



Resource Consent Application for:

G Beatson

Milford Downs

Masterton

Masterton District Council

2-Lot Subdivision



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



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Tomlinson and Carruthers Surveyors

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

1. PROPOSAL SUMMARY

Our Ref	T24/104
Date	14 July 2024
Consent Type	Subdivision - Rural (Primary Production)
Applicant	G Beatson
Proposal	2-Lot Subdivision
Location	9 Milford Downs, Masterton
Legal Description	Lot 5 DP 68587 contained within Certificate of Title WN37B/882
Zone	Rural (Primary Production)– Wairarapa Combined District Plan (the Operative Plan) and Rural Lifestyle Zone – Proposed Wairarapa Combined District Plan (the Proposed Plan)

Activity Status

Operative Plan

Under the Plan, Resource Consent is required prior to any subdivision of land (Rule 20).

This Subdivision does not meet the relevant subdivision standards for a Controlled Activity under rules 20.1.2(b)(i), nor the standards in 20.1.4(a)(i) or 20.1.5(f)/20.1.6(a) and has to be considered a **Non-Complying Activity** under Rule 20.1.7(a).

Proposed Plan

The proposed subdivision meets SUB-R2.2a-c and the application is for a **Controlled Activity** under the Proposed Plan. There is a Highly Productive Land layer over the site and wider area.

The overall status of the application is **Non-complying Activity**.



2. SITE DESCRIPTION

The site is located on the south side of Milford Downs, Masterton, approximately 3.5km driving distance to the Masterton town centre and is zoned Rural (Primary Production) under the Operative Plan and Rural Lifestyle under the Proposed Plan.

The property (legally described as Lot 5 DP 68587) belongs to the applicant (in the process of purchasing) and comprises a total land area of 1.0095ha more or less.



Aerial Photo - 9 Milford Downs, Masterton

Courtesy of WCD Viewer

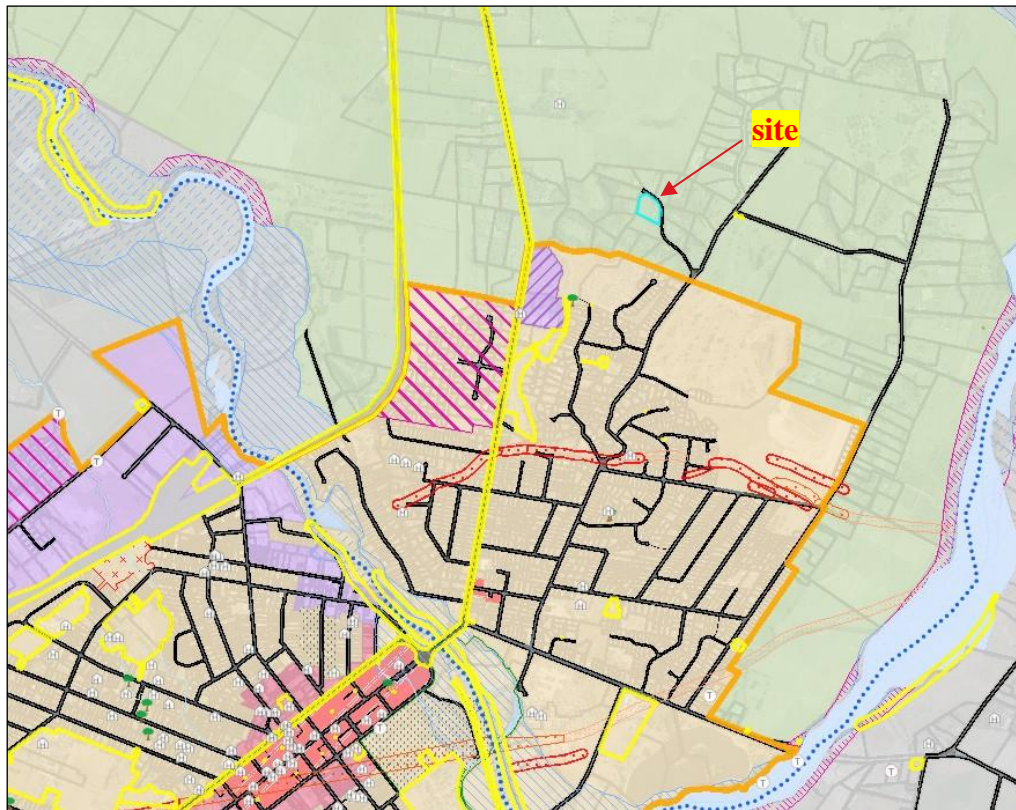
The subject site has an existing dwelling with a couple of accessory sheds and pool, grouped within the eastern half of the property. Access is from Milford Downs. The dwelling is serviced to rural standard. There are hedges and landscaping around the dwelling, with the remainder of the site in lawn.



