

**IN THE MATTER
of the Resource Management Act 1991**

AND

**IN THE MATTER of an application for
resource consent by Garth
Beatson (Applicant)**

**EVIDENCE OF EDITA BABOS
IN SUPPORT OF AN APPLICATION BY
GARTH BEATSON
TO SUBDIVIDE 9 MILFORD DOWNS, MASTERTON**



**TOMLINSON &
CARRUTHERS
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1. INTRODUCTION

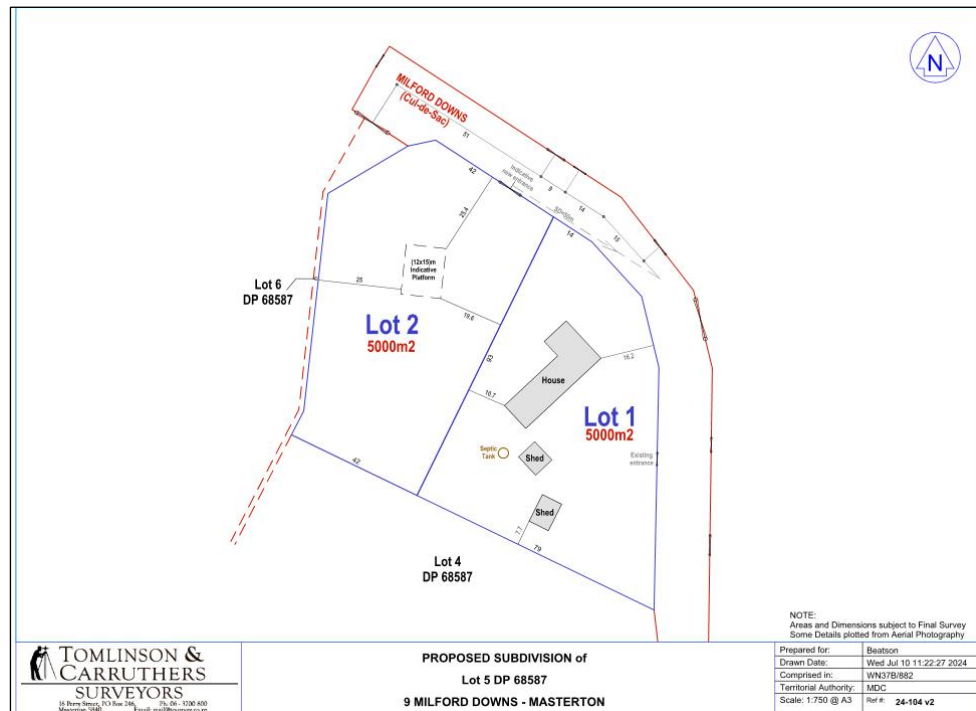
- 1.1 My full name is Edita Babos and I am employed as a Resource Management Planner at Tomlinson and Carruthers Surveyors Limited in Masterton. I have held this position for over 6 years.
- 1.2 I hold a Bachelor's Degree in Landscape Architecture from Belgrade University and a Post Graduate Diploma in Planning from Massey University and have had extensive professional experience in the resource management field over the last 22 years, both in local and central government and private practice.
- 1.3 I have been responsible for advice on resource management and consent issues, and the preparation of resource consent application and the assessment of effects on the environment.
- 1.4 Although this is a Council hearing, I confirm that I have read and shall comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023). This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.5 I am familiar with the Masterton District Council's (the Council) Operative Wairarapa Combined District Plan (the Operative Plan), the Proposed Wairarapa Combined District Plan (the Proposed Plan) and the Regional Policy Statement and Natural Resources Plan of Greater Wellington.
- 1.6 The purpose of this evidence is to:
- Confirm the details of the application
 - Actual and potential effects on the environment
 - Address compliance with the relevant planning instruments
 - Address matters raised by submitters
 - Respond to the Council Officer's Report
- 1.7 I have visited the site and the surrounding area.
- 1.8 I have read the Planning Report prepared by Honor Clark for the Council. I agree with her recommendation to grant the application subject to conditions.

2. PROPOSAL

- 2.1 The applicant proposes to subdivide their property at 9 Milford Downs, Masterton. (Legally described as Lot 5 DP 68587 within Record of Title WN37B/882.) The application was lodged with Masterton District Council on 19 July 2024.
- 2.2 The proposed subdivision would create two lots – one additional title. Lot 1 would be 0.5ha and would contain the existing dwelling and accessory buildings and structures. Lot 2 would be also 0.5ha intended for future residential development.



- 2.3 Access to Lot 1 is existing, while Lot 2 will have a new direct access from Milford Downs, as shown on the scheme plan 24-104 v2 attached with the application.



- 2.4 The existing dwelling on proposed Lot 1 is serviced to rural standard, with wastewater overflow from the onsite system into the town's sewer main. The existing dwelling has existing use rights to its location with existing boundaries and will be 10.7m from the new common boundary (with proposed Lot 2).
- 2.5 Proposed Lot 2 will be serviced also to rural standard. A detailed design will be prepared at building consent application stage. We note, that due to the site's location within the Community Drinking Supply Protection Area, a consent will be required from Greater Wellington for a Domestic Wastewater System. As this would be a Controlled Activity under Rule 64 of the Natural Resource Plan, it is safe to expect that consent will be granted. The building platform shown on the scheme plan is 25m from external boundaries, and 19.6m from the internal boundary with Lot 1.
- 2.6 The site is within LUC 3 soils. The applicant engaged Angus Bews from Fruition to assess soil productivity. The report supports the application.
- 2.7 Mike Hewison of Hewison Engineering Ltd provided a report (in reply to the S92 request) regarding wastewater and stormwater servicing of the site. In his view there are several options for wastewater disposal, and a suitable design would be prepared at building consent stage. Similarly, stormwater disposal from new hard surfaces would be addressed at building consent stage, most likely with storage tanks for both potable and non-potable use. The full report is attached to this evidence.

3. AMENITY, TRAFFIC AND INFRASTRUCTURE EFFECTS

- 3.1 The site is within an area characterised by lots of 1ha in size and used for rural residential purposes. There is a larger 48ha rural lot to the north adjoining 16, 18 and 20 Milford Downs.



- 3.2 The area is not characterised by open rural character. The existing dwelling and buildings/structures are screened by well-established planting. The existing character is more urban than rural, with larger dwellings, lawns and landscaping and no rural primary production (other than domestic gardens or hobby use). In my opinion one additional dwelling, that could be screened from Milford Downs, will have a less than minor effect to the existing character and amenity of the area.
- 3.3 Council has rezoned the area to Rural Lifestyle in the Proposed Plan, with a minimum lot size of 0.5ha. This zoning and associated subdivision rules have been given immediate effect by the Environment Court. There was no structure plan or any additional requirements, so it could be considered that there is nothing “ad hoc” about the proposed development as it complies with the Proposed Plan standards. As the lots in the area are around 1ha in size, only one additional lot could be created per property. The location of the respective existing dwellings would dictate the layout of any future subdivision.
- 3.4 The proposed lots can accommodate their respective rural-residential use. Front and rear boundary setbacks are met. The existing dwelling has existing use rights to its position in relation to existing boundaries. It will not meet the 25m setback standard of the Operative Plan to the new internal boundary, but will meet the 10m setback standard of the Proposed Plan. The building area on proposed Lot 2 will meet 25m setback towards the external side boundary and will be closer than 25m to the internal boundary with Lot 1. The breaches of the 25m standard would create only internal effects and would be a permitted activity under S87BA of the RMA. Any future dwelling would be likely regulated by the Proposed Plan (possibly Operative by the time a dwelling is proposed), which requires only 10m setback (instead of 25m).
- 3.5 The proposed Lot 2 will not meet the 100m road frontage standard of the Operative Plan. The area in this part of Milford Downs is not characterised by lots of 100m road frontage. Starting with 20 Milford Downs with 8m road frontage, 22 Milford Downs of 9.5m road frontage, 18 Milford Downs of 62m road frontage, 16 Milford Downs of 50m road frontage, 6 Milford Downs of 54m road frontage. Proposed Lot 2 will have a 50m long road frontage, matching this existing environment.
- 3.6 There is no productive use or industrial use on any of the directly adjacent land. The surrounding lots are around 1ha in size and are used for rural residential purposes. There is a larger 48ha rural lot to the north, adjoining 16, 18 and 20 Milford Downs. In my opinion there will be no adverse effects on the productive use of this site from the proposed subdivision. Notwithstanding this, a S221 notice is volunteered to address reverse sensibility.
- 3.7 The proposed subdivision does not require any upgrading or extension of public services or extension or upgrade of the existing road. Accesses are existing, the existing dwelling is serviced to rural standard, any proposed dwelling could be serviced to the same standard and could be addressed at building consent stage. One additional site for future rural residential use will have less than minor effect on the existing traffic on Milford Downs.

4. PLANNING FRAMEWORK –NATIONAL POLICY STATEMENT HIGHLY PRODUCTIVE LAND, REGIONAL POLICY STATEMENT (GREATER WELLINGTON), NATURAL RESOURCES PLAN (GREATER WELLINGTON), OPERATIVE AND PROPOSED WAIRARAPA COMBINED DISTRICT PLAN

- 4.1 The application is subject to Part II – Purposes and Principles - of the Resource Management Act 1991, and is assessed under the relevant matters to have regard to under s104 of the Act. The relevant matters under s104 include actual and



potential effects on the environment from the proposed activity, national environmental standards, national policy statements, Greater Wellington Regional Policy Statement (and Plans), objectives, policies and Rules of the District Plan, and any other matters the consent activity considers relevant. As the application is for a non-complying activity, 104D applies. The application and additional information supplied demonstrate that any adverse effects of the subdivision will be no more than minor, and the application is not contrary to the objectives and policies of either the Operative Plan or the Proposed Plan.

- 4.2 The application is subject to the National Policy Statement for Highly Productive Land 2022. 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. Angus Brew of Fruition has prepared an assessment which has been provided as attachment to the application. The assessment concluded that there are serious limitations to productivity on the site due to poor drainage and susceptibility to drought. The soils in the assessed area are suitable for intensive agricultural 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.
- 4.3 Subsequent to the Fruition report, Council has provided and made publicly available a report by Agfirst, prepared for Council as supporting report for the rezoning of the area to Rural Lifestyle in the Proposed Plan. The report is attached to this evidence. The conclusion of Agfirst's Assessment of the proposed rural lifestyle zone against the National Policy Statement for Highly Productive Land is that the rezoning (with some properties excluded on Gordon Street) meets Clause 3.10 of the NPS-HPL due to non-reversible land fragmentation, no reasonably practicable options to continue land based primary production in an economically viable manner both now and in long term, the HPL over majority of the land proposed to be re-zoned is already in effect lost due to the infrastructure (existing built environment) limiting the effective area and the long-term environmental, social, cultural and economic impacts from the loss of highly productive land associated with the rezoning is improved, therefore, the cost benefit analysis shows the benefits outweigh the costs. (Page 52 of the Assessment.) While the assessment is for the wider area to be re-zoned, the conclusion applies to the site of the proposed subdivision at 9 Milford Downs.
- 4.4 As indicated in 2.5, due to the site's location within the Community Drinking Supply Protection Area, a consent will be required from Greater Wellington for a Domestic Wastewater System. As this would be a Controlled Activity under Rule 64 of the Natural Resource Plan, it is safe to expect that consent will be granted. Please see Mike Hewison's report for further detail.
- 4.5 The Greater Wellington **Regional Policy Statement** 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.
- 4.6 Of relevance to this application is Objective 22 which seeks a well-designed and sustainable regional form, and Policy 56 which requires consideration of managing development in rural areas.
- 4.7 Policy 56 asks that regard is given to loss of productive capability of the rural area, reduction in aesthetic and open space values in rural areas between and around settlements, minimising demand for non-renewable energy resources,



consistency with the relevant growth and/or development framework or strategy that addresses future rural development or in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity. The proposed subdivision is within a new zone introduced by the Proposed Plan. One can reasonably expect, that Council considered Policy 56 when applying to the Environment Court giving immediate effect to this part of the Proposed Plan.

The site being subdivided is 1ha in size and is used currently as a lifestyle block, with no primary production component – other than grazing half a dozen sheep in the vacant western part. There is an existing dwelling with deck and swimming pool, and a couple of sheds. The subdivision would provide for one additional dwelling on the vacant lot. A future dwelling with associate structures would only occupy up to 10% of proposed Lot 2, with the rest of the site remaining as landscaped grounds.

