rural residential blocks. Lot 17 is to be a utility lot to be owned separately.

Please refer to the scheme plan in this application for further details. Please note the areas are approximate and subject to final survey.

3.2 Water supply

Any new dwellings would get their water supply from rainwater.

3.3 Drainage

At present drainage is by means of natural drainage. Any new dwellings will utilise site specific stormwater systems recommended in the engineer's report attached to this application.

3.4 Sewage Disposal

All proposed lots are of sufficient size to enable a satisfactory disposal system to be installed. Attached to this application is an engineer's report assessing each lot for sewage disposal.

The systems will be required to comply with Rules 6 & 7 of the Wellington Regional Council Discharge to Land Plan. Please refer to the engineer's report attached to this application.

3.5 Electricity and Telecommunications

These services will be required for any development that occurs on the proposed lots in the future and can be accessed from the connections on Woodlands Road that will be extended to the boundary of each lot.

3.6 Access

Access to all proposed lots will be via a right of way which connects to Woodlands Road.

Woodlands Road is formed and metalled to a compliant standard.

All the proposed lots will have their access formed and metalled according to the standards outlined in the Carterton District Plan.

As an additional requirement, it is proposed to provide a landscaped strip along the boundary between the entrance and southern most part of 1 Deposited Plan 305262 to mitigate noise and dust and maximise privacy.

3.7 Easements, & Restrictions

All existing easements will continue. These are included in the appendices.

New easements will be provided for access, telecommunications and electricity to all lots. Final details of easements will be provided prior to application for Section 223 approval.

It is requested that the following consent notices be attached to the certificates of title of each lot pursuant to Section 221 of the Resource Management Act 1991 requiring the following:

1. All earthworks to be planted, hydro-seeded or grassed within 3 months of commencement of works.
2. An earthworks and landscaping plan to be submitted at the time of building consent to mitigate the visual impact of structures on the surrounding environment.
3. Dwellings must have a domestic fire sprinkler which fully complies with the Fire Sprinkler Systems for Houses NZS 4517:2002 and NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003.
4. That the foundations for any structures requiring a building consent on Lots 1-16 must be subject to specific engineering design, undertaken by an appropriately qualified engineer and submitted to the nominated officer of the Carterton District Council for approval, either before or as part of the building consent and project information memorandum application.
5. That any excavation, earthworks or foundations closer than 10 metres to any escarpment edge must require specific engineering design by a suitability qualified and experienced engineer. Such a design must be certified to the reasonable satisfaction of the nominated officer of the Carterton District Council for approval prior to any works commencing.
6. All buildings will be finished in either a colour selected from the British Standard 5252 A01 to C40 with a reflective value of 60% or alternatively in natural timber, stone or brick.
7. All external lighting must be directional lighting pointing at an acute angle towards the ground.

8. All stormwater disposal is to be disposed of in the manner described in the report prepared by Duffil Watts Consulting Group Reference Number “RP-07-11-16 DR – Stormwater” prepared in November 2007.
9. All wastewater disposal is to be disposed of in the manner described in the report prepared by Duffil Watts Consulting Group Reference Number “RP-07-10-12 JH ck01” prepared in November 2007.
10. This lot is located within a Rural Area. Any purchaser of this allotment should expect the noise, smell and activities associated with a working rural environment including the dust and activities associated with a metalled rural road.

4. STATUTORY REQUIREMENTS

4.1 Notification

Section 93 of the Resource Management Act 1991 allows for non-notification of applications in certain circumstances:

“93. When public notification of consent applications is required—

- (1) A consent authority must notify an application for a resource consent unless—*
 - (a) the application is for a controlled activity; or*
 - (b) the consent authority is satisfied that the adverse effects of the activity on the environment will be minor.”*

However if the above applies Section 94 of the Resource Management Act 1991 prescribes that notice must be served on all those deemed to be affected unless all written approvals have been received from the affected persons:

“94. When public notification of consent applications is not required—

- (1) If notification is not required under section 93(1), the consent authority must serve notice of the application on all persons who, in the opinion of the consent authority, may be adversely affected by the activity, even if some of those persons have given their written approval to the activity.*
- (2) However, a consent authority is not required to serve notice of the application under subsection (1) if all persons who, in the opinion of the consent authority, may be adversely affected by the activity have given their written approval to the activity.”*

Taking into account the Carterton District Council’s policy in relation to discretionary subdivisions in the Rural Area this proposal will have no more than minor effects. We request that the application only be notified to neighbours.

4.2 Resource Management Act 1991

Under Section 104, in assessing the merits of this application, the consent authority is required to consider applications for resource consent, subject to Part 2, with regards to the criteria set out in Sec 104 (1) of the Resource Management Act 1991, including:

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of-*
 - (i) a national policy statement*
 - (ii) a New Zealand coastal policy statement*
 - (iii) a regional policy statement or proposed regional policy statement*
 - (iv) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Following are aspects of Part 2 of the Resource Management Act, Policies and Plans to which apply to this application. In the following section of this application is an Assessment of Actual and Potential Effects.

4.2.1 Section 5 - Purpose

Section 5(1) specifies that the purpose of the Act is to “promote the sustainable management of natural and physical resources”.

Sustainable management is defined within Section 5(2) as:

“sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The subdivision seeks to create rural residential lots within the rural area.

The proposal has provided mitigation measures with regards to the disposal of sewage, the supply of a potable water supply and practical access.

Overall, the proposed development aims to sustainably manage the natural and physical resources of the site.

4.2.2 Section 6 - Matters of national importance

Under Section 6 of the Resource Management Act 1991 it states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- [(f) the protection of historic heritage from inappropriate subdivision, use, and development.]*
- [(g) the protection of recognised customary activities.]*

The site of this application is located in the Rural (Primary Production) Area but this is not identified in the District Plan as an outstanding natural feature or landscape.

4.2.3 Section 7 – Other Matters

Under Section 7 of the Resource Management Act 1991 it states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga:*
- (aa) The ethic of stewardship:]*
- (b) The efficient use and development of natural and physical resources:*
 - [(ba) the efficiency of the end use of energy:]*
- (c) The maintenance and enhancement of amenity values:*
- (d) Intrinsic values of ecosystems:*
- (e) Repealed.*
- (f) Maintenance and enhancement of the quality of the environment:*
- (g) Any finite characteristics of natural and physical resources:*
- (h) The protection of the habitat of trout and salmon:*
- [(i) the effects of climate change:]*
- [(j) the benefits to be derived from the use and development of renewable energy.]*

Under section 7 it relates to ‘other matters’ that shall be given regard to when assessing development of an area. The proposal seeks to be consistent with these other matters, in particular the maintenance and enhancement of amenity values, and the maintenance and quality of the environment.

It is considered that in the context of Sections 6 and 7 the subdivision of the site predominantly for rural and residential use is not inappropriate.

4.3 Plans and Policies

Relevant Plans and Policies include:

- Regional Policy Statement
- Regional Soil Plan
- Regional Discharge to Land Plan
- Transit New Zealand Planning Policy Manual
- District Plan

4.3.1 Regional Policy Statement

The Wellington Regional Policy Statement outlines the resource management issues for the region. Objectives and policies for the various resources in the region are outlined, and methods are described for achieving these.

Land subdivision and the issues of subdivision upon the resources of the Region are identified within the document.

Policies associated with subdivision within the Regional Policy Statement are outlined within various sections of the document, and are identified within the 'User Guide'.

The proposal aims to be consistent with the policies of the Regional Policy Statement. In particular the proposal will have a neutral or minor effect upon:

- Water quality
- Soil erosion
- Landscape character of the area

4.3.2 Regional Soil Plan

The Regional Soil Plan covers activities associated with soil disturbance, tracking, and vegetation disturbance.

These rules cover activities associated with these land disturbances, excluding any activities associated with a subdivision consent.

Activities involving land disturbance associated with the proposed subdivision consent would be permitted under the Regional Soil Plan.

As the proposal involves land disturbance involved with subdivision consent it is, however, considered that the proposal is consistent with the rules of the Regional Soil Plan.

4.3.3 Regional Discharges to Land Plan

4.3.3.1 Policy

Section 4.2.17-

To promote the following provisions for sewage treatment and disposal in relation to new developments:

- (1) *reticulated sewerage systems should be used, where available and practicable;*
- (2) *on-site sewage treatment and disposal systems should be designed and located in a manner which reflects the characteristics of the site (including lot size), in order to avoid, remedy or mitigate adverse effects on water quality and human health.*

4.3.3.2 Rules

New septic systems are required to comply with Rules 6 and 7 of the Regional Discharges to Land Plan. These rules state:

Rule 6 Aerobically treated sewage discharged on-site

The discharge of aerobically composted sewage, or aerobically treated sewage effluent, onto or into land is a Permitted Activity provided

- (a) *the discharge is more than 20 metres from any surface water body, farm drain, water supply race, or the coastal marine area;*
- (b) *the discharge is more than 5 metres from any neighbouring property boundary; and*
- (c) *for aerobically composted sewage*
 - (i) *the sewage originates from a composting toilet system;*

- (ii) *the material has been subject to aerobic composting decomposition for at least 12 months from the last addition of raw sewage;*
- (iii) *for at least 12 months after application, only people operating or maintaining the system have access to the disposal area; and*
- (iv) *compost is not applied to any food crop for animal or human consumption; and*
- (v) *the composted sewage is ploughed into the soil, or buried to a depth of up to 200 mm.*
- (d) *for aerobically treated sewage effluent onto land*
 - (i) *the application rate throughout the disposal area is not greater than 5 mm/day;*
 - (ii) *the maximum discharge does not exceed 2000 litres per day;*
 - (iii) *the carbonaceous five day Biochemical Oxygen Demand concentration in the effluent discharged from the system is not greater than 20 mg/litre;*
 - (iv) *the discharge does not cause ponding on or runoff from the disposal area;*
 - (v) *the discharge is not by way of spray irrigation or other method that produces any aerosol discharge to air;*
 - (vi) *people (except persons involved with maintaining/managing the system) are prevented from entering the disposal area for a period of at least 48 hours following the last application of effluent; and*
 - (vii) *stock are prevented from entering the disposal area for a period of at least six months following the last application of effluent; and*
 - (viii) *there is no discharge of any effluent to a water body.*
- (e) *for aerobically treated sewage effluent into land*
 - (i) *the application rate throughout the disposal area is not greater than 15 mm/day;*
 - (ii) *the maximum discharge does not exceed 2000 litres per day;*
 - (iii) *the discharge does not cause ponding on or runoff from the disposal area; and*
 - (iv) *there is no discharge of any effluent to a water body.*