The surrounding area is a mixture of established rural - residential lots of varying sizes.

The property is located within close driving distance to local schools, various amenities, public transport services and the town centre.

For more information please refer to the location map and aerial map. The Scheme Plan is attached in the back of this application.



Location: 9 Milford Downs, Masterton

Courtesy of WCDP Viewer

3. LEGAL DESCRIPTION

The site has the street address of 9 Milford Downs, Masterton and is legally described as Lot 5 DP 68587 within Certificate of Title WN37B/882.

The registrations on the Title include a right to convey water and a land covenant. These will have no impact on the subdivision proposal.

A copy of the Certificate of Title is attached to this application.

4. THE PROPOSAL

This document has been prepared in support of an application for resource consent by G Beatson to subdivide their property (in process of buying from current owners Bruce and Vicki Matthews) at 9 Milford Downs, Masterton into two fee simple lots. The proposal is outlined in this document and on the attached scheme plan.

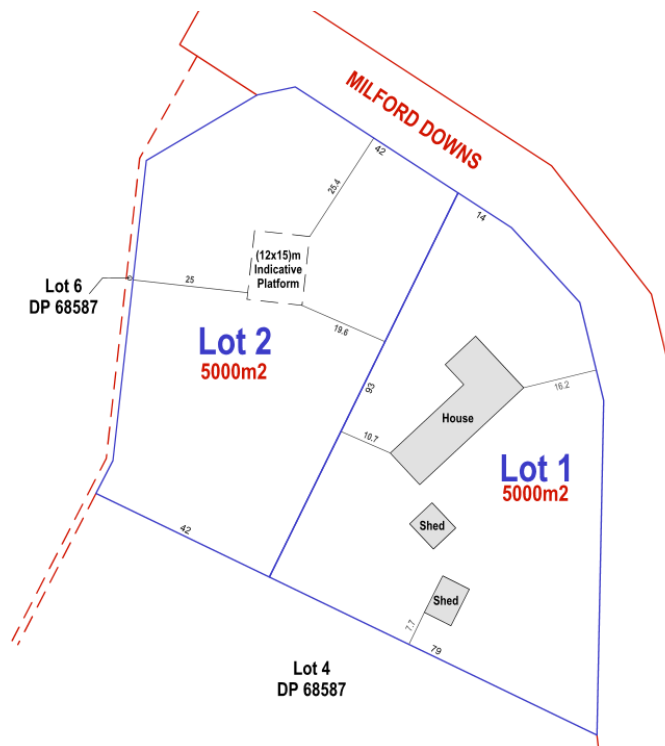


Lot	Proposed Area	Note
Lot 1	5000m ²	to contain all existing buildings
Lot 2	5000m ²	vacant lot

The proposal is to subdivide the existing certificate of title into two fee simple lots that would easily meet the Proposed Plan lot size standards. The proposed areas are rounded and subject to actual physical survey.

Lot 1 would be eastern half of the site containing the existing dwelling and buildings, and retaining the existing access and services. The dwelling, which will be 10.7m from the new internal boundary – will be compliant with Proposed Plan standards, but not complying with Operative Plan standards. The dwelling has existing use right to the existing unchanging external boundary. The southern most building will be 7.7m to the existing boundary, in compliance with the Operative Plan 4.5.2(c)(iii), and has existing use rights for its location towards this existing unchanging boundary. (Provisions of the Proposed Plan do not apply retrospectively to existing buildings and existing boundaries.)

Proposed Lot 2 would be vacant south lot. It could easily accommodate a complying building area for a dwelling and associated buildings, consistent with the surrounding rural residential amenity and character. The building area complies with Proposed Plan setback standards, but not with the Operative Plan setback standards towards the new boundary. This would be an internal matter only. Any future dwelling would be serviced to rural standard for water and wastewater, with detailed design of services provided at building consent application stage. Electricity and phone connections will be available at the lot boundary. Any stormwater would be managed onsite with soakpit design forming part of any future building consent application. A new access to Milford Downs will be constructed for this site.





5. NOTIFICATION ANALYSIS (S95A-95F RMA)

5.1 Public Notification

Section 95A of the Resource Management Act 1991 (RMA, as amended in October 2017) provides 4 steps to determine whether an application is publicly notified:

Step 1 (S95A(3)) does apply as the applicant is requesting that this application be publicly notified.