Dwellings are part of the rural environment and the existing landscaping around the existing buildings and future landscaping withing proposed Lot 2, I consider that the proposal will have negligible effects on the aesthetic and open space values of the rural environment.

- 4.8 The proposal is a Non-Complying Activity under the Operative District Plan. 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 must be considered a Non-Complying Activity under Rule 20.1.7(a).
The scheme plan24/104 v2 shows the setbacks from existing and future boundaries. The existing dwelling has existing use rights to its position in relation to existing boundaries. It will not meet the 25m setback standard of the Operative Plan to the new internal boundary, but will meet the 10m setback standard of the Proposed Plan. The building area on proposed Lot 2 will meet 25m setback towards the external side boundary and will be closer than 25m to the internal boundary with Lot 1. The breaches of the 25m standard would create only internal effects and would be a permitted activity under S87BA of the RMA. Any future dwelling would be likely regulated by the Proposed Plan (possibly Operative by the time a dwelling is proposed), which requires only 10m setback (instead of 25m).
- 4.9 The proposed subdivision does not meet the Operative Plan minimum lot size standard and the minimum road frontage. The effects have been assessed under 3.1-3.7 above, and also in the Application as lodged. Any effects were considered to be no more than minor and in general accordance with the relevant objectives and policies.
- 4.10 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.
Objective 18.3.4 is to ensure that subdivision is appropriately serviced.
Objective 4.3.4 seeks to ensure that the amenity values of the Rural Zone are maintained, including natural character, as appropriate to the predominant land use and consequential environmental quality of different rural character areas within the Wairarapa.
The proposed subdivision is zoned Rural (Primary Production) in the Operative Plan. The site and immediate area are 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. As with any rural site, the subdivision servicing will occur at building consent stage. A report has been prepared by Mike Hewison of Hewison Engineering Limited assessing options available for servicing. The report is attached to this evidence.



- 4.11 The policies governed by these objectives and of relevance to the proposed activity are 4.3.2(d) seeking that subdivision (and buildings) are consistent with rural character (scale, density and level of environmental effects), 18.3.2(a), (b), (g) and (h) are to ensure subdivision is managed appropriately for the character and qualities of the environmental zone, avoiding adverse effects on the environment, providing reason for the minimum lot size standard and outcomes to be avoided by proposals below the standards, and 18.3.5(a) seeking the provision of adequate infrastructure.
The area is not characterised by open rural character, however the existing dwellings enjoy a rural view towards the Tararua Ranges to the west. This view of the existing dwellings will remain unaffected by the subdivision and subsequent one additional dwelling. The existing character of the Milford Downs area is more urban than rural, with larger dwellings, lawns and landscaping and no rural primary production activities being undertaken. In my opinion one additional dwelling, that will be landscaped, will have less than minor effect to the existing character and amenity of the area. Servicing will be designed in accordance with relevant standards at building consent stage.
- 4.12 The Proposed Wairarapa Combined District Plan was notified in October 2023. The Rura Lifestyle Zone and related subdivision provisions were made operative by the Environment Court.
- 4.13 The Rural Zone including the Rural Lifestyle Zone chapter is currently going through the hearing process. We note that only one submission (AdamsonShaw Limited) on the Rural Lifestyle Zone is from a resident in the area, all other submissions are from larger organisations – Horticulture NZ, Greater Wellington, NZ Transport Agency, Fire and Emergency NZ, NZ Pork Industry Board, Ministry of Education, NZ Heavy Haulage Association, NZ Forest and Bird, Fulton Hogan, as well as 3 individuals not living in the area proposed for rezoning – Alan Flynn, Tony Garstang and Ian Gunn. The submissions were mostly in support of the new zone and the provisions relating to it, with a small number questioning the inconsistency with the provision in South Wairarapa and Carterton and servicing capacity. The summary table is attached with this evidence.
- 4.14 The S42A report on the Rural Zone by Charles Horrell on behalf of the Wairarapa Councils recommends that the Rural Lifestyle Zone remains with some minor changes to the proposed provisions and with a reduced area (some larger properties along Gordon Street have been now excluded). In most instances, the hearing commissioners take guidance from the report, and it would be reasonable to expect, that the Rural Lifestyle Zone is here to stay. The report is attached with this evidence.
- 4.15 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 to O3.
- 4.16 Policies relating to creation and design of allotments in SUB-P1, integrated infrastructure in SUP-P2, rural character and amenity values in SUB-P5, highly productive land is SUB-P8 and access in TR-P4-P6.
- 4.17 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 under the Proposed Plan.
- 4.18 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. See also 4.3 of this evidence.

- 4.19 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, except the shed closest to 7 Milford Downs, however this departure is existing and existing use rights apply. Any future dwelling on Lot 2 will also comply with setback standards, including the RLZ-S3.2.a (30m from another residential unit).
- 4.20 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 from Milford Downs and will remain. A new crossing will be constructed for proposed Lot 2. 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. As stormwater will be collected, a separate on-site fire fighting water supply can be accommodated.
- 4.21 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 title. 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. I consider that the subdivision will have minimal effect on the rural amenity, which is characterised overwhelmingly by lifestyle lots.
- 4.22 The vehicle crossing to the existing dwelling on proposed Lot 1 and the new crossing to Lot 2 will meet required standards TRS-5 -9, this will be demonstrated at detailed design stage.

5. SUBMISSIONS

- 5.1 The application has been publicly notified, and notice have been served within the general area of Milford Downs and Ardsley Lane. Eleven submissions have been received, 8 opposing the proposal and 3 supporting it. Most submitters (8) indicated they want to be heard, and one that had no indication either way, while the rest of submitters (2) did not want heard.
- 5.2 The matters raised by the submitters included the statutory planning framework, servicing, rural amenity, access, setbacks, NPS HPL assessment and private land covenant.
- 5.3 I agree with the S42A report assessment of the matters raised by the submitters. The concerns of the submitters have been addressed within the assessment of adverse effects and statutory assessment above and I consider them to be less than minor and consistent with the planning provisions of the relevant planning documents.

6. THE SECTION 42A PLANNING REPORT

- 6.1 The report prepared by Honor Clark for the Masterton District Council is thorough and correct. I agree with the assessment of the report, its recommendation and proposed conditions.



7. CONCLUSION

- 7.1 The proposed subdivision of 10 Milford Downs is consistent with the purpose and the principles of the Resource Management Act 1991.
- 7.2 The proposal is not contrary to the objectives and policies of the operative or proposed District Plan and is not inconsistent with the anticipated environmental outcomes and assessment criteria.
- 7.3 The proposed activity is consistent with the Regional Policy Statement and NRP.
- 7.4 The proposed subdivision will make use of a limited resource and create opportunity for an additional dwelling in Masterton.
- 7.5 In accordance with mitigation measures proposed and the agreed conditions will ensure that any adverse effects are avoided, remedied or mitigated.
- 7.6 The application for subdivision consent can and should be granted, subject to agreed conditions, as per the recommendation of the Section 42A report. The Applicant submits that the proposal is in all respects appropriate and worthy of approval. It represents an appropriate use of the land in its surrounding context.



Appendix

- 1 Application**
- 2 Wastewater and stormwater servicing feasibility report and attachments by Mike Hewison of Hewison Engineering Limited**
- 3 Assessment of the proposed rural lifestyle zone against the National Policy statement for Highly Productive Land by Agfirst**
- 4 Summary of submission on the Rural Lifestyle Zone of the Proposed Plan**
- 5 Section 42A report on the Rural Zone by Charles Horrell**



1. Application



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

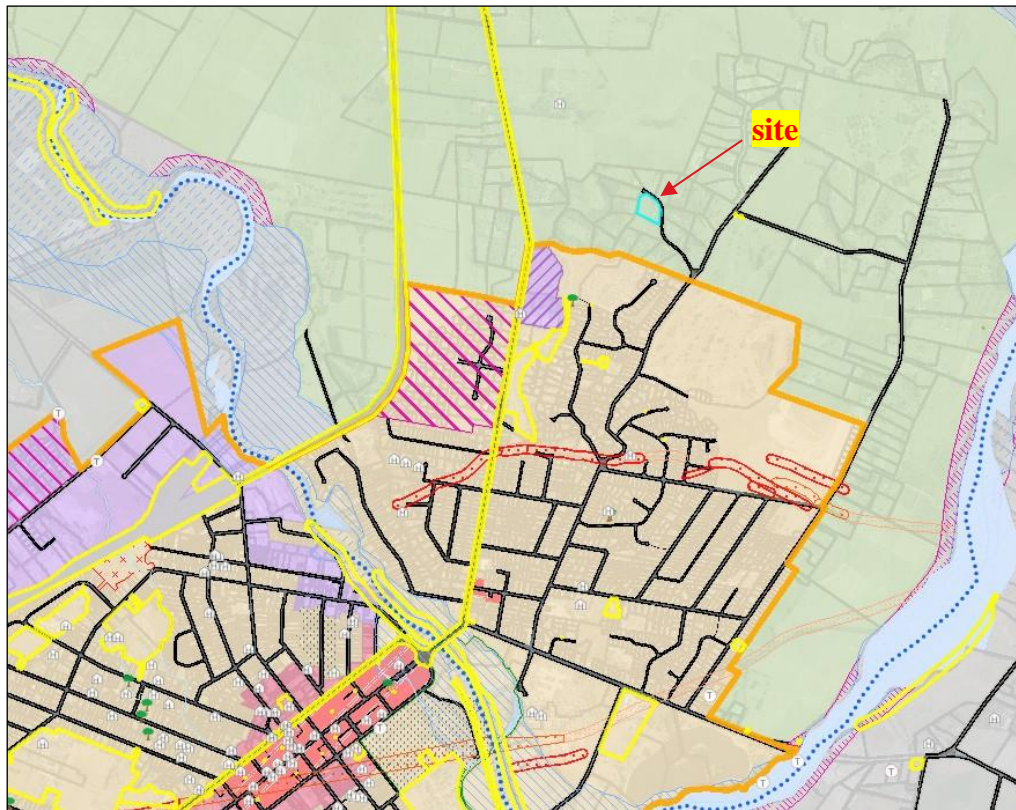
The subject site has an existing dwelling with a couple of accessory sheds and pool, grouped within the eastern half of the property. Access is from Milford Downs. The dwelling is serviced to rural standard. There are hedges and landscaping around the dwelling, with the remainder of the site in lawn.



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.

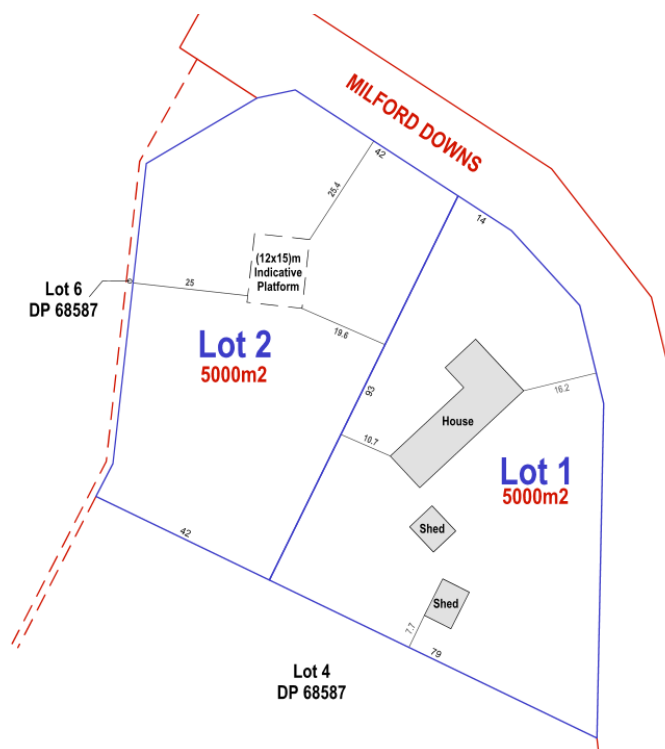


Lot	Proposed Area	Note
Lot 1	5000m ²	to contain all existing buildings
Lot 2	5000m ²	vacant lot

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.