Rule 7 On-site sewage treatment and disposal

The discharge into or onto land of any water or contaminants other than septage, from on-site sewage treatment and disposal systems is a Permitted Activity if:

EITHER

- (1) the system is already in use at the time this Rule comes into force; and*
- (2) the discharge does not exceed 1300 litres per day (calculated as a weekly average);*

provided

- (a) the discharge shall consist only of contaminants normally associated with domestic sewage;*
- (b) no stormwater shall be allowed to enter the system;*
- (c) there shall be no direct discharge from the system to groundwater, surface water, or above the soil surface; and*
- (d) the system shall be maintained on a regular basis.*
- (e) the discharge is more than 50 metres from any surface water body, farm drain, or water supply race in any catchment being managed for water supply in the Regional Freshwater Plan (see Appendix 6 of the Regional Freshwater Plan, which can be downloaded from the documents sidebar at the right of this screen); and*
- (f) the discharge is more than 20 metres from any surface water body, farm drain, water supply race, or the coastal marine area in all other areas.*

OR

- (3) the system is a new or upgraded system; and*
- (4) the discharge does not exceed 1300 litres per day (calculated as a weekly average); and*
- (5) the system shall be installed on the same property as the premises to which the system is connected; and*
- (6) there shall be no direct discharge above the soil surface;*

provided that conditions (a)-(f) above and the following conditions are complied with:

- (g) *a site investigation shall be carried out. The matters to be addressed in a site investigation are set out in Appendix 5 of this Plan (which can be downloaded from the documents sidebar at the right of this screen);*
- (h) *the system shall be designed, constructed and operated to meet the following performance criteria:*
- (i) *the system shall be designed with sufficient effluent retention time to enable adequate treatment in relation to any constraints identified in the site investigation;*
 - (ii) *the effluent shall be evenly distributed to the entire filtration surface of the disposal field;*
 - (iii) *the bottom of the effluent disposal system shall be sufficiently above the groundwater at its highest level, in relation to any constraints identified in the site investigation, to prevent any contamination of groundwater;*
 - (iv) *the area available for treatment shall be appropriate for the volume of the discharge and any constraints identified in the site investigation.*

The Regional Council will accept as compliance with criteria (h)(i)-(iv) an effluent treatment and disposal system designed, constructed, and operated in accordance with the principles and procedures outlined in [Guidelines for on-sewage systems in the Wellington region WRC/RP-G-00/47].

4.3.3.3 Assessment

A reticulated sewage system is not available to the site. Any proposed septic systems can comply with Rule 7 of the Regional Discharge to Land Plan.

An engineers' report is included in this application assessing the site and recommending a concept design for each lot.

4.4 Operative Carterton District Plan

In assessing the merits of this application, the Carterton District Council is required to have regard to matters set out in Sec 104 of the Resource Management Act 1991. The current operative district plan for the Carterton District is the Carterton District Plan. Resource consents lodged between 26 August and 30 October 2006 will be assessed against the Carterton District Plan operative before 26 June 2006 and the Proposed Wairarapa Combined District Plan publicly notified after 26 August 2006.

This application is a Discretionary Activity under Rule 2.7.10(a) as one or more proposed lots are under the 3 hectare minimum size required. The proposal will be assessed in accordance with the criteria set out in Rule 2.7.10 and Chapter 9 of the District Provisions.

4.4.1 Rural Environment - Objectives

Objectives outlined within the District Plan for the Rural Environment are:

- 2.3.1 Maintain and enhance the character and amenity of the rural area.*
- 2.3.2 Protect significant natural features and areas from adverse effects of development.*
- 2.3.3 Ensure that development does not contribute to the susceptibility of land to erosion.*
- 2.3.4 Ensure that development does not adversely impact upon susceptibility to flooding or the availability of water.*

4.4.2 Policies

- 2.4.1 Manage the density of development to deal with adverse effects on the open rural amenity.*
- 2.4.2 Manage the adverse effects of activities to limit their impact on the quality of the rural environment.*
- 2.4.3 Any activity utilising the land resource should be managed in a sustainable manner so as to avoid soil loss.*

4.4.3 Rules

4.4.3.1 Lot Size

The minimum lot size in the rural environment is 3 hectares excluding the areas of any access strips or access lots to rear lots.

One or more proposed lots do not meet the minimum size requirements (see table on page 3). The average lot size is 3 hectares, however.

Under Rules 2.7.11.1 (a, b, c, e, f & g) the Council may have regard to the following matters:

- (a) Whether the scale of the development is generally in keeping with the character and amenity of the rural area;*
- (b) the nature and scale of the effects created by the activity for example, on noise, glare, dust, and smoke and the methods proposed to avoid, remedy or mitigate the effects;*
- (c) any effects on the operation of the road, access provision, provision for vehicle parking, loading and manoeuvring. Access to the State Highway will be carefully assessed;*
- (e) the effects on the visual amenity of the rural environment and the proposed mitigation measures in terms of screening and landscape;*
- (f) consideration will be given to the likely cumulative effects where activities are being concentrated in one locality including effects on the rural character and amenity;*
- (g) the proposed means of waste disposal and other required servicing including water supply. A solid waste management plan may be required.*

Please refer to Section 5 of this application for an assessment of these provisions.

4.4.3.2 Water Supply

“2.7.7.1 (a) Whether each lot can be serviced from a supply demonstrated as being adequate and potable to the lots being created.”

A potable water supply is able to be obtained for all proposed lots.

4.4.3.3 Sewage

“2.7.7.1 (b) Whether each lot can be serviced by a system that is evidenced to be fully contained for on-site treatment and disposal.”

Any new disposal systems must comply with the requirements of the Building Act 1991, and Rules 6 and 7 of the ‘Regional Discharge to Land Plan’.

4.4.3.4 Building site

“2.7.7.1 (c) Whether the lot can provide a site suitable for building development.”

All lots provide many suitable building sites.

4.4.3.5 Access

“2.7.7.1 (d) Every lot must have suitable access to a formed legal road.”

Access is available from Woodlands Road.

4.4.4 Limited Discretionary Activities

4.4.4.1 Any structure or building on a hilltop or ridgeline.

“Rule 2.7.9.4 Any structure or building on a hilltop or ridgeline.”

Standards and Terms:

Except for the matters specified in this rule the activity must comply with the conditions within the permitted activity category.

Council has limited the exercise of discretion to the following:

(a) Visual effects

The extent to which the building or structure is visible against the skyline when viewed from the urban area, any public road or from any natural environment area or feature and the means proposed of mitigating any visual effects. Particular consideration will be given to the visual effects on any prominent coastal escarpment or cliff.

Explanation:

Visual effects of any building or structure will be assessed in order to maintain existing landforms. Any proposal will be considered particularly in terms of the modification of the skyline when viewed from public places.

There is potential for purchasers of lots to apply to erect buildings that could form the skyline. Lots 11, 12, 13, 14 and 15 have the most potential of generating this adverse effect.

The recommended consent notices attached to this application directly addresses potential effect of locating a building on the skyline.

4.5 Proposed Wairarapa Combined District Plan

In assessing the merits of this application, the Carterton District Council is required to have regard to matters set out in Sec 104 of the Resource Management Act 1991, including a proposed plan. Under the Plan, Resource Consent is required prior to any subdivision of land (Rule 20). This application is a Restricted Discretionary Activity in the Rural (Primary Production) Area under proposed Rule 20.1.4.(i) as all lots comply with the average lot size, access is shared and all undeveloped lots can contain a dwelling that complies with setback requirements.

4.3.1 Objective Rur1 – Protection of Rural Character & Amenity

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

4.3.2 Rur1 Policies

- (a) *Identify those character areas of the Rural Zone where the predominant land use is primary production, which needs to operate and develop effectively – Rural (Primary Production) Zone.*
- (b) *Identify those character areas of the Rural Zone where the predominant land use is conservation management, and which are primarily managed by public agencies – Rural (Conservation) Zone.*
- (c) *Identify those character areas of the Rural Zone in which there are particular land use issues that require specific management approaches, including urban growth, flood hazards, and the operational requirements of key infrastructural facilities and intensive primary production activities – Rural (Special) Zone.*
- (d) *Maintain and enhance the amenity values of the differing Rural character areas through appropriate controls over subdivision and the bulk, location and nature of activities and buildings, to ensure activities and buildings are consistent with the rural character, including an appropriate scale, density and level of environmental effects.*

4.3.4 Objective Rur2 – Enabling Primary Production

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

4.3.5 Policies Rur2

- (a) *Provide for primary production activities as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects of primary production activities without unreasonably affecting landowners' ability to use their land productively.*
- (b) *Ensure activities that are potentially sensitive to the adverse external effects of primary production activities, particularly those with significant external effects, are either appropriately sited or are otherwise controlled to mitigate such effects.*
- (c) *Ensure that new primary production activities that may have significant external adverse effects are appropriately sited from*

sensitive land uses or are otherwise controlled to avoid or mitigate such effects.

- (d) *Provide interface controls on primary production activities that may have adverse effects on adjoining activities.*

4.3.7 Objective Rur3 – Interzone Management

To ensure the amenity values of adjoining zones are reasonably protected from the adverse effects of activities within the Rural Zone.