As Step 1 applies no further determination is required from the applicant regarding public notification.

5.2 Limited Notification

As public notification is required, additional limited notification is unnecessary.

Note:

- The Court, on the request of the Council, has given the “Lifestyle Zone” provisions (subdivision) immediate effect. The proposed subdivision complies with the relevant standards of the Proposed Plan.
- Until the Decision of the Court is overturned, the Council is to give effect to the Proposed Plan as notified.
- Under the Operative Plan, the subdivision is a Non-complying Activity, but actual physical effects are expected to be no more than minor. Similarly, the proposal is not contrary to the policies of the Operative Plan, as demonstrated under 7.4.

6. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The Assessment of Effects on the Environment has been prepared in accordance with the Fourth Schedule of the Resource Management Act 1991 and the relevant assessment criteria and performance standards specified in the District Plan.

The potential effects are identified as potential effects on development, infrastructure (including access and traffic movement) and rural character and amenity. These are assessed fully in the sections below.

The application is considered to create less than minor effects on any person. This assessment is backed by the subdivision component of the application comfortably meeting the requirements for controlled activity status under the Proposed Plan. Although this does not rule out possible adverse effects which may arise regardless, it does suggest that the application is of a nature deemed suitable under the Proposed Plan.

Note:

- The Court, on the request of the Council, has given the “Lifestyle Zone” provisions (subdivision) immediate effect. The proposed subdivision complies with the relevant standards of the Proposed Plan.
- Until the Decision of the Court is overturned, the Council is to give effect to the Proposed Plan as notified.
- Under the Operative Plan, the subdivision is a Non-complying Activity, but actual physical effects are expected to be no more than minor. Similarly, the



proposal is not contrary to the policies of the Operative Plan, as demonstrated under 7.4.

The proposed activity is considered appropriate and consistent in relation to the existing land use patterns of the area. There would be one additional rural-residential site. The vacant site (Lot 2) could easily accommodate a complying building area for a dwelling and associated buildings and services, consistent with the surrounding semi-rural amenity and character. Wastewater and stormwater would be disposed of onsite as is common practice in the rural environment with the actual method designed by an appropriately qualified person and forming part of the building consent process. The existing landscaping and likely future landscaping would enable future residential development to blend into the existing amenity of the area. Water supply would be via roof collection and tank storage being common practice in rural environments where there is an absence of reticulated systems.

The proposed Lot 1 will contain the existing dwelling. The new lot boundary has been located to contain the associated services such as the wastewater disposal field. The existing vehicle crossing and driveway will continue to provide formal access to this lot. The dwelling will comply with the setback standards of the Proposed Plan, and departure from the Operative Plan setback standards towards the new internal boundary will have less than minor internal effect only.

The application site is located within the rural environment and as such the scope of the application is considered to be acceptable and consistent with the surrounding rural residential land use patterns including character and amenity values.

There are no known cultural sites or features associated with the application, either within the site boundaries or in the immediate vicinity.

The proposal does not create any other specific or unique adverse effect that requires management or mitigation further than the standard development rules within the District Plan.

7. SECTION 104 RMA ASSESSMENT

Subject to Part II of the Resource Management Act (Purpose and Principles) an application is assessed under Section 104 of the Act. For this application, the relevant matters to have regard to are:

- Any actual and potential effects on the environment of allowing the activity
- The Wellington Regional Policy Statement
- Any relevant objectives, policies or rules in the operative and proposed Wairarapa Combined District Plan
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application, including NES-CS and NPS-HPL.

The application is for a **Non-Complying Activity** under Operative Plan and a **Controlled Activity** under the Proposed Plan.

7.1 Wellington Regional Policy Statement (RPS)

The Wellington Regional Policy Statement (RPS) became operative on 24 April 2013. Plan Change 1 has been notified in August 2022. The RPS is designed to achieve the



purpose of the RMA by providing an overview of the resource management issues for the region, and stating the policies and methods required to achieve the integrated management of the region's natural and physical resources.

Of particular relevance to this application are Objective 22 which seeks a well-designed and sustainable regional form and Policy 56 which seeks to manage development in rural areas by considering whether:

- (a) the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;
- (b) the proposal will reduce aesthetic and open space values in rural areas between and around settlements.

The site is 1.0095ha and is used currently as a lifestyle block, with no primary production component. It has an existing dwelling and accessory buildings/structures, including a swimming pool. The subdivision would provide for one additional dwelling on the vacant lot. A future dwelling with associate structures would realistically only occupy up to 10% of proposed Lot 2, with the rest of the site remaining as landscaped grounds.