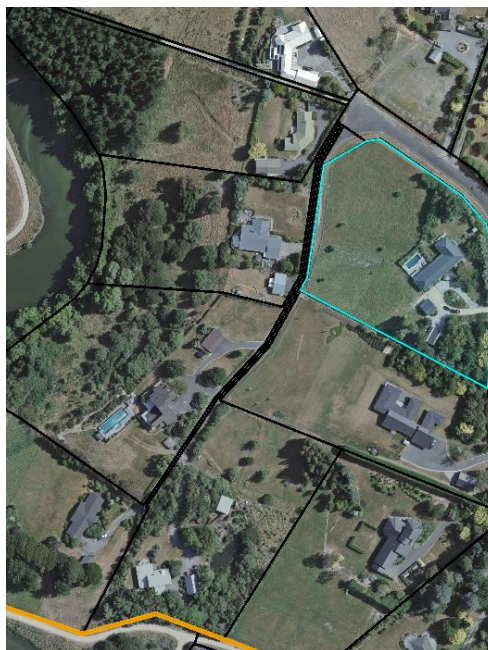
The objectives 18.3.2(g) and (h) are specifying expected *outcomes of subdivision of rural land for rural-residential purposes and matters to avoid if rural-residential allotments are below the minimum standard.*

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.*

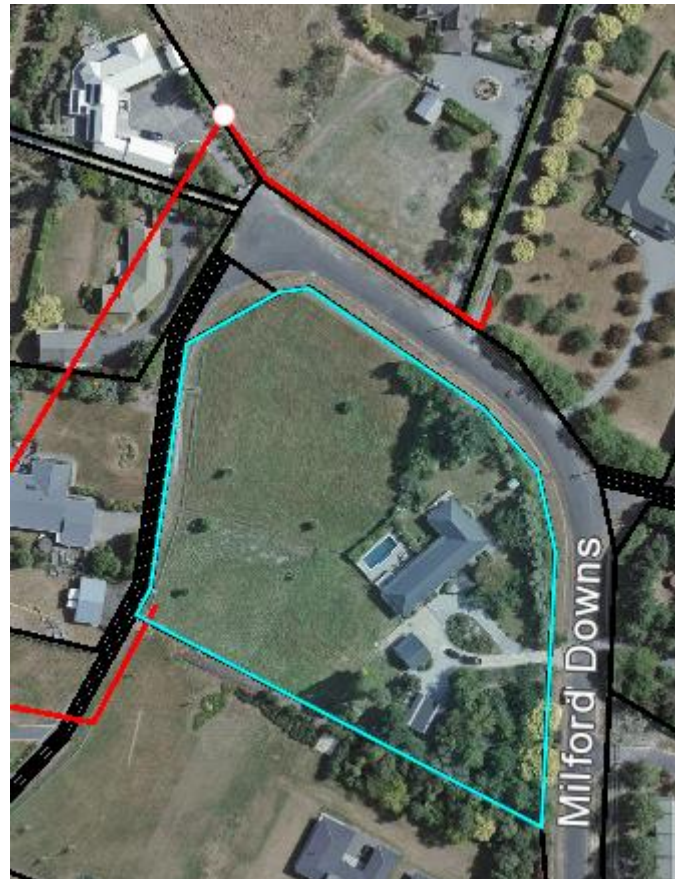
As in (ii), the area is not characterised by open rural character. Dense planting screens the property from Milton Downs and from the neighbour to the south. The existing character is more urban than rural, with larger dwellings, lawns and landscaping and no rural primary production. One additional dwelling, 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.

Edita Babos
Post Grad Dipl Planning, B Sc Landscape Architecture

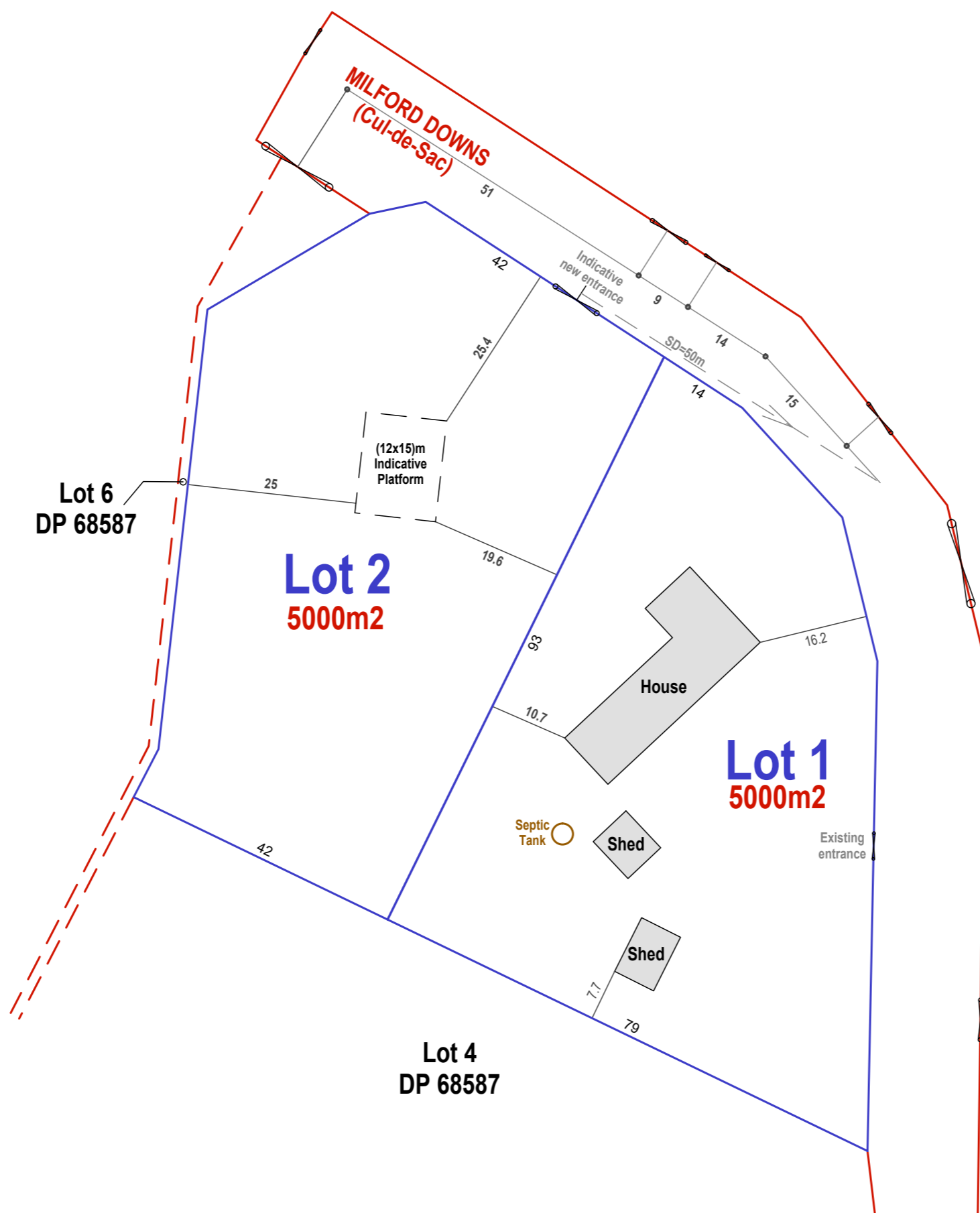


9. ATTACHMENTS

- 1. Proposed Scheme Plan**
- 2. Certificate of Title**
- 3. NPS HPL Assessment**



Scheme Plan



NOTE:
Areas and Dimensions subject to Final Survey
Some Details plotted from Aerial Photography

Prepared for:	Beatson
Drawn Date:	Wed Jul 10 11:22:27 2024
Comprised in:	WN37B/882
Territorial Authority:	MDC
Scale: 1:750 @ A3	Ref #: 24-104 v2



NOTE:
Areas and Dimensions subject to Final Survey
Some Details plotted from Aerial Photography

TOMLINSON & CARRUTHERS
SURVEYORS

16 Perry Street, PO Box 246, Masterton 5840
Ph: 06 - 3700 800
Email: mail@tcsurvey.co.nz

PROPOSED SUBDIVISION of
Lot 5 DP 68587
9 MILFORD DOWNS - MASTERTON

Prepared for:	Beatson
Drawn Date:	Wed Jul 10 11:23:19 2024
Comprised in:	WN37B/882
Territorial Authority:	MDC
Scale: 1:750 @ A3	Ref #: 24-104 v2



Certificate of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **WN37B/882**
Land Registration District **Wellington**
Date Issued 07 December 1990

Prior References
WN37D/520

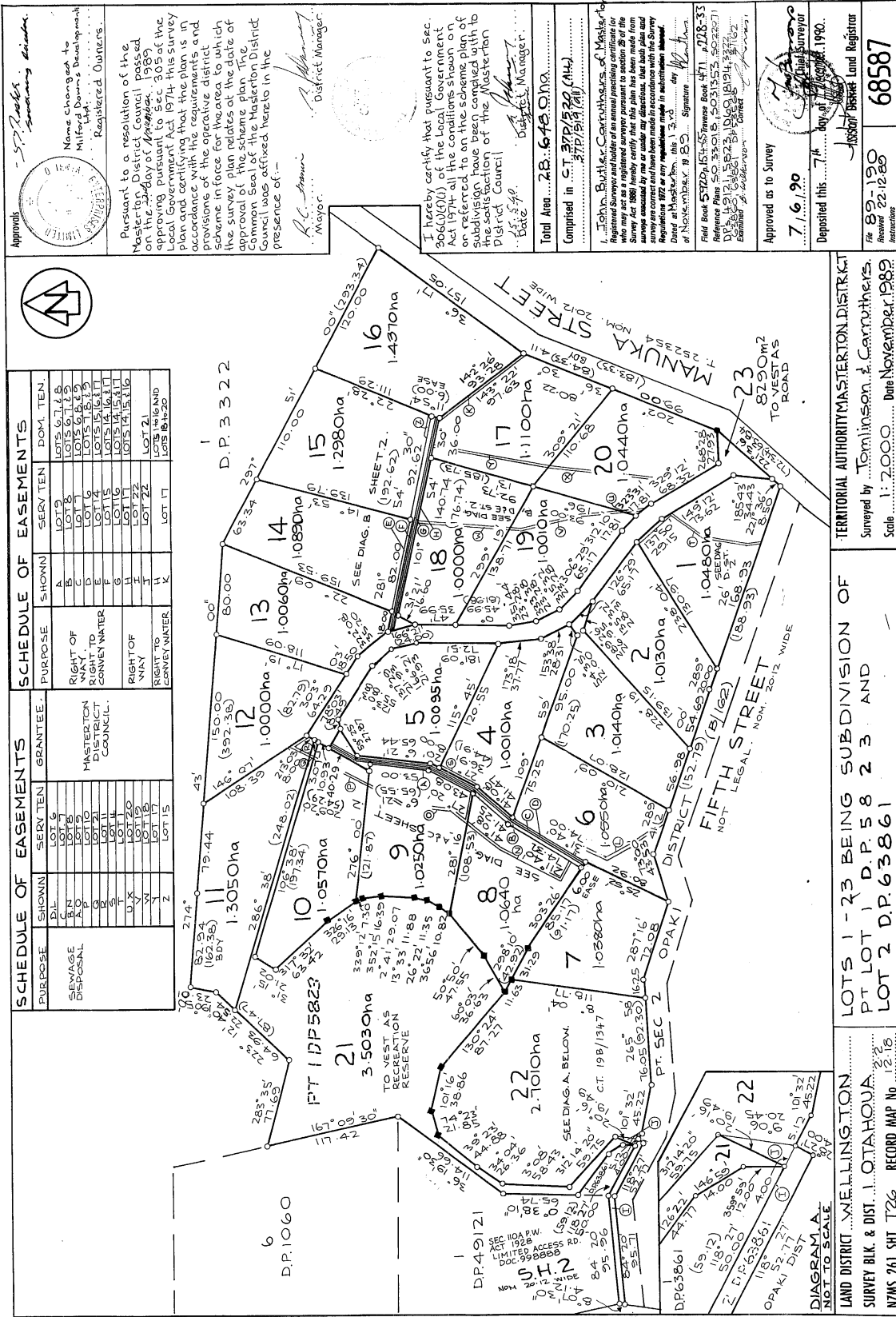
Estate Fee Simple
Area 1.0095 hectares more or less
Legal Description Lot 5 Deposited Plan 68587