4.3.8 Rur3 Policy

- (a) *Manage the effects of Rural Zone activities to ensure that the environmental qualities and characteristics in the adjoining zones are not unreasonably degraded.*

4.3.10 Methods to Implement Rural Zone Policies

- (a) *Provision for primary production as the principal land use in most of the Rural Zone, with environmental standards as appropriate to protect the character, amenity and function of the Rural Zone while allowing for the efficient functioning and development of primary production activities.*
- (b) *Controls on those activities within the Rural Zone that could conflict with the efficient functioning of primary production activities or significantly degrade its character and amenity values.*
- (c) *Provision for conservation of the natural environment in those parts of the Rural Zone under the management of public agencies.*
- (d) *Assessment of environmental effects through the resource consent process for activities that do not comply with the environmental standards.*
- (e) *Conditions on resource consents, such as consent notices and covenants on Certificates of Title to control the effects of activities.*
- (f) *Education and information about the environmental standards, values, amenity and function of the Rural Zone, including the provision of zone specific information in Land Information Memoranda (LIMs) and design guides for rural-residential development in the rural environment.*
- (g) *Financial contributions for reserves, roads and infrastructure.*
- (h) *Application of New Zealand Standard 4404: 2004 Land Development and Subdivision Engineering to ensure a suitable standard of infrastructure.*
- (i) *Education to encourage the adoption and compliance with relevant industry Codes of Practice, including –*
 - i. *New Zealand Forest Code of Practice, Second Edition, June 1993, New Zealand Logging Industry Research Organisation (LIRO).*
 - ii. *Poultry Industry Association of New Zealand (Inc.) – Poultry Livestock Production, Environmental Standards: Discussion Document, 12 April 1995.*
 - iii. *New Zealand Pork Industry Board – Code of Practice – Pig Farming, Third Edition, 1997.*
 - iv. *NZS 8409:1999 Code of Practice for the Management of Agrichemicals.*
- (j) *Allocation of funds through Strategic and Long Term Council Community Plan (LTCCP) processes for use in initiatives to achieve the above policies.*
- (k) *Coordinated approach with the policies and rules contained within the Regional Policy Statement and Regional Plans.*
- (l) *The use of other legislation, statutory functions and powers as appropriate: for example, bylaws and road controlling authority.*

4.4 Anticipated Environmental Outcomes

- (a) Protection of primary production as a principal land use and economic driver in the Wairarapa.*
- (b) Diverse activities in the Rural Zone that are compatible with the rural environment in scale, amenity and character.*
- (c) Protection of the amenity in adjoining zones from the potential adverse effects of activities within the Rural Zone.*
- (d) Increased level of self-sustainability and a reduced level of degradation on the natural environment and processes.*
- (e) Protection from environmental pollutants such as excessive dust and noise.*

4.5.1 Subdivision Standards

Under Rule 20.1.1 of the Proposed Wairarapa Combined District Plan it states:

20.1.1 Controlled Activities

- (a) Any subdivision that complies with all of the standards for subdivision is a Controlled Activity.*

The matters over which control is reserved are:

- (i) The design and layout of the subdivision, including the size, shape and position of any lot, any new roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;*
- (ii) Potable water supply, water storage and water treatment;*
- (iii) Effluent disposal systems and maintenance requirements;*
- (iv) Stormwater control and disposal, including adequacy of disposal;*
- (v) Service arrangements, including easements;*
- (vi) Provision of esplanade reserves and esplanade strips, and access strips, to and around the coastline and margins of lakes and rivers;*
- (vii) Effects on indigenous biological diversity, including protection of existing vegetation, revegetation and weed and pest control;*
- (viii) The protection of any significant environmental features or other special feature(s) on any lot;*
- (ix) The staging of development or the timing of any works;*
- (x) Controls to mitigate the effects of construction;*
- (xi) Separation distance, barriers, acoustical treatment, and orientation of buildings;*
- (xii) Fire rating of party/common walls;*
- (xiii) Provision of fire fighting and management of fire risk;*
- (xiv) Design and location of network utilities;*
- (xv) Earthworks management, including sediment control;*
- (xvi) Protection of heritage items and sites;*
- (xvii) Natural hazard avoidance or mitigation;*
- (xviii) Effects on the character, landscape and amenity values of the vicinity, including the effects of siting and design of buildings, screening and landscape treatment, including building sites on ridgelines;*
- (xix) Energy efficiency and the ability for lots to use renewable energy;*
- (xx) Measures to remedy any site contamination;*

- (xxi) Financial contributions;*
- (xxii) Bonds and other payments and guarantees;*
- (xxiii) Compliance with New Zealand Standard 4404:2004 Land Development and Subdivision Engineering and other related standards;*
- (xxiv) Application of New Zealand Handbook 44:2001 Subdivision for People and the Environment;*
- (xxv) Conformance with any relevant current resource consent for a comprehensive development, including minor variations; and*
- (xxvi) Reverse sensitivity effects, including but not limited to noise, odour, dust and visual effects.*

Assessment Criteria

Controlled activities are to be assessed against the relevant assessment criteria set out in Section 22.

Notification and Service of Applications

An application for resource consent for controlled activities made under this rule need not be notified; and need not be served on affected persons.

Note: Earthworks may also require resource consent from Wellington Regional Council for discharges to water or land or for the amount of earthworks being undertaken.

Under Rule 20.1.2 (f) (3) of the Proposed Wairarapa Combined District Plan it states:

Rural (Primary Production) Zone

(f) Minimum Lot Standards

- (i) Any subdivision within the Rural (Primary Production) Zone shall comply with any one of the following:*
- (3) A minimum lot area of:*

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) Two or more rear lots must share a single vehicle access, 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 the road front boundary.*

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

- Contain 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*
- Is able to accommodate a circle with a 20m radius; and*

- *Shall be able to satisfactorily dispose of effluent on-site.*

Under Rule 20.1.3 of the Proposed Wairarapa Combined District Plan it states:

20.1.3 Restricted Discretionary Activities

The following are Restricted Discretionary Activities:

- (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 are met Discretion is restricted to the following matters:*
 - (i) All matters as specified in Rule 20.1.1*
 - (ii) Design, layout, size, number and location of lots*
 - (iii) Methods to avoid or mitigate the effects of external primary production activities on the proposed lots, including buffer setbacks, dwelling siting and planting.*

Restricted discretionary activities are to be assessed against the relevant assessment criteria set out in Section 22.

Under Rule 20.1.4 (i) of the Proposed Wairarapa Combined District Plan it states:

20.1.4 Standards for Restricted Discretionary Activities

- (i) Any subdivision within the Rural (Primary Production) Zone shall comply with all of the following:*
 - (1) A minimum average lot area of:*
 - 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 front lots shall have a road frontage of less than 100m; and*
 - (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.*

To qualify for a Restricted Discretionary activity under Rule 20.1.4 no more than one minimum standard of a Controlled Activity must fall short. In the proposed subdivision of this application the only standard not met is that the subdivision is for more than four lots. Each proposed lot can contain a 20 metre radius building area 25 metres free of all proposed boundaries. All lots are more than 1 hectare in size and the frontage of front lots are more than 100 metres and rear lots share entrances.

5. ACTUAL AND POTENTIAL EFFECTS

This assessment combines the assessment criteria of both the operative Carterton District Plan and the assessment criteria for subdivisions described in Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan as required by section 104 of the Resource Management Act 1991.

5.1 Amenity Values

5.1.1 Amenity & Character

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (xii) *The extent to which the area's amenity values and character are protected and/or enhanced.*

The Resource Management Act 1991 defines amenity values as;

“Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural or recreational attributes.”

Rural character changes from place to place, and differs markedly from urban character. The proposed development site is on Woodlands Road which is between rural residential lots and pastoral farming. Some of the characteristics that contribute to the Woodlands Road properties’ rural character are as follows:

- Low density residential development
- Few structures
- Rural animals
- Expansive landscape and open space values

Rural character reflects the predominance of natural elements, but is also modified by the predominance of cultural (human induced) patterns and processes. The process of subdivision and associated rural residential development has the potential to affect this rural character by increasing the intensity of development. In the case of this subdivision, the result will be more intensive land uses that will produce different environmental effects.

There is potential to reduce the purely rural-pastoral character of the area and enhance the rural-residential nature to the environment. The potential addition of houses and the associated structures (garages, etc.) may clutter the environment and reduce open space values. Taking into account the existing vegetation in the surrounding area, however, the applicants’ proposed development of all lots will maintain a visual separation with neighbouring houses.

The most significant effect of the proposal is visual impact of the addition of 16 houses on an elevated site. The proposal design provides lots with distance between suitable building platforms with significant areas of vegetation in valleys between.

In addition to the existing vegetation the applicant requests that the following consent notices be attached to the certificates of title of each lot pursuant to Section 221 of the Resource Management Act 1991 to mitigate visual impact:

11. All earthworks to be planted, hydro-seeded or grassed within 3 months of commencement of works.
12. An earthworks and landscaping plan to be submitted at the time of building consent to mitigate the visual impact of structures on the surrounding environment.
13. The dwellings on Lots 1-16 must have a domestic fire sprinkler which fully complies with the Fire Sprinkler Systems for Houses NZS 4517:2002 and NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2003.
14. That the foundations for any structures requiring a building consent on Lots 1-16 must be subject to specific engineering design, undertaken by an appropriately qualified engineer and submitted to the nominated officer of the Carterton District Council for approval, either before or as part of the building consent and project information memorandum application.
15. That any excavation, earthworks or foundations closer than 10 metres to any escarpment edge must require specific engineering design by a suitability qualified and experienced engineer. Such a design must be certified to the reasonable satisfaction of the nominated officer of the Carterton District Council for approval prior to any works commencing.
16. All buildings on Lots 1-16 will be finished in either a colour selected from the British Standard 5252 A01 to C40 with a reflective value of 60% or alternatively in natural timber, stone or brick.
17. All external lighting within Lots 1-16 must be directional lighting pointing at an acute angle towards the ground.