Due to surrounding rural residential lots and existing shelter belts in front of the existing buildings, the proposal will have negligible effects on the aesthetic and open space values of this semi- rural environment.

7.2 Natural Resources Plan

The Natural Resources Plan for the Wellington Region became operative on 28 July 2023. The Plan includes rules which control discharges to land, air and other matters that are currently covered by a range of plans. Of consideration here are Rules 62 and 63 which control discharges to land and specifically for onsite septic waste systems.

Rule 63 provides for new or upgraded onsite wastewater systems as permitted activities as long as relevant conditions are met, otherwise resource consent is required. Proposed Lot 1 with the existing dwelling will include the existing onsite wastewater systems without encroaching on the discharge setbacks required in Rule 63. Similarly, any future system servicing a future dwelling on proposed Lot 2 will meet the required standards.

7.3 Wairarapa Combined District Plan

Operative Plan

The Wairarapa Combined District Plan became operative on 25 May 2011. The relevant assessment criteria are contained in Section 22 of the District Plan and the relevant objectives and policies of the District Plan are:

- Objectives 4.3.1, 18.3.1 and 18.3.4
- Policies 4.3.2(b), 18.3.2(a) and (b) and (g) and (h), and 18.3.5(a)

The relevant objectives seek to ensure subdivision and land development maintain and enhance the character, amenity, natural and visual qualities of the Wairarapa, and protect the efficient and effective operation of land uses and physical resources.



Objective 18.3.1 of the Operative Plan is a general objective guiding all subdivision and development in the Wairarapa seeking to *ensure subdivision and land development maintain and enhance the character, amenity, natural and visual qualities of the Wairarapa, and protect the efficient and effective operation of land uses and physical resources.*

The proposed subdivision is zoned Rural (Primary Production) in the Operative Plan. The site and immediate area is not utilised for primary production, but more for lifestyle (rural residential use) . The lots in the area are typically around the 1ha size, with larger dwellings and lawn, with some landscaping.

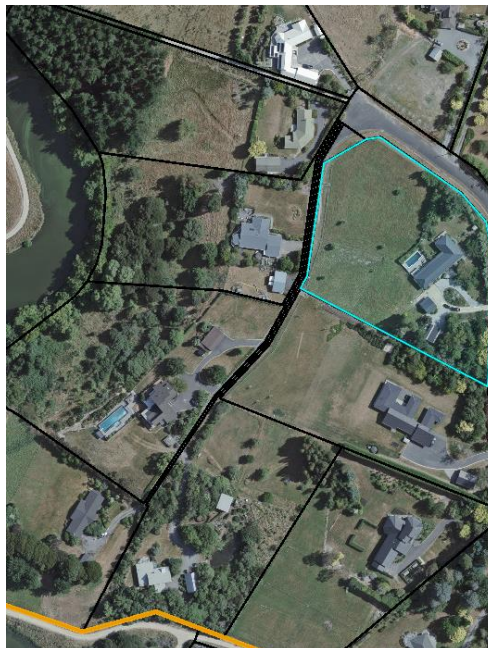
The objectives 18.3.2(g) and (h) are specifying expected *outcomes of subdivision of rural land for rural-residential purposes and matters to avoid if rural-residential allotments are below the minimum standard.*

18.3.2(g)(i) is seeking that *significant potential adverse effects on the viability and operation requirements of any productive use of any adjacent rural or industrial land are avoided or mitigated.*

As noted previously, there is no productive use or industrial use on any of the adjacent land. The surrounding lots are around 1ha in size and are used for rural residential purposes. In the absence of primary production or industrial use, it is considered that there will be no adverse effects on the productive use of any adjacent site from the proposed subdivision.

18.3.2(g)(ii) is asking that *allotment sizes and patter of subdivision maintains the open rural character, particularly from public roads.*

The area is not characterised by open rural character. Dense planting screens the existing buildings from the road and from the neighbour to the south. The site is located at the end of a cul-de-sac. The west boundary of the site is adjacent to an existing right of way. All dwellings accessed from this right of way face west towards the ranges, and away from the site being subdivided.





18.3.2(g)(iii) is asking that *allotments are able to accommodate the likely use, in accordance with the requirements of the plan.*

The proposal is to create Lot 1 of 0.5ha and Lot 2 of 0.5ha. Lot 1 would accommodate the existing dwelling with existing structures and services, while Lot 2 would be able to accommodate a new dwelling, with services, outdoor living and carparking.