Registered Owners

Bruce Donald Matthews as to a 1/2 share
Vicki Ann Matthews as to a 1/2 share

Interests

Appurtenant hereto is a right to convey water specified in Easement Certificate B134398.9 - 7.12.1990 at 9.10 am
Land Covenant in Transfer B148679.3 - 12.3.1991 at 12.00 pm
9710535.3 Mortgage to ANZ Bank New Zealand Limited - 13.6.2014 at 12:28 pm



Approval: *S.P. Ruck*
 Name changed to: *Miforo Community Development Ltd.*
 Registered Owners:
 Pursuant to a resolution of the Masterton District Council passed on the 23rd day of November, 1989 approving pursuant to Sec 305 of the Local Government Act 1974 this survey plan and certifying that the plan is in accordance with the requirements and provisions of the operative district scheme in force for the area to which the survey of the scheme plan is of the Common Seal of the Masterton District Council was affixed hereto in the presence of:-
R.C. ... Mayor
... District Manager

I hereby certify that pursuant to Sec. 306(1)(a) of the Local Government Act 1974 all the conditions shown on or referred to on the scheme plan of subdivision have been complied with to the satisfaction of the Masterton District Council.
 Date: *23.11.89*
 District Manager

Total Area: **28.6480ha**
 Completed in: **CT 377/520 (14)**
 Registered in: **377/519 (14)**

I, *John M. Butler*, Cartographer of Masterton, Registered Surveyor and holder of an annual practicing certificate for the purposes of the Survey Act 1980 hereby certify that this plan has been made from a survey conducted by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Act 1980.
 Date: *23.11.89*
 Signature: *John M. Butler*
 Registered in: **377/519 (14)**
 or Next of Kin: *...*

Field Book: **5726, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 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B 148679.3

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Under the Land Transfer Act 1952

Memorandum of Transfer

WHEREAS GRAHAM EUGENE FISHER of Lower Hutt, Company Director (called "the registered proprietor") is

Handwritten signature

~~XXXXX~~ being registered as proprietor

of an estate in fee simple

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in that piece of land situated in the Land District of Wellington containing 1.0095 hectares

NEW ZEALAND STAMP DUTY LIH
15/02/910004&001 NONLIABLE *.00

more or less being Lot 5 on Deposited Plan 68587 (called "the Lot") and being all of the land comprised and described in Certificate of Title Volume 37B Folio 882 (Wellington Registry)

SUBJECT TO:

1. Easement Certificate B134398.9

(called "Lot 5").

AND WHEREAS the registered proprietor when registered as proprietor of all the land contained on Deposited Plan 68587 subdivided the land in to residential Lots, roads and accessways in the manner shown and defined on that plan for the purposes of the sale of the land in residential Lots as a building estate (called "the Subdivision")

AND WHEREAS it is the registered proprietor's intention that all residential Lots contained in the subdivision shall be subject to a general scheme applicable to and for the benefit of each residential Lot in that the owner or occupier for the time being of each of the said Lots shall be bound by the stipulations and restrictions set forth in the Schedule hereto and that the respective owners and occupiers for the time being of any of the said residential Lots in the subdivision may be

able to enforce the observance of such stipulations and restrictions by the owners or occupiers for the time being of any of the other said residential Lots in the subdivision in equity or otherwise howsoever.

AND WHEREAS the registered proprietor intends that the respective owners and occupiers of each Lot contained in the subdivision shall be subject to a general scheme applicable to and for the benefit of all the said Lots and that the registered proprietor for the time being of each Lot shall:-

- (a) Be bound by the restrictive covenants contained in the Schedule; and
- (b) Be able to enforce the observance of such restrictive covenants by ~~the~~^{the} registered proprietors for the time being of ~~the~~^{each} each of the other lots in the subdivision.

AND WHEREAS by agreement dated the 5th day of June 1990, the registered proprietor agreed to sell Lot 5 to RODNEY HUGH DUNCAN of Masterton, Pharmacist and JANE ELIZABETH DUNCAN his wife (hereinafter called "the Transferee") for the consideration hereinafter appearing and the Transferee agreed to purchase the same and to enter into the covenants on the part of the Transferee herein contained.

NOW THEREFORE in pursuance of the said agreement and in consideration of the sum of FORTY EIGHT THOUSAND DOLLARS (\$48,000.00) paid by the Transferee to the registered proprietor Doth hereby Transfer unto the Transferee all ~~his~~^{his} estate and interest in Lot 5 and in further pursuance of the said agreement the Transferee hereby covenants with the registered proprietor of the land that the Transferee will at all times hereafter observe and perform all of the covenants and obligations contained in the Schedule to the intent that the Lot shall:-

- (a) Be subject to the burden of the restrictive covenants contained in the Schedule for the benefit of all other Lots in the subdivision; and
- (b) Have the benefit of the restrictive covenants contained in the Schedule over or in respect of all other Lots in the subdivision.

PROVIDED THAT each person bound by this covenant shall be liable in respect of breaches of the restrictive covenants contained in the Schedule that occur while that person is the registered proprietor of the Lot in respect of which the breach occurs.


THE SCHEDULE

1. No dwelling, building or other structure (called "the Improvements") shall be commenced or erected or permitted to be erected commenced or erected on any of the Lots except where:

- (a) Plans and specifications for the Improvements have been submitted to *GRAHAM EUGENE FISHER and the prior ^{the said} consent in writing of GRAHAM EUGENE FISHER obtained to such plans and specifications and the situation of the Improvements on the Lot concerned; and

- (b) The Improvements are constructed erected and situated in accordance with the plans and specifications and situation approved by GRAHAM EUGENE FISHER or in such other manner as GRAHAM EUGENE FISHER shall approve in writing.

PROVIDED THAT once the consent or approval of GRAHAM EUGENE FISHER has been given pursuant to this clause in respect of any Lot and the Improvements are constructed and sited on that Lot in accordance with the consent or approval this restrictive covenant shall thereafter be extinguished in relation to that Lot to the intent that thereafter this clause need not be complied with in respect of any alteration to the Improvements or any further dwelling buildings or structures erected on the Lot concerned AND PROVIDED FURTHER THAT the reference in this clause to GRAHAM EUGENE FISHER shall be reference to him alone and shall not include his successors in title and assigns but in the event of his death all consents required by this covenant shall be obtained from the trustees of the estate of the said GRAHAM EUGENE FISHER.

2. No caravan, truck, bus, trailer, machinery or other unsightly object (not including any motor vehicle, small van or utility truck that is in good working order, repair and appearance) shall be permitted to remain on that part of any Lot that is situated between the dwelling situated on the Lot concerned and the street frontage of such Lot except when building operations are in ~~process~~ progress. 
3. No trade equipment or materials, debris, or rubbish shall be brought onto any part of any Lot except when building operations are in progress.
4. No Lot shall be further subdivided without the further consent of the registered proprietor first had and obtained.

XXXXXXXXXXXXXXXXXXXX

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXIX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

In witness whereof these presents have been executed this

of

February

1991

8th

day

Signed by the above named

GRAHAM EUGENE FISHER

in the presence of:—

[Handwritten signature]

~~W~~
*Wellington
Solicitor*

SIGNED by the above-named)
RODNEY HUGH DUNCAN and)
JANE ELIZABETH DUNCAN in)
the presence of:)

[Handwritten signatures]

*Thwaitson
Solicitor
Master*

No.

TRANSFER OF FEE SIMPLE

Correct for the purposes of the Land Transfer Act.

Thurston

Solicitor for the Transferee.

G E FISHER

Transferor

I HEREBY CERTIFY THAT THIS TRANSACTION DOES NOT CONTRAVENE THE PROVISIONS OF PART IIA OF THE LAND SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952.

Thurston

SOLICITOR FOR THE TRANSFEREE

R H & J E DUNCAN

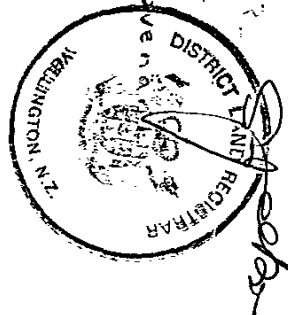
Transferee

Particulars entered in the Register as shown herein on the date and at the time endorsed below.

Assistant / District Land Registrar

of the District of

12.00 12.MAR91 B 148679.3
ARTICULARS ENTERED IN REGISTER
LAND REGISTRAR WELINGTON
378/882
Restrictive
301 JAN REGISTRAR



Solicitors for the Transferee





NPS HPL Assessment

9 Milford Downs, Masterton

Assessment of land productive capability.

12 July 2024

Prepared for:

Tomlinson & Carruthers Surveyors Ltd

Prepared by:

Angus Bews
Fruition Consultant

www.fruitionhort.com

angusbews@fruition.net.nz | 021 949 906

Fruition has prepared this report with customary and due care, but no warranty or liability for its contents are accepted



Summary

The Land Use Capability (LUC) categories for the assessed area was determined to be 3E 2 and 3S 1. The main limitations of the site arise from the presence of:

1. Poorly drained
2. Susceptibility to drought
3. Susceptibility to erosion

The soil conditions regarding poor subsoil drainage and the risk of drought in summer periods can be remediated through installation of adequate irrigation and drainage systems. The potential risk of erosion during/post cultivation can be reduced with careful attention to weather conditions (wind) during the earthwork process.

4. Irrigation constraint

There are no current consents suitable to horticultural or arable production allocated to this property. Given the need for irrigation for successful commercial horticultural production, this limitation renders the property unsuitable for commercial horticultural production.

Conclusion

The soils in the assessed area are suitable for intensive agricultural 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.

The Brief

- An assessment of the productive capacity of the land,
- Identification of any particular qualities that increase or decrease the value of the land from a productive perspective.

The Land

One title totalling 1.01 ha at 9 Milford Downs, Masterton was assessed for suitability for agricultural/horticultural production.

- Lot 5 DP 68587

Total Area: 1.01 ha



LUC Classification

LUC Classification is interpreted as an expression of three parts recorded in combination of “Class code, Subclass modifier, and unit identifier”.

The LUC categories for the assessed area are 3E 2 and 3S 1:

3E 2

Class 3 – Land with moderate limitations for arable use, but suitable for cultivated crops, pasture or forestry.

Subclass E – Erosion susceptibility, deposition or the effects of past erosion damage first limits production

Unit 2 – This unit occurs on rolling slopes with significant potential erosion after cultivation.

3S 1

Class 3 – Land with moderate limitations for arable use, but suitable for cultivated crops, pasture or forestry.

Subclass S – Soil physical or chemical properties in the rooting zone such as shallowness, stoniness, low moisture holding capacity, low fertility, salinity, or toxicity first limits production.

Unit 1 – This unit occurs on flat river terraces with periods of severe soil moisture deficiency and poor drainage.

Source: LRIS – NZLRI Land Use Capability 2021

Noble, K. E. 1985: Land use capability classification of the Southern Hawke’s Bay – Wairarapa Region. Water & Soil Miscellaneous Publication 74. Wellington, New Zealand, National Water and Soil Conservation Authority. 128p.

Desktop Soils Assessment

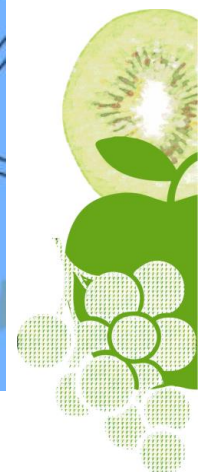
Landcare’s on-line soil mapping service, S-maps, was used for a desktop analysis.

The main soil present are:

- Claremont (4a.1): A silt textured soil. (100% - 1 ha)



Figure 1 - Land Title on S-maps soil map



Soil Analysis

S-Maps describes the three main different soil types present:

- Claremont (*4a.1*) soil is of the Pallic soil order and is of loess origin. The soil profile texture is silt.
 - The topsoil horizon can extend 10-20cm and has rapid permeability.
 - The subsoil horizon extends 15-25cm and has moderate permeability. This horizon is a weak loam.
 - The third horizon extends 15-35cm and has moderate permeability. This horizon is a slightly firm fine loam.
 - The fourth horizon extends 40-50cm and has impermeable permeability. This horizon is a firm coarse loam.
 - The potential rooting depth extends between 50-70cm due to low penetrable soil materials. The profile available water is moderate through the 100cm profile (93mm). The soil has a moderate clay percentage and a moderate cation exchange capacity.