5.1.2 “Permitted Baseline”

Under Section 5 of the Resource Management Act 1991 it states:

- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

While the District Plan states that the purpose of the Rural Area is to provide a rural character, in assessing this application it must assess the environmental effects this application has on those affected by the proposed subdivision. If the properties affected are not ‘purely rural’ in nature, and in fact more in line with ‘rural residential’ lifestyle lots, then we submit that this application does not generate an adverse effect.

The term ‘permitted baseline’ is described in the case *Smith Chilcott Ltd v Auckland CC* [2001] 3 NZLR 473 where it is stated that when considering permitted baseline the consent authority can take into consideration a fully complying development. In this case, considering the site is over 48 hectares in area, the applicant could obtain consent from Council for a 4 lot subdivision as controlled activity under the proposed plan but can achieve 16 lots under the operative plan.

While this application can fully comply with the *Chilcott* formula under the operative plan, the *Chilcott* decision has been reversed by the passing of section 104(2) of the Resource Management Act 1991 which states:

- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.*

The legislative intention of the above mentioned subsection was not only to remove the mandatory requirement to compare proposed adverse effects with permitted adverse effects but also extend the discretion of consent authorities to assess the environment over a wider spectrum and area so that permitted activities do not become a cumulative effect to future applications.

The purpose of this amendment was consistent with the original intention of the Resource Management Act 1991 which was to replace the strict prescriptive approach to planning with a set of guidelines from which the proposed use of resources could be assessed on the basis of avoiding, remedying and mitigating effects on natural and physical resources in a sustainable way.

In more recent case law (*Paremata Residents Assn Inc v Porirua CC* EnvC W41/2003) the Environment Court held that the comparison of the proposed use and the existing uses should extend to the difference in the character and nature of the activities. Incorporating the predominant use of land in the area, where land is developed into residential uses with little rural use, the permitted baseline should be the predominant use of land in the area.

In *Stalker v Queenstown Lakes DC* (EnvC) C40/2004 the Court also took into account, as part of the existing environment, the existing activities on the site pursuant to existing use rights, when determining whether consent should be granted for an extension of those activities. The existing environment in the present application not only includes the permitted activities of the District Plan but also existing uses and those activities sanctioned by a resource consent. The environment that this application should be assessed against include the small predominantly rural residential and the relatively larger pastoral lots scattered throughout the area.

Stalker also recognized the importance that section 10 of the Resource Management Act 1991 played in assessing the permitted baseline. Section 10 states:

10. Certain existing uses in relation to land protected—

- (1) *Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if—*
- (a) *Either—*
- (i) *The use was lawfully established before the rule became operative or the proposed plan was notified; and*
- (ii) *The effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:*
- (b) *Or—*
- (i) *The use was lawfully established by way of a designation; and*

- (ii) *The effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed.*

Existing uses establish the principle that existing uses form the environment from which adverse effects should be assessed. So long as a proposed use under a resource consent application does not change an existing characteristic of land to a level where it becomes an adverse effect a consent authority should not require an applicant to address an existing characteristic.

I submit that the proposed subdivision, due to its proximity to other lots of less than 3 hectares with a rural character, does not necessarily extend the rural residential permitted activities but applies what is already part of the existing environment. The proposed lot sizes create a blend between the larger lot sizes with the smaller lots, mitigating adverse effects to both types of lot.

5.1.3 “Reverse Sensitivity”

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (v) *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.*

The emerging trend of rural residential lots has generated a mounting concern by full time farmers about urban values being implemented against the standard operating practises of their farms.

As the area is a rural area where permitted activities are specified in the District Plan, any new settlement must conform to the rural environment.

This point is important as an emerging issue in many rural areas. It is coined the ‘reverse sensitivity’ issue. The concept of reverse sensitivity originates where amenity values of two neighbouring permitted activities conflict with each other. Examples could include a pig farm, 24 hour shipping container port, airport, sewage treatment or a quarry next to an urban residential area. These neighbouring uses are incompatible by a significant degree.

In *Winstone Aggregates v Matamata-Piako DC* EnvC W055/2004, noted [2004] BRM Gazette 98 the Court cautioned against a view that “reverse sensitivity” consequences should be avoided by constraint on sensitive new activities. The first principle should be that the activity causing the adverse effects should internalise them. Where long-established activities could not internalise the adverse effects, and the continued presence of the activity in the area was nationally, regionally or locally important, this could result in constraints on the neighbouring land uses.

The Ministry for the Environment released a report *Amenity Values: Managing Rural Amenity Conflicts* (February 2000, Ref. ME372) where a variety of conflicting uses were listed including:

1. Factory farming near intensifying subdivision;

2. Horticulture at odds with rural residential development;
3. Exotic forestry at odds with pastoral farming;
4. Lifestyle blocks set amongst vineyards;
5. Lifestyle blocks and their affect on infrastructure; and
6. Horticulture at odds with emerging organics.

It is evident that the conflicts in neighbouring uses need to be so significant that intervention is required. The existing use of the site in this application, being low intensity pastoral rural lots, does not have an incompatible use with other neighbouring uses. Increasing the intensity of the residential use by the potential addition of dwellings will not generate any further incompatibility with neighbouring uses.

In Chapter Nine of the *Ministry Report* provides techniques for managing rural amenity conflicts including:

- 9.1 Effects-based techniques such as zoning, environmental standards and guidelines;
- 9.2 Controls on activities such as site coverage, separation distances and nominated building platforms;
- 9.3 Controls on subdivision such as rates of development, allotment size and restrictions to minimise reverse sensitivity; and
- 9.4 Infrastructure controls, property ownership and compensation, easements and private agreements.

None of the suggested techniques from the above mentioned report are necessary for the site of this application as the design of the lots avoids, remedies or mitigates any reverse sensitivity issues with neighbouring uses including:

1. The zoning for the site and neighbouring lots are both rural and the district plan permits only one dwelling per lot;
2. The district plan provides suitable building location, yard and bulk standards to maintain rural character;
3. The minimum lot size is more than necessary to maintain physical separation between potential dwellings and neighbouring uses;
4. Neighbouring roads are rural formed and metalled to a high standard; and
5. The district plan sets standards for lots who share a right of way.

Incompatible uses identified in the area that may generate reverse sensitivity include:

1. Dairying operations before dawn;
2. The use of silage that generates strong odours;
3. Grazing stock and the moving of stock along the legal road reserve; and
4. Noise emissions during calving.

The underlying principle of recognising reverse sensitivity in planning regulation is the informing of potential purchasers of land to the presence of reasonably unforeseeable risks. People moving into a rural area may not be aware that a property is in the approach path of an airport, that a neighbouring caravan park is used by nudists on weekends, that down the road is a pig farm that generates offensive odours, that a quarry obscured over a ridgeline generates dust and noise when there is a westerly, a container port facility operates 24 hours a day seven days a week, or an organic farming operation requires a spray exclusion zone beyond its boundaries.

A dairy farm or pastoral operation is not only reasonably foreseeable but is an expected use of land for the Woodlands Road area. A reasonable person wishing to purchase a property would be expected to make enquiries into what is permitted on their land. Where neighbouring properties have the same permitted uses a council should not be regulating to account for unreasonable people who are ignorant of the established uses that form the rural character of an area.

It should be noted that the applicant makes no illusion that the area is not rural. The applicant has designed the subdivision so that there are sweeping views over neighbouring rural landscapes and each lot will require its own water collection and wastewater disposal. Furthermore, the access road and accessways are metalled providing a rural setting.

5.2 Natural Resources

5.2.1 Landscapes

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

(xiii) The extent to which existing landforms, significant trees and native vegetation are protected and/or enhanced.

The visual effects associated with the proposed subdivision essentially relate to the future development of proposed lots. Such visual effects will be both permanent and temporary in nature. Permanent effects will be largely associated with the construction of houses, sheds, fences, driveways, gardens, and planted trees etc. It is likely that these permanent effects will be reduced in time as each site becomes more established. Temporary visual effects relate mainly to earthworks associated with constructing of dwellings.



Image 5.2.1 Photograph of the site from Woodlands Road.

The visual impact of the proposed subdivision will have no more than a minor effect on the existing open landscape if the consent notices are adopted. The Woodlands Road area is an area of a low level of residential activity where any proposed development will be visible. Woodlands Road is also an unsealed rural road where there would be little non-local traffic.

Tiffin Hill is visible from many parts of the district but mostly from a distance. So long as the contrast of future buildings with the surroundings on site are minimised any visual impact that would be considered an adverse effect would be minimised.

Under Section 104(1)(b) a consent authority must take into account the relevant provisions of a proposed plan. It is relevant that the council has proposed introducing a 4 hectare minimum lots size with three 'cluster' options for lifestyle blocks. With these recommendations the council accepts that people wanting to live in the rural environment do not always want a large area of land to manage. Lifestyle block owners rarely develop more than 1500m² of lots with gardens, driveways and structures so the providing of a option to develop no more than a cluster of 4 lots with a minimum lot size of 2 hectares, a minimum frontage of 100 metres and setbacks from boundaries of 25 metres for dwellings works towards ensuring that land is efficiently developed so that it minimises the impact visually and on neighbouring uses. By concentrating development in a smaller area, it minimises visual impact on a larger area.

Overall, the proposed development of the proposed subdivision will have no more than minor visual impact on neighbouring properties as the building sites should have a low visual impact on neighbouring houses or roads. Over time the structures will also blend in to the landscape through landscaping.

The reserved control of the proposed plan provides adequate remedies should the council be of a mind to implement additional conditions to mitigate the potential risk to visual impact.

5.2.2 Groundwater

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (vii) *Whether the subdivision would create adverse effects on groundwater quality in areas where groundwater quality is known or likely to be a problem.*

The proposed development of the lots are not located near an area where there are known issues relating to high groundwater, nitrate pollution in groundwater and soil issues where development could affect groundwater quality.