Front and back boundary setbacks are met. The existing dwelling has existing use rights to its position in relation to existing boundaries. The proposed dwelling on Lot 2 will meet 25m setback towards the external side boundary (existing right of way) and will be closer than 25m to the internal boundary with Lot 1. This would create only internal effects and would be a permitted activity under S87BA of the RMA. Any future dwelling would be probably regulated by the Proposed Plan (possibly Operative by the time a dwelling is proposed), which requires only 10m setback (instead of 25m).

18.3.2(g)(iv) is asking that *adverse effects on efficient use of roads and pedestrian and cycling networks are avoided.*

There is an existing access from Milford Downs. A new access will be created for proposed Lot 2. One new lot, accommodating one dwelling in the future, is not expected to have any adverse effects on the road or pedestrians/cyclists.

18.3.2(g)(v) is asking to *avoid or mitigate the potential reverse sensitivity effects in relation to existing rural or industrial activities or anticipated urban growth.*

As under (i), there is no productive use or industrial use on any of the adjacent land. The surrounding lots are around 1ha in size and are used for rural residential purposes. It is considered that there will be no adverse effects on the productive use of any of the adjacent sites from the proposed subdivision.

As described in the application, Council has re-zoned this area to “Rural Lifestyle”. The proposed subdivision would accommodate the anticipated urban growth.

18.3.2(g)(vi) is seeking to *ensure that actual and potential effects on rural character, amenity and natural values will not be compromised by intensive and ad hoc urban development and/or cumulative effects of rural-residential development.*

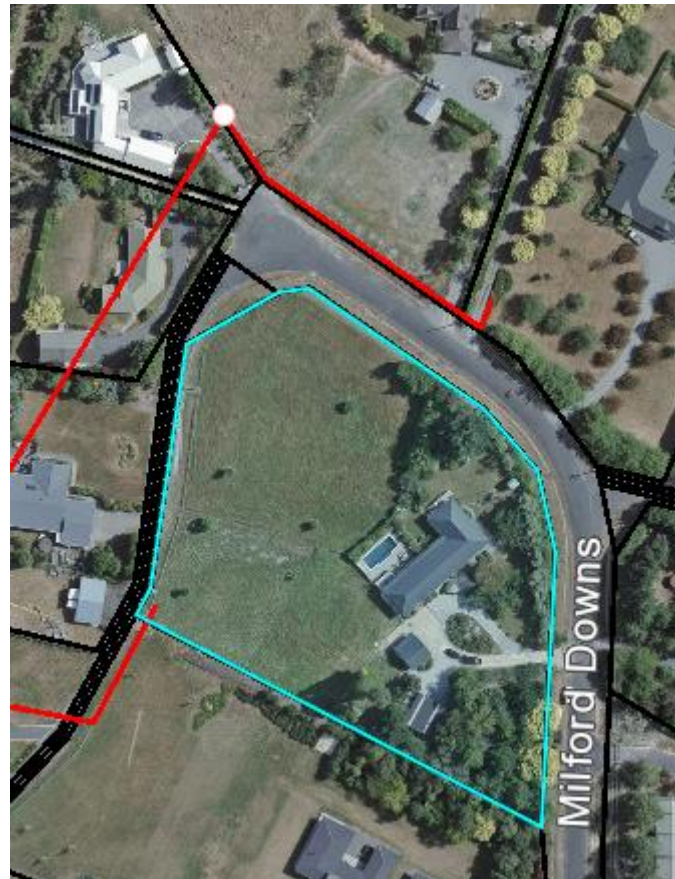
As in (ii), the area is not characterised by open rural character. Dense planting screens the property from Milton Downs and from the neighbour to the south. The existing character is more urban than rural, with larger dwellings, lawns and landscaping and no rural primary production. One additional dwelling, that will be mostly screened from Milton Downs, will have less than minor effect to the existing character and amenity of the area.





18.3.2(g)(vii) is seeking to *ensure that sewage effluent from all lots can be effectively disposed without any potential adverse effects on the environment.*

The existing dwelling is serviced by on-site wastewater disposal, and this system will remain with the dwelling on proposed Lot 1. Any future dwelling on proposed Lot 2 would be able to be serviced by a modern system, or alternatively, connect to the sewer network, which is, according to Council's GIS, located within the site, at the southwest corner.



18.3.2(g)(viii) is seeking to *ensure that potable water supply is available on each allotment.*

The existing dwelling obtains potable water supply from rain water collection. Any future dwelling on proposed Lot 2 would be able to collect rain water.