S-maps Pictogram (Appendix)



Assessment of Productive Capability

Soils

Most of the property has a LUC category of 3E 2 (97%), the main limitations of this category are:

1. Susceptible to erosion
2. Susceptible to period of drought

The slope of this area is dominantly rolling between 8-15° but with some undulating slopes of 4-7°.

The rest of the property has a LUC category of 3S 1 (3%), the main limitations of this category are:

3. Poorly drained
4. Susceptible to period of drought

The slope of this area is dominant undulating between 4 and 7°.

The soils are suited to multiple forms of arable and horticultural cropping. There is evidence based on the S-Maps analysis that they could sustain economically viable levels of production. A fragipan horizon (layer or dense cemented silt and/or fine sand) within the subsoils impedes permeability and leads to poor drainage, similarly this soil horizon also leads to periods of drought in summer. It is likely that the high capital investment required for horticultural growing systems could be justified considering these relatively minor limitations.

The limitations above could be mitigated to some degree with the installation of irrigation and drainage alongside careful attention to water and nutrient management. There is a potential for moderate sheet, rill and wind erosion during and after cultivation.

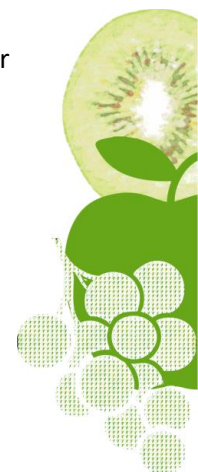
Water

The no current resource consents allocated to this property.

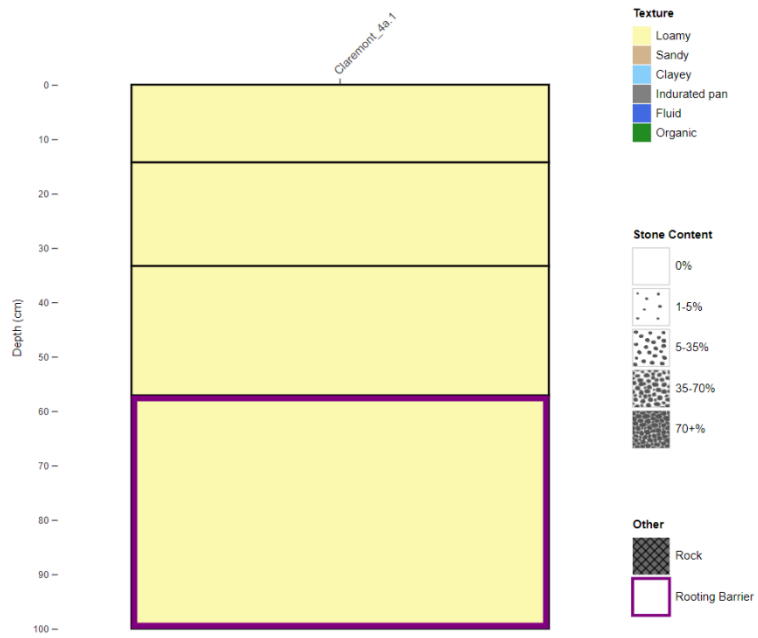
Supplementary irrigation is considered essential for successful commercial horticultural production.

Conclusion

Considering these factors in combination means that this property in its entirety is **not suitable** for commercial agricultural or horticultural production.



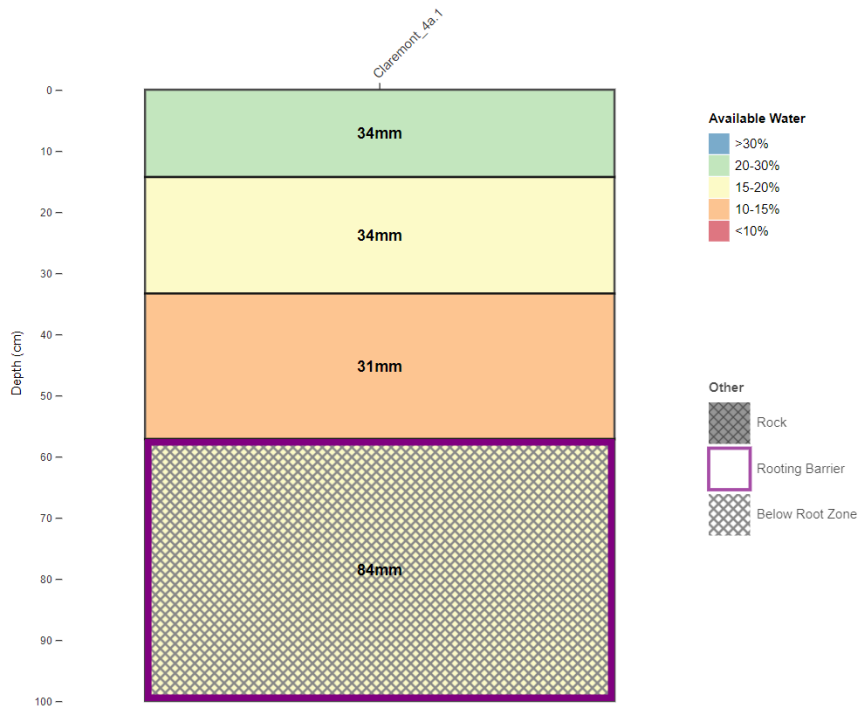
Appendices



Pictogram's detailing soil textures through the soil horizons.

Functional soil horizons. Soils Data reproduced with permission of Landcare Research NZ Ltd





Pictogram's detailing plant available water holding capacity through the soil horizons.

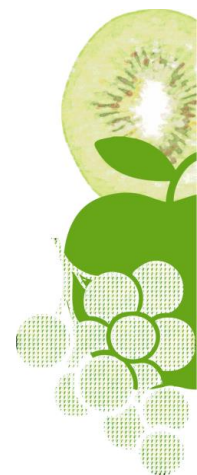
Functional soil horizons. Soils Data reproduced with permission of Landcare Research NZ Ltd





Map detailing Land Use Capability.

LUC map reproduced with permission of Land Resource Information Services NZ



Claremont_4a.1

Report generated: 10-Jul-2024 from <https://smap.landcareresearch.co.nz>

Clar_4a.1

This information sheet describes the typical average properties of the specified soil to a depth of 1 metre, and should not be the primary source of data when making land use decisions on individual farms and paddocks. S-map correlates soils across New Zealand. Both the old soil name and the new correlated (soil family) name are listed below.

Soil Classification

Soil Classification:

Fragic Perch-gley Pallic Soils (PPX)

Family Name:

Claremont (Clar)

Sibling Name:

Claremont_4a.1 (Clar_4a.1)

Soil profile material

Stoneless soil

Profile texture

silt

Parent Material

Stones/rocks
not applicable

Depth class (diggability)

Moderately deep (50 - 70 cm)

Soil material

hard sandstone rock

Origin

Loess

Soil Sibling Concept

This soil belongs to the Pallic soil order of the New Zealand soil classification. Pallic Soils have pale coloured subsoils, due to low contents of iron oxides, have weak soil structure and high density in subsurface horizons. Pallic Soils tend to be dry in summer and wet in winter. It is formed in a blanket deposit of silt sized windblown materials, from hard sandstone parent material.

The topsoil typically has silt texture and is stoneless. The subsoil has dominantly silt textures, with gravel content of less than 3%. The plant rooting depth is 50 - 70 (cm), due to soil material of high density and/or high penetration resistance.

Generally the soil is poorly drained with very high vulnerability of water logging in non-irrigated conditions, and has moderate soil water holding capacity. Inherently these soils have a very high structural vulnerability and a moderate N leaching potential, which should be accounted for when making land management decisions.



Perch-gley
Pallic

About this publication

- This information sheet describes the *typical average properties* of the specified soil.
- For further information on individual soils, contact Landcare Research New Zealand Ltd: www.landcareresearch.co.nz
- Advice should be sought from soil and land use experts before making decisions on individual farms and paddocks.
- The information has been derived from numerous sources. It may not be complete, correct or up to date.
- This information sheet is licensed by Landcare Research on an "as is" and "as available" basis and without any warranty of any kind, either express or implied.
- Landcare Research shall not be liable on any legal basis (including without limitation negligence) and expressly excludes all liability for loss or damage howsoever and whenever caused to a user of this factsheet.

Claremont_4a.1

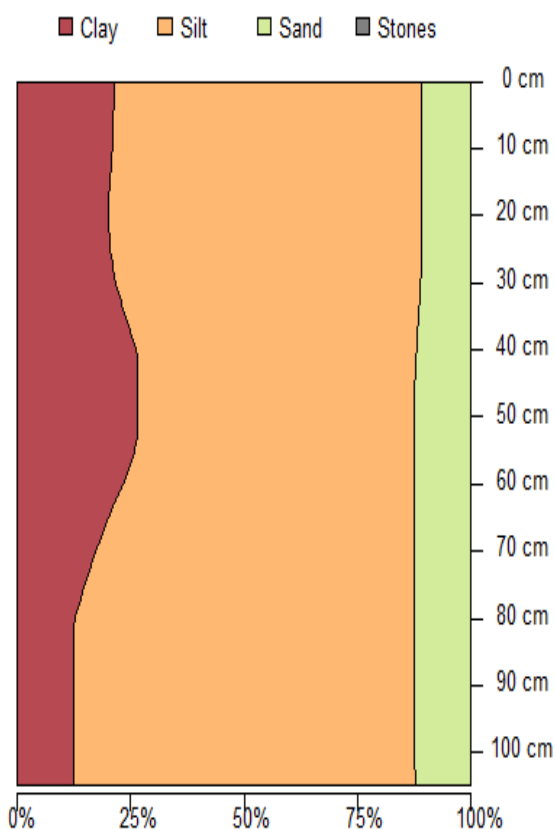
Soil horizons

Characteristics of functional horizons in order from top to base of profile:

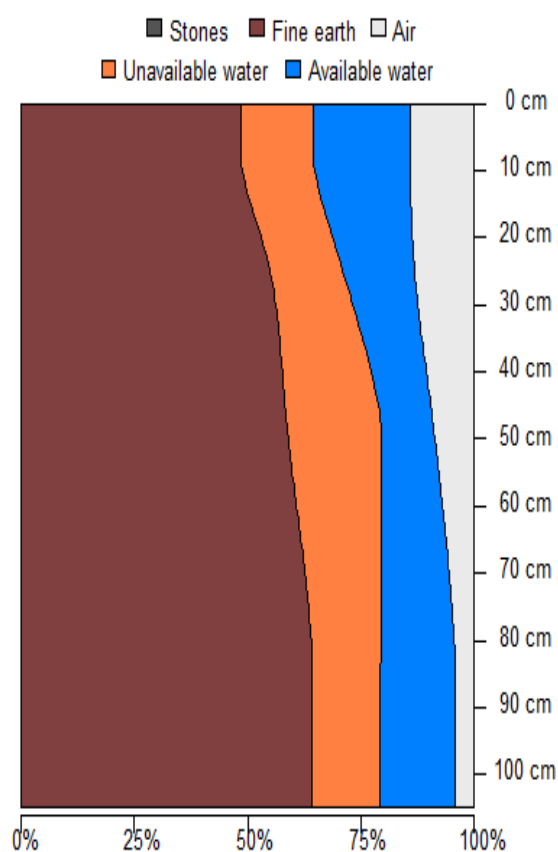
Functional Horizon	Thickness	Stones	Clay*	Sand*	Permeability
Loamy Weak	10 - 20 cm	0 %	20 - 22 %	10 - 12 %	rapid
Loamy Weak	15 - 25 cm	0 %	20 - 22 %	10 - 12 %	moderate
Loamy Fine Slightly Firm	15 - 35 cm	0 %	25 - 28 %	10 - 15 %	moderate
Loamy Coarse Firm	40 - 50 cm	0 %	10 - 15 %	10 - 15 %	impermeable

* clay and sand percent values are for the mineral fines (excludes stones). Silt = 100 - (clay + sand)

Texture



Water Retention



The values for the graphs above have been generated from horizon and pedotransfer data. These values have then been splined to create continuous estimates of soil water holding capacity and particle size distribution the soil profile. These curves express the particle size distribution and water retention of the soil however there may be barriers to rooting depth that are not necessarily represented in these properties directly. It is advisable to check the potential rooting depth and rooting barrier fields in the soil physical properties section on page three of this factsheet.