5.2.3 Water Environment

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (xix) *The provision for esplanade reserves and/or strips.*

There is a water race through the site. This is not a waterbody where an esplanade strip is applicable.

5.3 Physical Resources

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (viii) *The cumulative impacts on infrastructure and its efficient use and development, including the capacity and safety of the roading network, and the ability of the area's utility services to function efficiently.*

I will assess the potential impact of the development on these services separately.

5.3.1 Access

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (x) *The adequate provision of access within every lot to meet modern vehicular standards.*

Access to proposed lots will be via a right of way which gains access to Woodlands Road.



Image 5.3.1 Photograph of the site access to be upgraded being inspected by a geotechnical engineer.

The design of the accessways will be formed and metalled according to NZS4404:2004 rural standards for a metalled accessway and the standards specified in Appendix 5 Requirements for Roads, Access, Parking and Loading in the Proposed Wairarapa Combined District Plan. In this appendice it states:

'Non-public rural accessways to rear lots of 2 hectares or less, multi-unit or comprehensive residential developments shall be sealed. Non-public rural accessways adjoining lots of 2 hectares or less, multi-unit or comprehensive residential developments shall be sealed.'

The existing accessway to the summit of the site will be upgraded to a compliant gradient and corner radius. Plans for this work will be submitted to council for approval. In addition, the applicant proposed establishing a landscaped strip along the boundary with the existing enclaved house to minimise the effect of dust and noise.

So long as accesses comply with these standards it is not anticipated that any adverse will be generated.

5.3.2 Roading

Woodlands Road is a rural metalled road. Traffic along this road is a combination of stock, stock trucks, rural service vehicles and rural residential use.

The applicant proposes maintaining the rural character of Woodlands Road in order to minimise the effect of the proposed subdivision on traffic generation.

It is recognised that an urban dwelling generates 9 equivalent traffic movements daily (Transit New Zealand Policy Planning Manual). A rural residential dwelling, depending on the proximity to urban areas, can generate as high as 6 equivalent traffic movements daily. It is anticipated that maintaining Woodlands Road to a metalled standards will reduce traffic generation to as low as 4 traffic equivalent traffic movements daily.

Based on these calculations it is anticipated that the subdivision will generate 64-96 equivalent traffic movements daily. According to Transit New Zealand Policy Planning Manual the traffic generated from the entrance of the subdivision on the road is considered moderate. Some road widening is required near the entranceway so that other vehicles can safely pass vehicles entering the site.

5.3.3 Electricity/Telecommunications

These services can be accessed from Woodlands Road and extended to each lot boundary. The electricity and telecommunications companies have been contacted to advise on whether these services can be extended. Due to their close proximity to the proposed lots, no problems are foreseen in supplying these services and that there will be no significant adverse effects on the environment.

5.3.4 Water supply

Water supply to all proposed lots will be by way of rainwater tank collection and it is not expected to create any significant adverse effects on the environment.

5.3.5 Energy Efficiency

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (ix) *The provision of renewable energy and energy efficiency in the design and construction methods of the subdivision, and the consequential land use development.*

There are no perceived issues of energy efficiency in relation to the proposed development.

5.3.6 Sewage & Stormwater

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (vi) *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.*

5.3.6.1 Sewage

Any new dwellings on proposed lots will have to have septic tanks installed to dispose of effluent. Proposed lots are of a sufficient size and shape to provide adequate area for any wastewater disposal to comply with Rules 6 & 7 of the Wellington Regional Council Discharge to Land Plan. The attached engineer's report includes mitigation measures to minimise any potential adverse effect.

5.3.6.2 Stormwater

The creation of any additional buildings is not expected to cause any significant adverse effects on the environment. The attached engineer's report includes mitigation measures to minimise any potential adverse effect.

5.4 Development & Land Use

5.4.1 Subdivision Design

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (i) *Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects on the surrounding environment.*

The proposed application does intensify the use of the site. The type of development is, however, consistent with other development in the area. Overall, it is not expected that the proposed use through the design will avoid where possible any adverse effects on neighbouring uses. The application does not create any lots with an urban character. The rural character of the surrounding is maintained.

5.4.2 Intensification

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (xvi) *Whether the proposed subdivision will create an additional lot for building/development or will change the use of the affected land.*

There are no existing issues created by the existing use of the land. Rural residential development is the predominant feature of the surrounding area and additional lots that comply with the proposed minimum lot size are consistent with the desired intensification for the surrounding area.

5.4.3 Earthworks

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (ii) *The extent to which earthworks are required and the effects of earthworks on the site and surrounding environment.*

Earthworks will be required to upgrade the accessway. So long as the earthworks comply with all applicable standards no adverse effects are expected on the surrounding environment.

5.4.4 Development

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (xx) *The effects on the safe and efficient operation of Hood Aerodrome.*
- (xxi) *The extent to which the subdivision is consistent with the Development/Management/Structure Plan for the area.*

The site is not part of an area subject to specified development.

5.4.5 Building Standards

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (xi) *The ability of any existing or likely proposed building to comply with all standards in this Plan.*

The lots are designed so that future buildings on the site can comply with all standards of the proposed and operative plan.

5.4.6 Setback & Bulk Standards

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (iv) *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.*

The new boundaries between the proposed lots comply with the district wide setback distances and other applicable standards. Any new dwellings can comply with the setback requirements avoiding the need for a land use consent at building consent stage.

5.4.7 Financial contributions

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (iii) *The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.*

The addition of lots as part of this application will reduce the open space so a reserve contribution is applicable. As additional lots will be accessing a rural road a roading financial contribution is also applicable. No other financial contributions are necessary as all effects are internalised within the site.

5.5 Hazards

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan states:

- (xvii) The risk where land is subject to flooding or inundation, erosion, landslip or subsidence, or is within an identified natural hazard high-risk area.*
- (xviii) The risk of fire, and whether mitigation measures will effectively mitigate this risk.*

5.5.1 Stability

The land to be developed on each lot is not within an area identified or known for soil instability and does not show any sign of a potential threat of instability.

5.5.2 Earthquake Fault

Geological maps do not indicate any sign of a fault running through the proposed subdivision area.

5.5.3 Flooding

There are no known risks from flood in the area to be developed due to the distance and elevation from waterways nearby.

5.6 Heritage

In Rule 22.1.1 (a) of Proposed Wairarapa Combined District Plan it states that in assessing applications it must take into account the following general assessment criteria:

- (xiv) *The effects on any historic or archaeological site and the surroundings associated with any historic or archaeological site.*
- (xv) *The effect of the subdivision on the values of any waahi tapu site and any resources of significance to Tangata Whenua.*

There are no heritage sites located on the proposed subdivision site. If any archaeological deposits are identified during any development of the land, the owner/contractor will act in good faith and contact the Historic Places Trust and the relevant Iwi's. It is acknowledged that under Section 99 of the Historic Places Trust Act 1991 it is an offence to destroy, damage or modify an Archaeological site without Authority from the Trust.

6. ALTERNATIVE SITES

The Fourth Schedule of the Resource Management Act 1991 states that the following matter is included in an assessment of effects on the environment:

b) Where it is likely that an activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking that activity

Due to the site specific nature of the proposed activity, it is not appropriate to provide a description of alternative sites. Furthermore, it is considered that the proposed subdivision will not be a contributor to any significant adverse effects on the environment.

7. MITIGATION MEASURES

The effects of the proposal on the existing infrastructure will be minimal. The effects on the productivity of the area will not alter.

It is considered that the proposed subdivision will not contribute to any significant adverse effects on the environment but if there are any effects in this proposed subdivision that require mitigation these could be dealt with in conditions issued by the Carterton District Council.

APPENDIX 1: Certificate of Title & Legal Instruments



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier 210952
Land Registration District Wellington
Date Issued 05 October 2005

Prior References

21261

Estate	Fee Simple
Area	48.6000 hectares more or less
Legal Description	Lot 3 Deposited Plan 351518

Proprietors
Dean Richard Brian Schaefer and Lesley Robyn Schaefer

Interests

Subject to a right of way over parts marked A,C,D,E,F,O & Q, right to convey telecommunications over parts marked marked G,F & N, water supply rights over parts marked marked F, G, N,Q,S & J and right to convey electricity over part marked R on DP 351518 specified in Easement Certificate 5177793.3 - 20.3.2002 at 1:38 pm

Appurtenant hereto is a water supply right specified in Easement Certificate 5177793.3 - 20.3.2002 at 1:38 pm