18.3.2(h)(i) is seeking that *allotments below the minimum standards in the Rural Zone avoid 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.*

As under (g)(i): There is no productive use or industrial use on any of the adjacent land. The surrounding lots are around 1ha in size and are used for rural residential purposes. It is considered that there will be no adverse effects on the productive use of any of the adjacent sites from the proposed subdivision.



18.3.2(h)(ii) is seeking that *allotments below the minimum standards in the Rural Zone avoid not maintaining the open rural character, particularly from public road or vantage points.*

As in (g)(ii): The area is not characterised by open rural character. Dense planting screens the property from Milton Downs and from the neighbour to the south. The proposed subdivision would allow the establishment of one additional dwelling, with existing buildings being screened behind dense planting. The surrounds of the new dwelling on proposed Lot 2 are most likely to be landscaped for shelter and privacy, further reducing effects on the immediate area.

18.3.2(h)(iii) is seeking that *allotments below the minimum standards in the Rural Zone avoid inability to accommodate the likely use in accordance with the other requirements of the Plan.*

As in (g)(iii): The proposal is to create Lot 1 of 0.5ha and Lot 2 of 0.5ha. Lot 1 would accommodate the existing dwelling with existing services, while Lot 2 would be able to accommodate a new dwelling, with services, outdoor living and carparking. Front and back boundary setbacks are met. The existing dwelling has existing use rights to its position in relation to existing boundaries. The proposed dwelling on Lot 2 will meet 25m setback towards the external side boundary (existing right of way) and will be closer than 25m to the internal boundary with Lot 1. This would create only internal effects and would be a permitted activity under S87BA of the RMA. Any future dwelling would be probably regulated by the Proposed Plan (possibly Operative by the time a dwelling is proposed), which requires only 10m setback (instead of 25m).

18.3.2(h)(iv) is seeking that *subdivision creating lots below the minimum standards in the Rural Zone are not requiring extension or upgrading of any service or road that is not in the economic interest of the District.*

The proposed subdivision does not require any upgrading or extension of public services or extension or upgrade of existing road. One access is existing, a second one will be created to access Milford Downs (existing road). The existing dwelling is serviced to rural standard, any upgrade proposed dwelling could be serviced to the same standard, or connect to the existing sewer within the site.

18.3.2(h)(v) is seeking that *subdivision creating lots below the minimum do not compromise the safe and efficient use of the road network.*

The access to the property from Milford Downs is existing and as such, would not have any effect on the efficient use of the road network. A new access will be created to Milford Downs. The site is at the end of the cul-de-sac, with limited number of users, and the new access will not compromise the safe and efficient use of the road network

18.3.2(h)(vi) is seeking that *subdivision creating lots below the minimum do not exacerbate of risks from flooding or other natural hazards that is likely to occur through intensified landholdings, occupation or where capital and infrastructural investment is mor than minor.*

The site and surrounding area is not subject to any flooding or other hazards. As these are absent, they cannot be exacerbated by the proposed subdivision.

18.3.2(h)(vii) is seeking that *subdivision creating lots below the minimum must be able to satisfactorily and reliably dispose of effluent.*



The existing dwelling is serviced by on-site wastewater disposal, and this system will remain with the dwelling on proposed Lot 1. Any future dwelling on proposed Lot 2 would be able to be serviced by a modern system, or alternatively, connect to the sewer network, which is, according to Council's GIS, located within the site, in the southwest corner.

18.3.2(h)(viii) is seeking that *subdivision creating lots below the minimum must not lead to ad hoc urban development and/or adverse effects on rural character, amenity, and natural values through the cumulative effects of rural-residential development in the vicinity.*

As outlined previously, the area is not characterised by open rural character. Dense planting screens the property from Milford Downs and the neighbour to the south. One additional dwelling, that will be mostly screened from Milford Downs, will have less than minor effect to the existing character and amenity of the area.

Council has rezoned the area to Rural Lifestyle in the Proposed Plan, with a minimum lot size of 0.5ha. There was no structure plan or any particulars addressing requirements, so it could be considered that there is nothing "ad hoc" about the proposed development, it complies with the Proposed Plan standards. As the lots in the area are around 1ha in size, only one addition lot could be created per property. The location of an existing dwelling dictates the layout of the subdivision.

18.3.2(h)(vii) is seeking that *subdivision creating lots below the minimum must be able to provide a potable supply of water.*

The existing dwelling obtains potable water supply from rain water collection. Any future dwelling on proposed Lot 2 would be able to collect rain water.

In summary, the proposal is considered to be in general accordance with the policies in 18.3.2(g) and (h).