Claremont_4a.1

Soil physical properties

Depth class (diggability)

Moderately deep (50 - 70 cm)

Potential rooting depth

50 - 70 (cm)

Rooting barrier

Low penetration soil material

Depth to hard rock

No hard rock within 1 m

Depth to soft rock

No soft rock within 1 m

Depth to stony layer class

No significant stony layer within

Texture profile

Silt

Topsoil stoniness

Stoneless

Topsoil clay range

20 - 22 %

Drainage class

Poorly drained

Permeability profile

Moderate over slow

Depth to slowly permeable horizon

50 - 70 (cm)

Permeability of slowest horizon

Slow (< 4 mm/h)

Aeration in root zone

Very limited

Profile available water

(0 - 30cm or root barrier)

High (56 mm)

(0 - 60cm or root barrier)

High (93 mm)

(0 - 100cm or root barrier)

Moderate (93 mm)

Dry bulk density

topsoil

1.22 g/cm³

subsoil

1.42 g/cm³

Soil chemical properties

Topsoil P retention

Low (22%)

Soil management factors

Vulnerability classes relate to soil properties only and do not take into account climate or management

Soil structure integrity

Structural vulnerability

Very high (0.72)

Contaminant management

N leaching vulnerability

Medium

P leaching vulnerability

not available yet

Water management

Water logging vulnerability

High

Drought vulnerability - if not irrigated

Moderate

Bypass flow

Medium

SINDI - Soil quality Indicators

SINDI - Soil Quality Indicators

A suite of soil quality indicators is available from <http://sindi.landcareresearch.co.nz/>

- Compare your soil with information from our soils databases.
- Assess the intrinsic resources and biological, chemical and physical quality of your soil
- See how your soil measures up against current understanding of optimal values.
- Learn about the effect each indicator has on soil quality and some general management practices that could be implemented to improve soil quality.

Soil information for OVERSEER

The following information can be entered in the OVERSEER® Nutrient Budget model. This information is derived from the S-map soil properties which are matched to the most appropriate OVERSEER categories. Please read the notes below for further information.

Soil description page

1. Select **Link to S-map**
2. Under S-map sibling data enter the S-map name/ref: **Clar_4a.1**

Considerations when using Smap soil properties in OVERSEER

- The soil water values are estimated using a regression model based on soil order, parent rock, soil functional horizon information (stone content, soil density class), as well as texture (field estimates of sand, silt and clay percentages). The model is based on laboratory - measured water content data held in the National Soils Database and other Manaaki Whenua datasets. Most of this data comes from soils under long-term pasture and may vary from land under arable use, irrigation, etc.
- Each value is an estimate of the water content of the whole soil within the target depth range or to the depth of the root barrier (if this occurs above the base of the target depth). Where soil layers contain stones, the soil water content has been decreased according to the stone content.
- S-map only contains information on soils to a depth of 100 cm. The soil water estimates in the > 60 cm depth category assume that the bottom functional horizon that extends to 100 cm, continues down to a depth of 150cm. Where it is known by the user that there is an impermeable layer or non-fractured bedrock between 100 and 150 cm, this depth should be entered into OVERSEER. Where there is a change in the soil profile characteristics below 100 cm, the user should be aware that the values provided on this factsheet for the > 60 cm depth category will not reflect this change. For example, the presence of gravels at 120 cm would usually result in lower soil water estimates in the > 60 cm depth category. Note though that this assumption only impacts on a cropping block, as OVERSEER uses soil data from just the top 60 cm in pastoral blocks.
- OVERSEER requires the soil water values to be non-zero integers (even though zero is a valid value below a root barrier), and the wilting point value must be less than the field capacity value which must be less than the saturation value. The S-map water content estimates supplied by the S-map web service have been rounded to integers and may be assigned minimal values to meet these OVERSEER requirements. These modifications will result in a slightly less accurate estimate of Available Water to 60 cm (labelled PAW in OVERSEER) than that provided on the first page of this factsheet, but this is not expected to lead to any significant difference in outputs from OVERSEER.



**2. Wastewater and stormwater servicing feasibility report
and attachments by Mike Hewison of Hewison
Engineering Limited**

HEWISON ENGINEERING LIMITED

CONSULTING CIVIL & STRUCTURAL ENGINEERS

H241447

E Babos,
Tomlinson & Carruthers Surveyors
Masterton

16 October 2024

Dear Edita,

RE: Lot 5 DP 68587, 9 Milford Downs, Masterton

Letter Report – 2 Lot Subdivision - Beatson

Background

The owner of this property has engaged Tomlinson & Carruthers Surveyors (T & C) to complete a resource consent application to subdivide this existing Lot more or less in half.

A requirement of that process is for a suitability qualified person to prepare a technical report on the feasibility of treating waste water and stormwater generated by the additional lot.

This letter report provides information about those matters.

Investigation/Discussion

As part of my investigation, I have read through the resource consent application and the section 42A reports by the Masterton District Council (MDC).

I have also had contact with the MDC Operations and Transition Manager regarding the existing waste water infrastructure within the catchment that includes this Lot.

Waste Water

It is noted that all dwellings within this development discharge their waste water (black and grey) into an on-site septic tank just like a rural dwelling would. The difference for this development of larger Lots like a rural/residential style of development, is that the function of the septic tank is to settle out all solids while the effluent (more or less dirty water) is then discharged to an 80 mm main that flows downhill and connects to the main council waste water network, which has a diameter of 150 mm.

As you note from the attached email from MDC, they are surprised that this main within the development is only 80 mm and they would deem it undersized based on the relevant standards. I would agree with what they are saying.

For example the typical connection between a dwelling and a septic tank of a Council main must be 100 mm as a minimum and Council mains are a minimum of 150 mm diameter.

I can only speculate that the developer was able to argue that as they would be only discharging 'dirty water', they could say it was not a full mix of black and grey water and as such they were able to prove a smaller diameter pipe was okay.

Marshall Road
RD 2, Carterton 5792
(06) 379 8145
027 245 0047
office@heng.co.nz

Because of this there is a reluctance by MDC to allow further connections to this potentially undersized waste water main, although the Section 42A report appears to be favourable to the overall proposal.

I have therefore considered three options as below;

Option 1. Require that the proposed new Lot be approved subject to the requirement to have a septic tank just like the existing dwelling with a connection to the 80 mm main. Like MDC I would not favour this as non-standard pipes have been used. My attached calculations based on the method used by Wellington Water do show that the 80 mm pipe would have the capacity to accommodate the extra flow, based on limited survey information, but this would potentially create a precedent even though many of the Lots will not be able to be further subdivided owing to the location of the existing dwelling, water ponds and such like. I am not aware of the operational complaint history of this small main.

Option 2. Not require a septic tank to settle solids but require the installation of an aerated secondary treated waste water system including pressure compensating dripline disposal field. I have completed some basic hand auger tests to confirm the site soils are clays. Dripline systems are suited to this soil type. Further, the site is located within a community drinking water supply protection area, so any on-site domestic waste water treatment and disposal system must be designed in accordance with AS/NZS 1547 and Rule 64 of the GWRC NRP. This system would not require any connection to the MDC system. It is noted that one of the Rule 64 conditions is that the site cannot connect to a waste water treatment system. It could be argued that the existing arrangement does not provide full connection to a council network. These sites do not have that connection capability as a septic tank has also been installed to intercept solids.

My attached calculations show that this proposed type of system is feasible on this Lot.

Option 3. In my opinion there is a third option available. That would consist of a septic tank like that required for the existing dwellings plus a separate storage tank with a size that could store a few days waste water generation. The outlet to this storage tank could then be connected to the existing 80 mm main, but be fitted with controls that monitor liquid levels and control an outlet valve that would only permit drainage of the stored liquid into the 80 mm main during the hours of say 10.00 pm to 4.00 am when the 80 mm main would likely only be experiencing a very minimal night time flow.

In all cases I would expect to see conditions around the design of the system as well as reference to the NZ Standard, including monitoring and maintenance requirements such as periodic pump outs of any septic tanks.

Further, in all cases a Building Consent will be required from MDC for the waste water system and if the on-site system is used, then a resource consent will also be required from Greater Wellington Regional Council (GWRC).

Stormwater

While the District Plan requires that all stormwater be disposed of on-site up to a level, this site like many others in the Lansdowne and other areas has a soil type that does not possess good soakage or drainage.

The proposed Lot will be much bigger than many of these other Lots nearby and will require a site-specific soak pit design based on NIWA's Hirds Data V4 with climate change at RCP 6.0 out to the year 2100. I would expect that the soak pit will be required to store the full design run-off calculated using Clause E1 of the NZBC. The design will be based on the District Plan requirements, Clause E1 and NZS 4404 – Land Development and Subdivision Infrastructure.

I would anticipate that there will be a condition(s) around some form of on-site storage tank (below ground or above ground) that can be used to attenuate stormwater run-off with the

stored water being used for non-potable purposes, such as garden watering, toilet operation, general wash water around the outside surrounds of the dwelling and any sheds.

This storage ability will be in addition to any soak pit requirements.

There are a number of swales and ponds in this area already that will help to attenuate stormwater run-off as surface water from the surrounding catchment.

A site-specific design could be required that will incorporate storage and soak pits.

Conclusion/Recommendation

Based on my knowledge, observations, and calculations I am of the opinion that there are a number of methods available to provide a satisfactory and safe method for the disposal and treatment of waste water generated by the addition of this additional Lot. In my opinion options 2 and 3 described above would be suitable.

Any additional stormwater generated by the development can be treated using the methods and standards mentioned above.

Please contact the undersigned if you require further information.

Yours faithfully



M R Hewison

MBA(Tech Mgmt), BE(Hons), CMEngNZ, MIEA, CPEng(Aust), NER, APEC Engineer, IntPE(Aust)

HEWISON ENGINEERING LIMITED

Date:
6/10/2024

Lot 5, No 9 Milford Downs.

Calc:
amrn

Review:

Assess likely water flow from the catchment including No 9 (Lot 5) Milford Downs. It is noted that it is proposed to split this lot into 2.

The existing house has a septic tank with the effluent overflow piped via an 80 mm diam. main downslope to the Council's 150 mm diam network main. It is noted that 10 lots are currently served by this main.

I have summarised the lot Nos and areas below:

Number	Area (Ha).
16	1.01
18	1.00
20	1.30
22	1.06
24	0.83
26	1.26
9	1.01
7	1.00
28	1.04
27	1.05
5	1.01
TOTAL	11.57 Ha.

Assess likely waste water flow from the catchment (including the proposed additional lot) using the Wellington Water Regional Standard for water services May 2019 Version 2.0 - Section 5 waste water - copy attached.

Peak wet weather flow (PWWF) shall be determined by:

$$PWWF = (ADWF \times PF) + \text{Direct Inflow} + \text{Infiltration}$$

Where:

Average Dry Weather Flow ADWF = 0.0023 l/s / person (l/s)

Allow 3.5 people / dwelling

∴ For 11 lots (10 + proposed new Lot)

$$ADWF = 11 \times 0.0023 \times 3.5 = 0.0886 \text{ l/s} \quad *$$

Peaking Factor $PF = 7.23 \times A^{-0.2}$ A (Ha)

$$A = 11.57 \text{ Ha} \quad \rightarrow \quad PF = 7.23 \times 11.57^{-0.2}$$

$$= 4.43$$

It is noted that NES 44001 says to use a PF of 2.5.

Check sensitivity by using both

Direct inflow = 0.55 l/s / km of pipeline in the catchment.