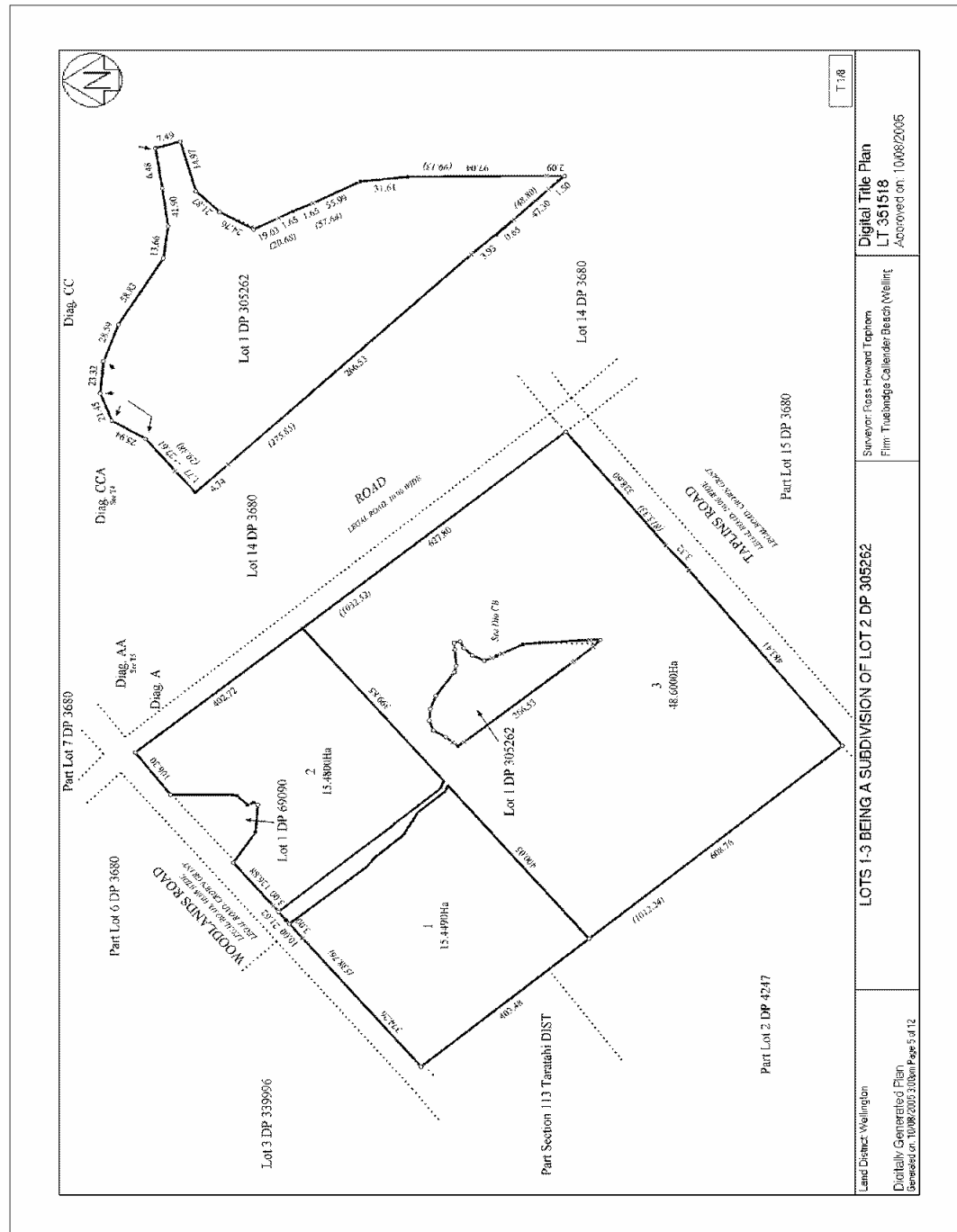
The easements specified in Easement Certificate 5177793.3 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey water over parts marked A,B,D & K on DP 351518 created by Easement Instrument 6597070.3 - 5.10.2005 at 9:00 am

6700246.1 Mortgage to Paul Harry Westbury, Jack Brian Schaefer, William Ross Mulholland and Denis Frank Wood and to William Ross Mulholland, Faye Patricia Schaefer, Denis Frank Wood and Paul Harry Westbury in shares - 20.12.2005 at 3:58 pm

Identifier

210952



Transaction Id
Client Reference 07/146

Search Copy Dated 5/11/07 10:00 am, Page 2 of 2
Register Only



Digital Title Plan - DP 351518

Survey Number	DP 351518
Surveyor Reference	M04092
Surveyor	Ross Howard Topham
Survey Firm	Truebridge Callender Beach (Wellington)
Surveyor Declaration	I Ross Howard Topham, being a person entitled to practise as a licensed cadastral surveyor, certify that - (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2; (b) This dataset is accurate, and has been created in accordance with that Act and those Rules. Declared on 05/08/2005.

Survey Details

Dataset Description	LOTS 1-3 BEING A SUBDIVISION OF LOT 2 DP 305262		
Status	Deposited		
Land District	Wellington	Survey Class	Class III Cadastral Survey
Submitted Date	05/08/2005	Survey Approval Date	10/08/2005
		Deposit Date	05/10/2005

Territorial Authorities

Carterton District

Comprised In

CT 21261

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked I Deposited Plan 351518	Easement		
Marked M Deposited Plan 351518	Easement		
Lot 3 Deposited Plan 351518	Fee Simple Title	48.6000 ha	210952
Marked A Deposited Plan 351518	Easement		
Marked B Deposited Plan 351518	Easement		
Marked C Deposited Plan 351518	Easement		
Marked D Deposited Plan 351518	Easement		
Marked E Deposited Plan 351518	Easement		
Marked F Deposited Plan 351518	Easement		
Marked G Deposited Plan 351518	Easement		
Marked H Deposited Plan 351518	Easement		
Marked J Deposited Plan 351518	Easement		
Marked K Deposited Plan 351518	Easement		
Marked L Deposited Plan 351518	Easement		
Marked N Deposited Plan 351518	Easement		
Marked O Deposited Plan 351518	Easement		
Marked Q Deposited Plan 351518	Easement		
Marked R Deposited Plan 351518	Easement		
Marked S Deposited Plan 351518	Easement		



Digital Title Plan - DP 351518

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 351518	Fee Simple Title	15.4490 ha	210950
Lot 2 Deposited Plan 351518	Fee Simple Title	15.4800 ha	210951
Total Area		79.5290 ha	

Schedule / Memorandum

Schedule / Memorandum

Thursday, 20 April 2005

PREPARED BY:



Philip Adamson
BSurv. MINZIS
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Land Registration District

WELLINGTON

Plan Number

DP 351518

Territorial Authority (the Council)

CARTERTON DISTRICT COUNCIL

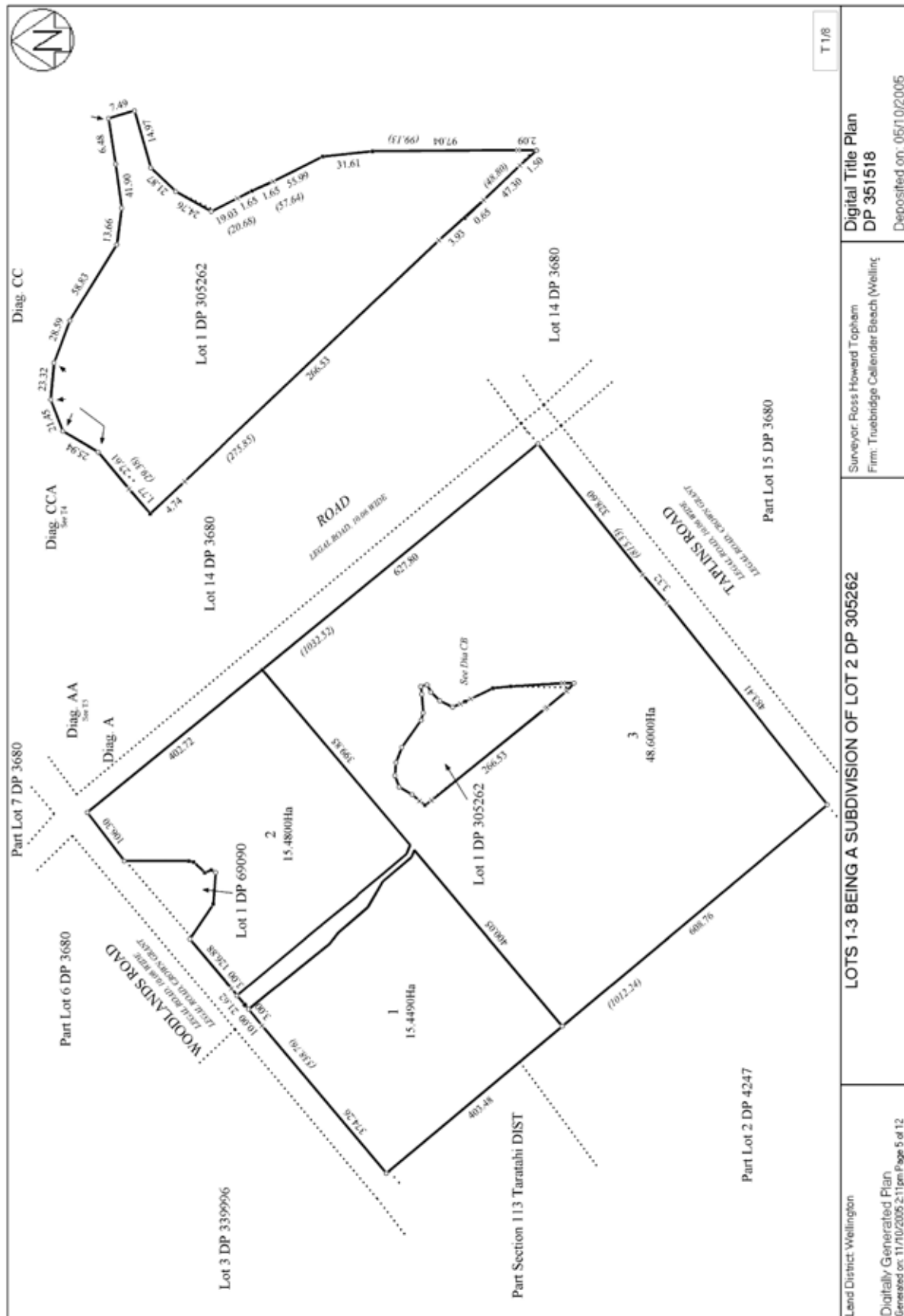
Schedule of Existing Easements			
Purpose	Shown	Servient Tenement	Document E.C
RIGHT OF WAY	A, C, D, E, F, O, Q	LOT 3 DP 351518	5177793.3
RIGHT TO CONVEY TELECOMMUNICATIONS	I, H L,	LOT 2 DP 351518	5177793.3
	G, F N	LOT 3 DP 351518	
WATER SUPPLY RIGHTS	F, G, N Q, S, J	LOT 3 DP 351518	5177793.3
	H	LOT 2 DP 351518	
RIGHT TO CONVEY ELECTRICITY	R	LOT 3 DP 351518	5177793.3