Proposed Plan

The Proposed Wairarapa Combined District Plan was notified in October 2023. The relevant objectives and policies include:

- Objectives for subdivision and development design in SUB-O1, for Servicing in SUB-O2; and for access TR-O1-O3.
- Policies relating to creation and design of allotments in SUB-P1, integrated infrastructure in SUB-P2, rural character and amenity values in SUB-P5, Highly productive land in SUB-P8 and access in TR-P4-P6.

The proposed subdivision is in general accordance with the relevant objectives and policies.

7.4 District Plan Analysis

Operative Plan

Under the District Plan no form of subdivision is permitted as even simple forms of subdivision may require assessment and the imposition of conditions (for access, infrastructure, water supply and sewage and stormwater disposal).

The subdivision assessment is concerned with matters set out in Parts 20.1.1(a)(i) to (xxviii) and 22.1.1(a)(i) to (xxiv) of the District Plan. Following an assessment of these



criteria it is considered that the actual and potential effects of the proposed activity on the environment are limited to potential effects on development, rural amenity and physical resources (including traffic and access).

Development

In terms of development, the subdivision is a **Non-Complying Activity**. It does not meet the relevant subdivision standards for a Controlled Activity under rules 20.1.2(b)(i), nor the standards in 20.1.4(a)(i) or 20.1.5(f)/20.1.6(a) and has to be considered a **Non-Complying Activity** under Rule 20.1.7(a).

As the Operative Plan is being replaced with the Proposed Plan, and the applicable standards have immediate effect under a court order, the proposed subdivision is considered appropriate for this location. It would allow the establishment of an additional rural-residential lot with one future dwelling. The site could easily accommodate a complying building area for a dwelling and associated buildings with relevant services, consistent with the surrounding rural residential amenity and character.

The existing dwelling on proposed Lot 1 will not comply with the 25m setback standard towards the new internal boundary with Lot 1 (however, it will comply with the 10m standard of the Proposed Plan). This is an internal departure and will have no effect outside the subdivision. The building area on Lot 2 would meet 25m setback standards towards the external boundary (existing right of way) and over 19m setback towards the new internal boundary. Again, this is also an internal departure and will have no effect outside the subdivision.

One set of financial contributions to avoid, remedy or mitigate any adverse effects on the environment would be applicable (Section 23). Note – the financial contributions will be charged under the Proposed Plan.

Rural amenity

The main thrust of the rural zone is to maintain the rural open space characteristic and amenity and to ensure adverse effects including reverse sensitivity effects are appropriately avoided, remedied, or mitigated.

The land is currently a lifestyle block, with mature trees, shelterbelts and gardens and associated residential activities.

Consideration of the proposal against the objectives 18.3.1 and 18.3.4 and policies 18.3.2(g) and (h) of the (operative) Plan indicates that allowing this subdivision will not compromise the integrity of the Plan (which is on the way out) or have more than minor impact on the local rural character and amenity.

Physical resources (including traffic and access)

The site is currently accessed from Milton Downs. This existing access will remain to service the existing dwelling on proposed Lot 1. A new crossing be established for proposed Lot 2 from Milford Downs. This crossing will meet required standards, and due to the location at the end of the cul-de-sac, traffic speeds and visibility of on-coming traffic are unlikely pose a hazard to vehicles using it (and vice versa).

Any future dwelling would be serviced to rural standard for water and wastewater, with detailed design of services provided at building consent application stage. Electricity and phone connections will be available at the lot boundary. Any stormwater would be managed onsite with soakpit design forming part of any future building consent application.



Services to the existing dwelling will remain with the dwelling, easements will be created as necessary.

The relevant objectives and policies of the Operative Plan have been met. The proposal is considered appropriate and consistent with existing land use patterns and residential activity in the surrounding area and would have no discernible impact on the safe and efficient use of the road network.

Proposed Plan

The proposed subdivision is compliant with the rule SUB-R2.2.a-c. The subdivision will not create any non-compliance, standards SUB-S1-SUB-S10 will be met, and there is no direct access to any highway or limited access road, hence the application is for a **Controlled Activity**.

We acknowledge that the site is located within highly productive land, however the re-zoning to rural lifestyle indicates Council's intention for intensification. The lot size standard of 0.5ha minimum in SUB-Table 1 has been met.

Under the proposed plan, the dwelling on proposed Lot 1 would comply with the 10m setback standards in RLZ-S3, similarly the sheds within Lot 1 would also meet the 10m setback standard or have existing use rights to their location towards existing boundaries. Any future dwelling on Lot 2 will also comply with setback standards, including the RLZ-S3.2.a (30m from another residential unit).