For this catchment the length of pipe line scales at approx. 540 m total.

$$\rightarrow \text{Inflow} = 0.55 \times 0.54 = 0.2970 \text{ l/s}$$

Infiltration: = 0.06 l/s/km. (low groundwater table as pipe is elevated.)

$$= 0.06 \times 0.54 = 0.0324 \text{ l/s}$$

$$\therefore \text{PNWF (MAX PF = 4.43)} = (0.0886 \times 4.43) + 0.297 + 0.032$$

$$= 0.7215 \text{ - say } 0.72 \text{ l/s} \quad \leftarrow$$

OR PNWF

$$\text{(PF = 2.5 as per NES 44001)} = (0.0886 \times 2.5) + 0.297 + 0.032$$

$$= 0.55 \text{ l/s} \quad \leftarrow$$

Based on PF = 1.43

$$\rightarrow \text{PWF} = 0.72 \text{ l/s.}$$

This equates to a volume of

$$0.72 \times 3600 \times 24 = 62,208 \text{ l/day}$$

(seconds/hr) (hrs per day)

Based on 3.5 people / dwelling, 11 dwellings and 200 l/hd/day gives an approx daily flow of

$$11 \times 3.5 \times 200 = 7,700 \text{ l/day.}$$

\therefore 0.72 l/s probably about right as peak flow.

Now assess flow capacity of existing 80 mm diam main, using Wellington Water method.

This assumes main no more than 85% full. & equates to a flow depth of 80% of pipe diam.

$$h = 20 \text{ mm}$$

$$r = 40 \text{ mm.}$$

$$2 \cdot \text{arc cos} \left(\frac{r-h}{r} \right) = 120^\circ.$$

or $\frac{1}{3}$ of circle.

p = wetted perimeter.

Circum: $C = \pi d = 251 \text{ mm.}$

\rightarrow Wetted perimeter $p = 167.6 \text{ mm} = 0.168 \text{ m.}$

$$Q = \frac{1}{n} A R^{2/3} \sqrt{s}$$

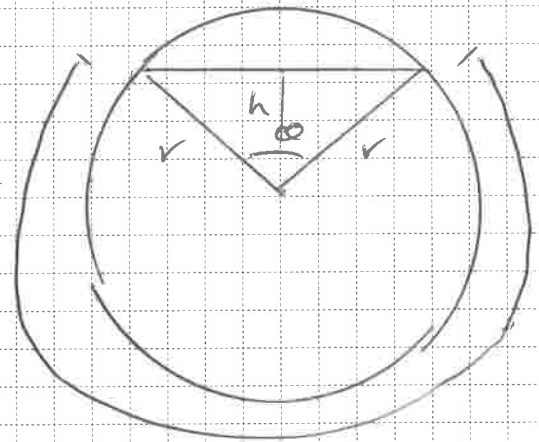
$$A = \frac{0.85 \pi r^2}{4} = 0.85 \times \pi \times \frac{0.08^2}{4} = 0.0043 \text{ m}^2.$$

$$R = \frac{A}{p} = \frac{0.0043}{0.168} = 0.0254.$$

Have incomplete survey data, but can determine a characteristic grade or slope for both lines as belows:

From Lot 16 $S = 0.0064 \text{ m/m}$

From Lot 5 $S = 0.0076 \text{ m/m.}$



$$n' = n \left[\frac{\left(1 - \frac{d}{D}\right) - \left(1 - \frac{d}{D}\right)^2}{2} + 1 \right]$$

$$n = 0.011 \quad \text{--- table 7.2}$$

$$= 0.011 \left[\frac{\left(1 - \frac{60}{80}\right) - \left(1 - \frac{60}{80}\right)^2}{2} + 1 \right]$$

$$= 0.0124.$$

$$\rightarrow Q = \frac{1}{0.0124} \times 0.0043 \times 0.0254^{\frac{2}{3}} \times \sqrt{0.0064} \quad \text{Lot 16}$$

$$= 0.0024 \text{ m}^3/\text{s}.$$

$$= 2.4 \text{ l/s.} > 0.563 \text{ l/s.} \quad \checkmark$$

$$\text{And } Q = \frac{1}{0.0124} \times 0.0043 \times 0.0254^{\frac{2}{3}} \times \sqrt{0.0076} \quad \text{Lot 5.}$$

$$= 0.0026 \text{ m}^3/\text{s}$$

$$= 2.6 \text{ l/s.} > 0.72 \text{ l/s} \quad \checkmark$$

Date:
7/10/2024 MastertonCalc:
MRH. Review:

These calculations are to be read in conjunction with the attached letter report.
Based on NZS1547: 2012.

Assume the proposed dwelling will be 2 bedrooms.

→ Design occupancy = 6 people.

Water Supply: Opaki Water Scheme → equivalent to town water supply

→ allow 200 l/hd/day.

→ Design flow rate: = $6 \times 200 = 1200$ l/day.

→ Require minimum tank size = 3500 l.

Within water catchment area

→ Use secondary treated system and drip line field.

$$\begin{aligned} \rightarrow \text{Drip line length} &= \frac{1200}{1 \times 3} \\ &= 400 \text{ m.} \end{aligned}$$

Based on loading rate of 3 mm/day.

For drip line: surface loading rate 3-5 mm/day.

Assess sensitivity of clay. - try 2.8 mm/day (Hynds sometimes allow for this).

$$\rightarrow TL = \frac{1200}{1 \times 2.8} = 429 \text{ m.}$$

Hand auger test pits 9/10/2024 confirm approx 150-200 mm topsoil over clay - yellow/brown with some mottles.

→ Con Army use of 2.8 mm / m² / day.

- ∴ for assumed 4 bedroom house will require
430 m² of field.

Sizes: Range of 5000 to 6000 m² - will fit.



Notes	Issue	Checked	Approved	Date


TOMLINSON & CARRUTHERS
 SURVEYORS
 16 Perry Street, PO Box 246, Masterton 5840 Ph: 06 - 3700 800
 Email: mail@tcsurvey.co.nz

MANHOLE LOCATIONS AND HEIGHTS
MILFORD DOWNS
MASTERTON

Client	Prepared For Mike	Scale 1:2000 @A3	Page No.
Project	MH		Job No. 23-200
This drawing is copyright and the property of the author and must not be retained, copied or used without the authority of Tomlinson and Carruthers			Issue

Date plotted: Wed Oct 9 17:29:23 2024

- (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
 - (ii) for pressure compensating drip **irrigation** systems, no reserve area is required, or
 - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

It is recommended that performance inspections be carried out every two years, or more frequently if required by the system manufacturer.

Rule R64: New or modified on-site domestic wastewater systems within community drinking water supply protection areas – controlled activity

The discharge of domestic **wastewater** onto or into land and the associated discharge of odour to air from a new or modified **on-site domestic wastewater treatment and discharge system** within a **community drinking water supply protection area** that is not permitted by Rule R63 is a controlled activity provided the following conditions are met:

- (a) the discharge shall occur within the boundary of the **property**, and
- (b) the **on-site domestic wastewater treatment and discharge system** design shall meet the requirements of *AS/NZS 1547:2012 – On-site Domestic Wastewater Management*, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
 - (i) 20m of a **surface water body**, coastal marine area, gully or **bore** used for water abstraction for potable supply, or

- (ii) 20m of the boundary of the **property** unless the land discharge system consists of a pressure compensating drip **irrigation** system where the boundary set-back is 5m, or
 - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, and
- (f) the **on-site domestic wastewater treatment and discharge system** is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of *AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management*, and
- (g) the discharge does not exceed 14,000L/week and a maximum daily volume of 2,000L, and
- (h) the system is performing effectively, and the **sludge** and scum layers are not occupying more than one half of the system primary tank volume, and
- (i) the **wastewater** is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (j) the following reserve areas shall be provided:
- (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or
 - (ii) for pressure compensating drip **irrigation** systems, no reserve area is required, or
 - (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the **property**, and
- (l) there is no **wastewater network** available to the **property**.

Matters of control

1. Type and concentration of the contaminants in the discharge, and effects on **community drinking water supply** water quality
2. Travel time and path of contaminants from source to any **community drinking water supply** abstraction point
3. Treatment, design, maintenance and frequency of monitoring and maintenance inspections

4. Sampling of the discharge, on at least an annual basis, for biochemical oxygen demand, total suspended solids and *E.coli*
5. Risk of accident or an unforeseen event causing significant adverse effects on water quality

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

5.2.6 Wastewater

Rule R65: Wastewater discharges to coastal and fresh water – discretionary activity



The discharge of **wastewater**:

- (a) into coastal water, or
- (b) that is an **existing wastewater discharge** into fresh water and meets the following conditions:
 - (i) the volume of the discharge is reduced from that previously consented, and
 - (ii) the loads of the contaminants monitored under the previous consent are reduced, or
- (c) that is an **existing wastewater discharge** into fresh water as a result of a heavy rainfall event overflow, and the application is accompanied by a management plan to demonstrate how the frequency and/or volume of the discharge will be progressively reduced,

is a discretionary activity.

Notification

Any resource consent application arising from Rules R65 and R66 may be publicly notified; but shall be notified to the relevant iwi authority where their written approval has not been obtained.

Rule R66: Discharges of wastewater to fresh water – non-complying activity

The discharge of **wastewater** into fresh water that is:

- (a) an **existing wastewater discharge** into fresh water that does not comply with Rule R65(b) or (c), or
- (b) a **new wastewater discharge** into fresh water

is a non-complying activity.



3. Assessment of the proposed rural lifestyle zone against the National Policy statement for Highly Productive Land by Agfirst



Independent
Agriculture
& Horticulture
Consultant

Assessment of the proposed rural lifestyle
zone against the National Policy
Statement for Highly Productive Land

Prepared for Wairarapa Councils

August 2024

Report Authors

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DRAFT

Disclaimer:

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1.0 EXECUTIVE SUMMARY

The Wairarapa Proposed District Plan (PDP) was notified in October 2023. The PDP sought to give effect to the National Policy Statement for Highly Productive Land (NPS-HPL), this is provided through both the Strategic Direction (Objective RE-O3) and through the provisions of the General Rural Zone and Subdivision chapters. The PDP identified a new Rural Lifestyle Zone (RLZ) that is in part, located over highly productive land. Following the notification of the PDP, various submissions were received that referenced the requirement to give effect to the NPS-HPL. Along with others, Greater Wellington Regional Council (GWRC) specifically raised that the RLZ must give effect to the NPS-HPL and questioned whether it meets the relevant exemption. AgFirst have been engaged to assess whether the RLZ proposed in the PDP meet the exemption under Clause 3.7 and 3.10 of the NPS-HPL.

The RLZ is approximately 230 hectares (ha) north of Masterton and west of the Ruamahanga River, made up of 106 land parcels ranging in size from <1hectare (ha) to 25 ha. Regional scale land use capability (LUC) mapping shows a range of LUC classes, with approximately 191ha LUC Class 2 and 3. This land class qualifies as Highly Productive Land (HPL) under the NPS-HPL.

Clause 3.10 of the NPS-HPL provides exemptions for HPL to be rezoned as rural lifestyle provided certain criteria can be met. To enable this assessment, the RLZ was split into size categories to assess with individual land parcels selected to be singularly assessed against Clause 3.10. This also facilitated the site visit; whereby representative areas were selected to verify soils characteristics and land use to aid in the understanding of potential land uses.

Through the site visit, evaluation of soil types, LUC and land use in the area, it was determined that the highest and best land use is a mix of viticulture on LUC 3s2, arable on 3s1 and 3e2 and horticulture (potatoes) on 2w1, due to the soil type and drainage characteristics of the soil. Alternative land uses and improved land management strategies were also considered.

The assessment showed that within the RLZ, land parcels in green below are considered to meet Clause 3.10 and the land parcels in red to not meet Clause 3.10 of the NPS-HPL, see Figure 1 below.

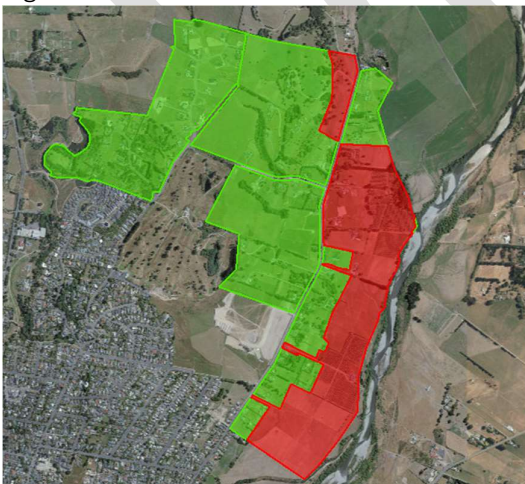


Figure 1: Land parcels that meet (green) and do not meet Clause 3.10 (red).