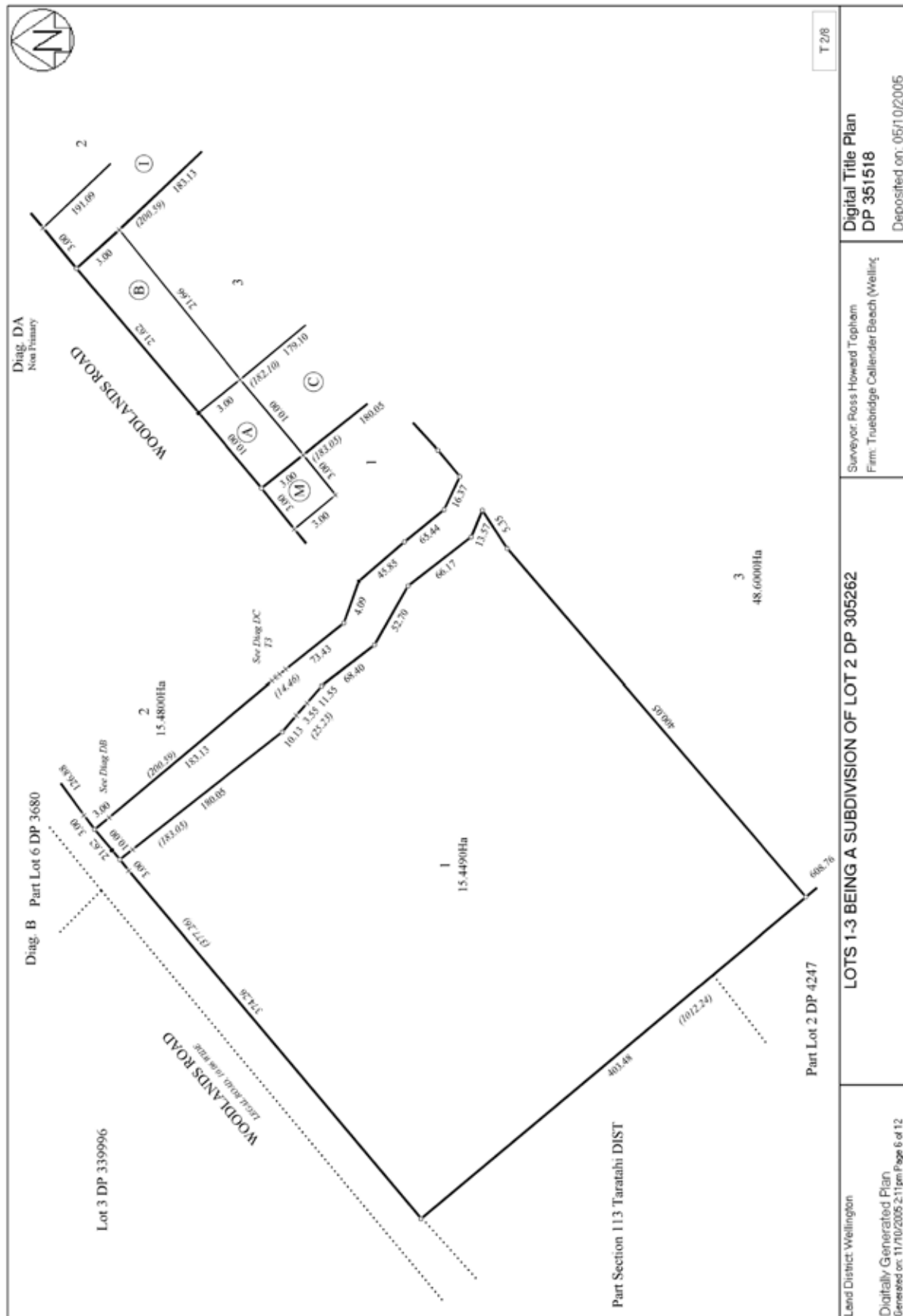
Schedule / Memorandum

Schedule / Memorandum

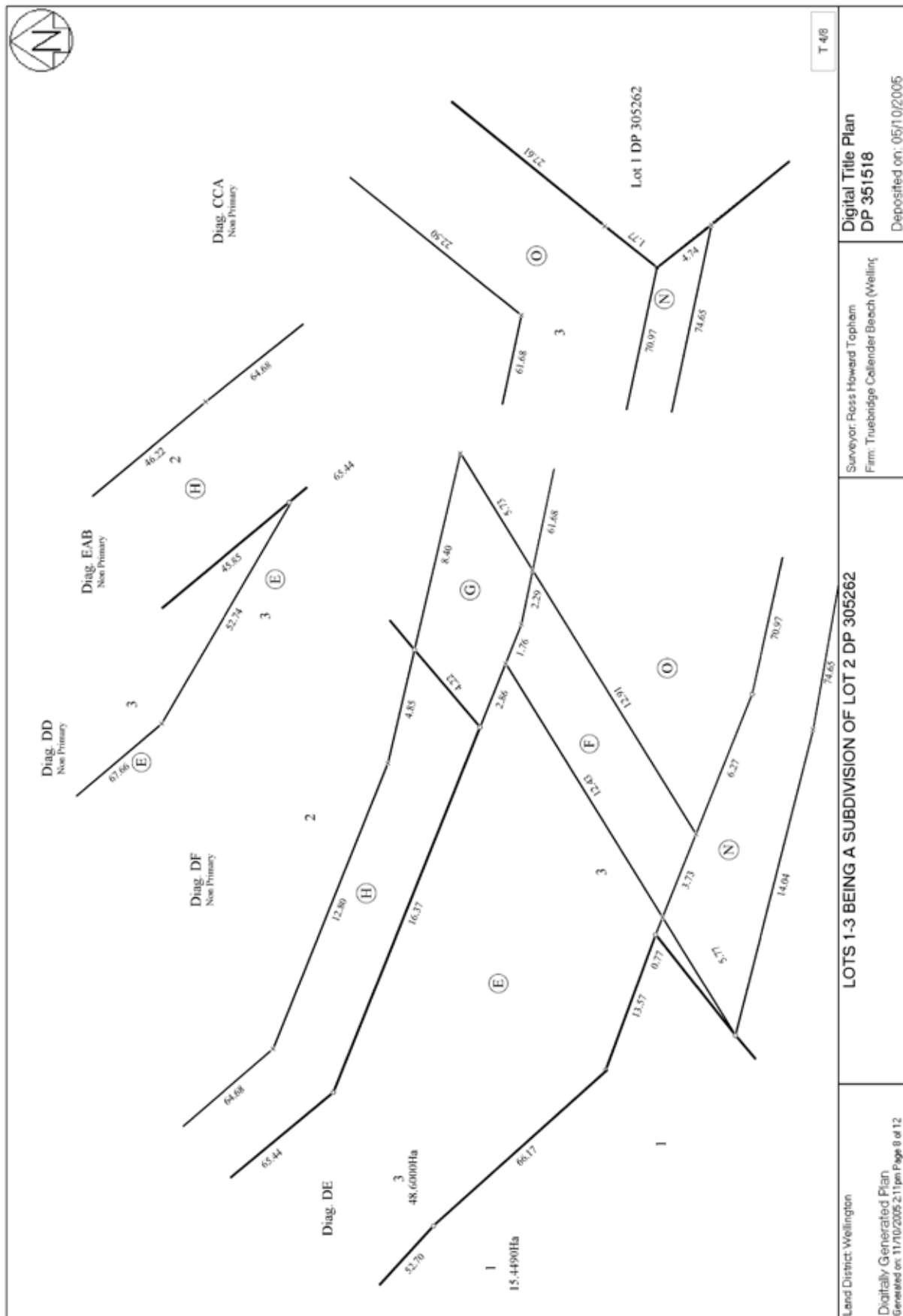
Thursday, 20 April 2005

Schedule of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
RIGHT TO CONVEY WATER	A, B D, K	LOT 3 DP 351518	LOT 2 DP 351518
	M	LOT 1 DP 351518	LOT 2 DP 351518