The standards SUB-S2 to SUB-S10 relate to building platform, servicing, access, esplanade strip or reserve, financial contributions and fire fighting water supply. There is an existing dwelling on Lot 1, and this dwelling is serviced to rural standard. The access is existing and will remain to service the existing dwelling on proposed Lot 1. There are no qualifying water bodies so no esplanade strip or reserve is required, and as one additional title is being created, one set of financial contributions apply. A separate on-site fire fighting water supply could be accommodated on both lots.

The subdivision is in general accordance with policies SUB-P1 and SUB-P2, SUB-P8 would not apply, due to the lot sizes meeting the relevant standards of the zone. The subdivision will create 2 titles from the existing 1. The existing dwelling is already serviced to rural standard. The vacant lot could easily accommodate a complying building area for a dwelling and associated buildings, consistent with the surrounding rural amenity and character. The subdivision will have minimal effect on the rural amenity, which is characterised overwhelmingly by lifestyle lots.

The site is currently accessed from Milton Downs. This access will remain to service the existing dwelling on proposed Lot 1. A new crossing be established for proposed Lot 2 from Milford Downs. This crossing will meet required standards TRS-5 -9, this will be demonstrated at detailed design stage.

TR-S11- TR-S14 will be met. As the site is in Masterton R-S16 does not apply and TR-S22 (reverse manoeuvres) will be met.

7.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

These regulations provide a national environmental standard for activities on pieces of land whose soil may be contaminated in such a way as to be a risk to human health.



The activities include subdividing land, and changing the use of the piece of land. Land covered by these regulations include sites that are currently, or previously have had activities or industries described in the “Hazardous Activities and Industries List” (HAIL) and “production” (i.e. farm) land.

The NES does not apply to this proposal as involves land that has not had an activity described on the HAIL.

The proposed subdivision area has no sites of contaminated soil identified in the GWRC Land and Soil Monitoring map overlay or the District Plan.

It is therefore considered that no significant risks to human health are likely to arise as a result of the proposed subdivision.

7.6 National Policy Statement for Highly Productive Land 2022

The NPS – HPL has been approved on 12th September 2022. The objective of the NPS is to protect highly productive land for use in land-based primary production now and for future generations. Some of the Policies are intended to direct local authorities in the implementation process (eg. mapping, integrated management), while other policies provide strict direction for protection of (highly productive) land, by avoiding subdivision and inappropriate use and development.

The Regional Policy Statement of Greater Wellington has not been updated yet, nor are there maps of highly productive land for the area. The Land Use Capacity Class of the site of the proposed subdivision falls into LUC 3, that is considered under Part 3 (3.4(1)(b)) as highly productive. The map from Manaaki Whenua Landcare Research is attached in the back.

As Council zoned this site and the wider area as Rural Lifestyle with a minimum lot size of 0.5ha, we consider that the provisions of the NPS do not apply. Notwithstanding, and based on Council’s attitude towards a subdivision lodged recently in the same zone, Angus Brew from Fruition has prepared an assessment which is attached in full as Appendix 1.

The assessment concluded that there are serious limitations to productivity on the site due to poor drainage and susceptibility to drought. The soils themselves are assessed as suitable for arable or horticultural production with the installation of irrigation and drainage. However, the combination of the lack of available water allocation and property size means that the site would not be conducive to economically sustainable commercial intensive agriculture or horticulture.

Note: we have asked that Council provides the NPS HPL assessment the re-zoning (in the Proposed Plan) was based on. We are still waiting for this information.

7.7 Part II of the Resource Management Act 1991

It is considered that the proposal is consistent with sustainable resource management, would not adversely affect any matters of national importance and would not affect Council’s obligations under the Treaty of Waitangi.

There are no known cultural sites or features associated with the application site. The proposal does not create any specific or unique adverse visual impact that requires management or mitigation further than the standard development rules within the District Plan.



The proposal would allow for the establishment of one new residential allotment which would be appropriate within the urban environment and would not adversely affect the amenity of the neighbourhood.

There are no other matters considered relevant to the assessment of this proposal.

8. CONCLUSION

An application for a 2-Lot Subdivision is lodged by **G Beatson** at 9 Milford Downs, Masterton.

The proposal is in accordance with the objectives and policies of the Wairarapa Combined District Plan, and the purpose and principles of the RMA.

The proposed activity will have no adverse effect on the environment which is any more than minor.

No party has been identified as potentially adversely affected by the proposal.

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