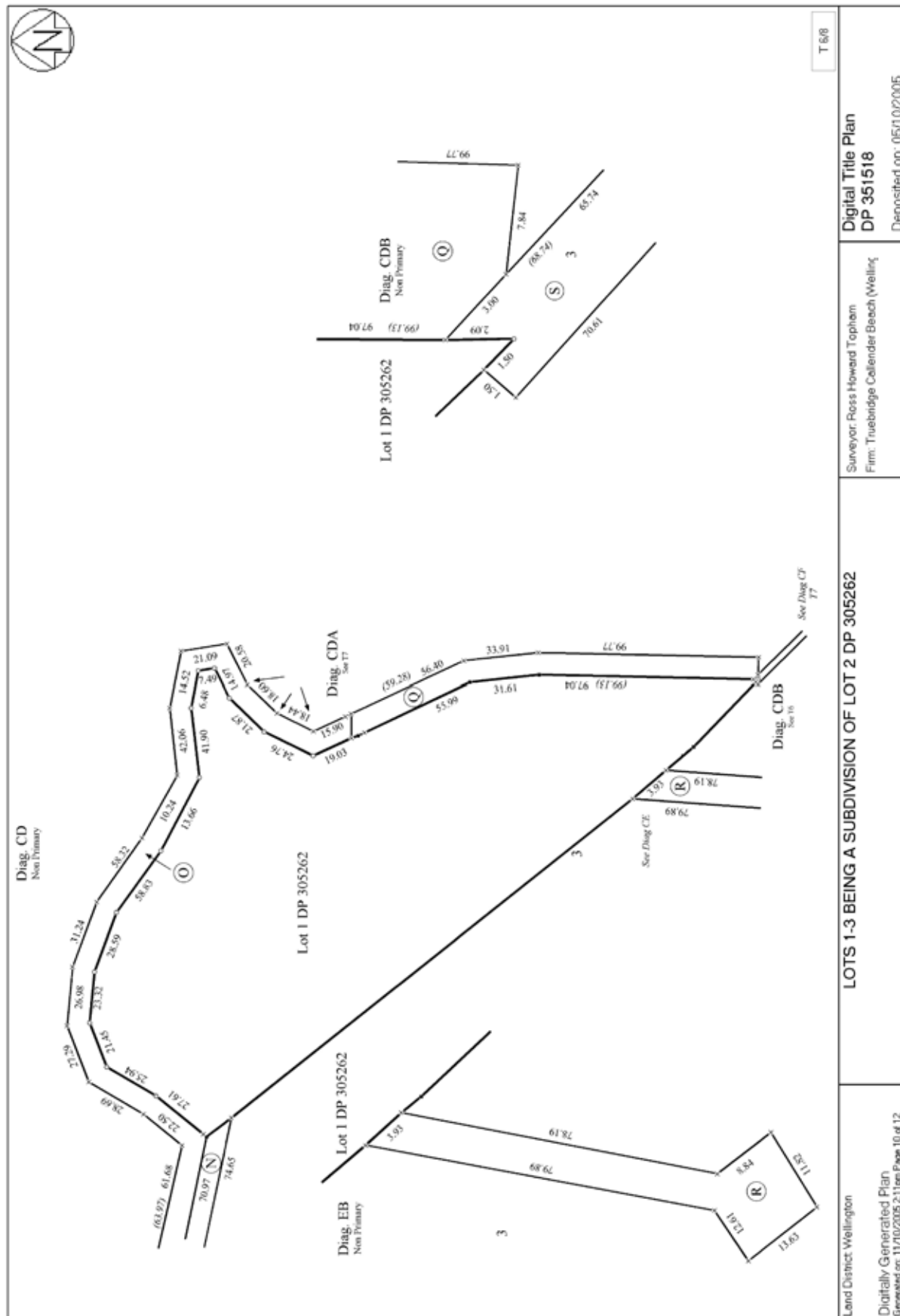


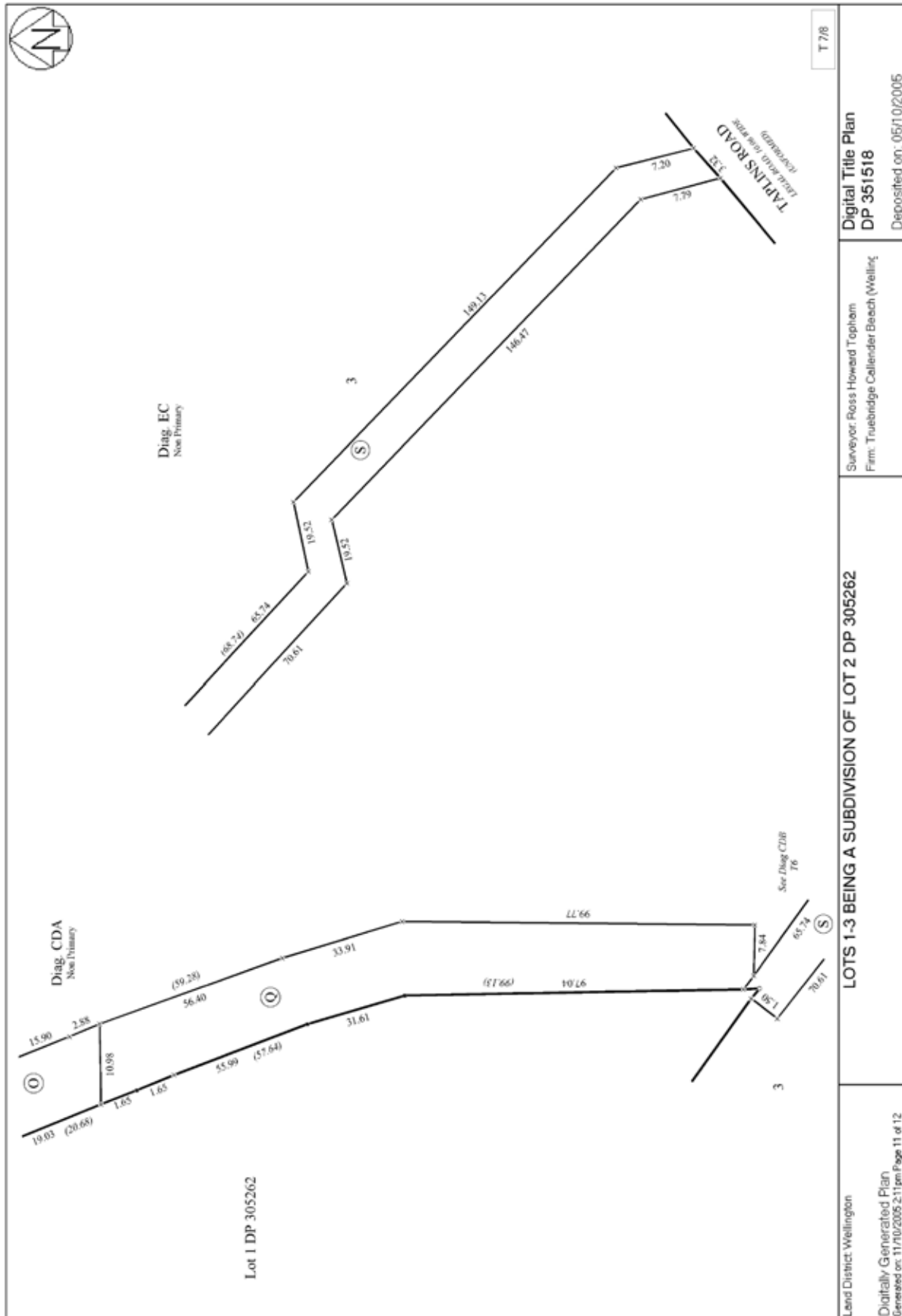


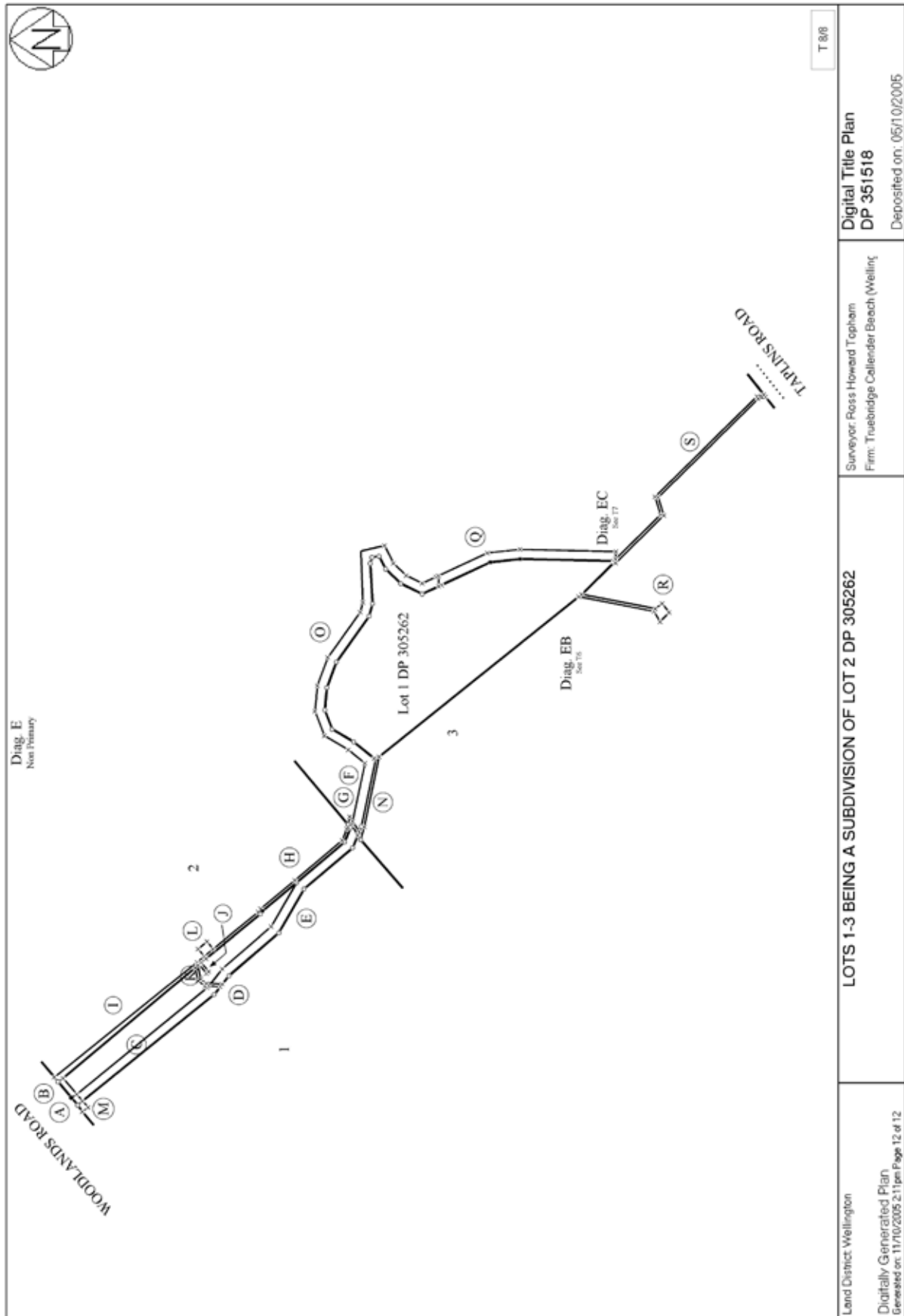












APPENDIX 2: Civil Engineer's Report - Stormwater

**APPENDIX 3: Civil Engineer's Report - Wastewater
Evaluation**

APPENDIX 4: Civil Engineer's Report - Wastewater Design

APPENDIX 5: Geotechnical Engineer's Report

APPENDIX 6: Scheme Plan