For the green area, this covers approximately 114ha of HPL (88.21 ha effective) and is considered permanently constrained by non-reversible land fragmentation of the surrounding land. An indicative budget under various productive land uses, including the highest and best use, shows that the fragmentation means that land based primary production is not economically viable both now and in the long term for this 114ha. There are no reasonably practicable options to continue land based primary production in an economically viable manner, due to insufficient scale for any alternative higher value primary production, because of size and inability to amalgamate these blocks.

The 88.21 ha of effective HPL in the RLZ is not considered to have value for land based primary production due to the fragmentation and soils in some cases, therefore is not considered a loss for land based primary production. At a district level this would be a loss of 0.25% of the districts' HPL and would target subdivision to this area which is already severely constrained by fragmentation as opposed to other more non-fragmented areas. Furthermore, LUC 3 is the least versatile of the LUC classes.

For the red area, this covers approximately 77 ha of HPL (65.39ha effective) and is not considered to have a permanent or long-term constraint that means the use of the HPL for land based primary production is not able to be economically viable for at least 30 years. This is largely because the LUC and/or non-fragmentation over these areas mean that viticulture or olives would be economically viable over the long term, despite the high initial capital investment costs. Some of this viability would rely on amalgamation, particularly for those parcels between 2-10ha. It would also rely on irrigation in some cases and upfront capital investment, meaning there would likely be no cashflow for the first few years (depending on the land use). However, over a 30-year timeframe this would be able to be paid off. It is also worth noting that despite viticulture and olives being an economically viable land use over this area currently, if the returns for these products was to drastically change, the land has few options to change to alternative land uses which are more profitable given the LUC class. Whereas LUC 1 and 2 would be able to change to another land use as they are more versatile.

2.0 BACKGROUND

To assist the Wairarapa Council's in their evaluation of the submissions, they are seeking an assessment of whether the RLZ identified in the PDP meets Clause 3.7 and Clause 3.10 of the NPS-HPL.

AgFirst Manawatu-Whanganui have been engaged by the Wairarapa Council's to provide an assessment that considers the RLZ against the NPS-HPL. This relates to an assessment on whether it is considered that the new RLZ meets Clause 3.7 and Clause 3.10 of the NPS-HPL. This is the main objective of the report.

The RLZ is a 230ha area north of Masterton and west of the Ruamahanga River. See Figure 2 below.



Figure 2: Proposed Rural Lifestyle Zone

The area is made up of 106 land parcels ranging in size from <1 ha to 25 ha. Regional scale LUC mapping shows a range of LUC classes, with approximately 194ha LUC Class 2 and 3. This land class qualifies as HPL under the NPS-HPL.

The RLZ consists of a mixture of terraced land. The bottom terrace adjacent to the Ruamahanga River is comprised of predominantly flat land which is free draining soils. The terrace above, is more undulating land that is poorly drained.

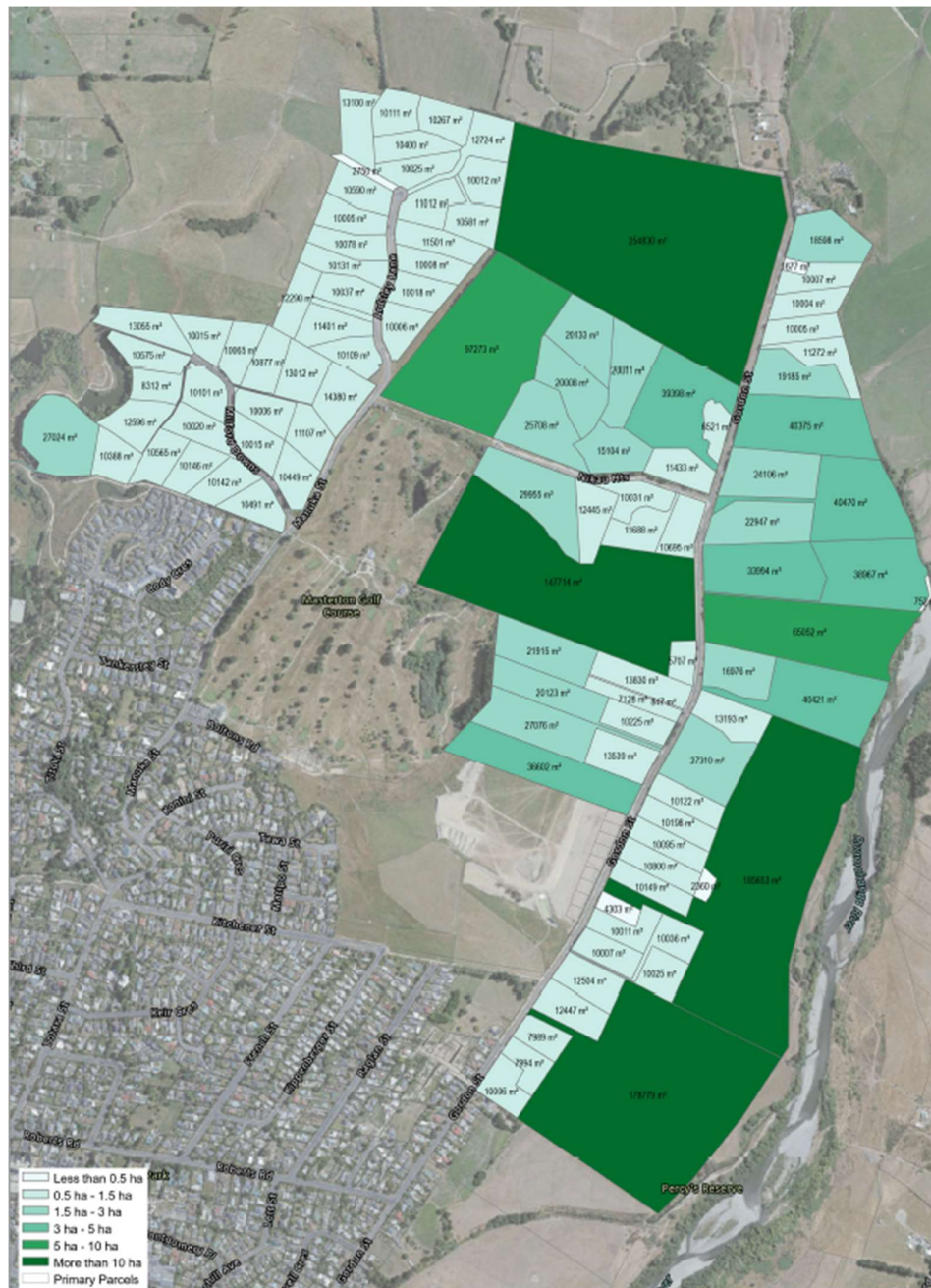


Figure 3: Land parcel sizes within the Rural Lifestyle zone.

To enable the assessment of the current land use and resources the RLZ was split according to their size to help identify the practicality for agricultural, arable or horticultural productivity. Land use was assessed visually (by visiting the area) and using aerial imagery over the past five years. Given the complexity of a Clause 3.10 assessment and the number of land titles over the area, this grouping also enabled a 3.10 assessment over the 106 titles. AgFirst also identified key sites to visit to confirm the land use, soil characteristics, inform productive capacity and any potential limitations of the land. These sites were identified based on size of effective area, LUC and land use. Clause 3.10 was then assessed for each individual land size category and individual site.

2.1 District Level

Under the NPS-HPL, HPL is deemed to be land, which is LUC 1, 2 and 3. This is informed by the New Zealand Land Use Capability Survey Handbook and the Land Use Classification of the Southern Hawke's Bay-Wairarapa Region.

The RLZ is located within the Masterton District. Overall, the district comprises of 230,019 ha, of which 34,692 ha or 15.1% is HPL which is displayed in Table 1 and Figure 4 below.

Table 1: LUC breakdown for Masterton District

District	Masterton	
LUC	Area (ha)	%
1	396	0.2%
2	12,982	5.6%
3	21,314	9.3%
4	12,296	5.3%
5	2,344	1.0%
6	99,580	43.3%
7	70,256	30.5%
8	9,187	4.0%
Unclassified/Other	1,664	0.7%
Total	230,019	

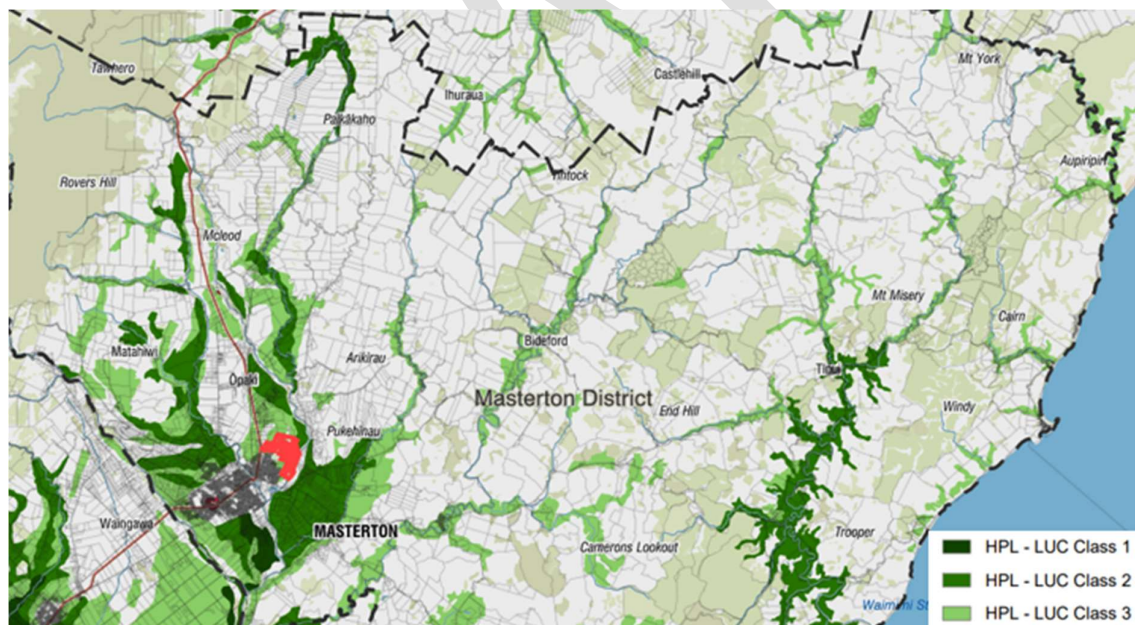


Figure 4: LUC 1-3 HPL in the Masterton District, with the rural lifestyle zone highlighted in red.

The land immediately surrounding the block is LUC 3, 4 and 6 land, whilst further afield is LUC 2. South of the block is Masterton township, with the Ruamahanga River running along the eastern boundary of the zone.

In terms of land use, the region is predominantly pastoral either drystock, forestry, dairy or arable, with smaller amounts of horticulture (viticulture, olives and fruit). 60% of farm numbers is sheep and beef, 18% is forestry and 5% is dairy¹.

Irrigation is common on the intensive flat land due to the dry summers. Across the whole of the Wairarapa region, in 2015 it was estimated that 45% of dairy, 30% of arable and 12% of sheep and beef farms were irrigated².

3.0 RURAL LIFESTYLE ZONE

3.1 Current and Surrounding Land Use

The RLZ is 231.9 ha and is made up of approximately 106 land parcels. To help identify the practicality for agricultural, arable or horticultural productivity, the titles were split according to their size These include:

- 0-<2ha ha – predominantly houses with large sections but little ability to be productive.
- 2-<4 ha – predominantly lifestyle blocks of mixed land use.
- Over 4 ha – larger properties which could be viable for horticulture operations. The blocks have been split between 4-10 ha and above 10 ha, but analysis has been done on blocks over 4 ha.

When analysing the properties by size, 76.4% of all properties are less than two ha and accounts for 35.9% of the total land area in the RLZ. There are also four properties over 10 ha, which make up 33% of land area. The information has been summarised in Table 2 and Figure 5 below.

Table 2: Area by land parcel size in the RLZ

Area range (ha)	% Area	Area (ha)	Number of properties
<2ha	76%	83.3	81
2-3.99	15%	43.5	16
4-9.99	5%	28.4	5
>10	4%	76.7	4
Total	100%	231.9	106

¹ Infoshare (www.stats.govt.nz/infoshare) 2017

² Falloon, J. (2015). The Wairarapa region. *Journal of New Zealand Grasslands* 77, 15-18.

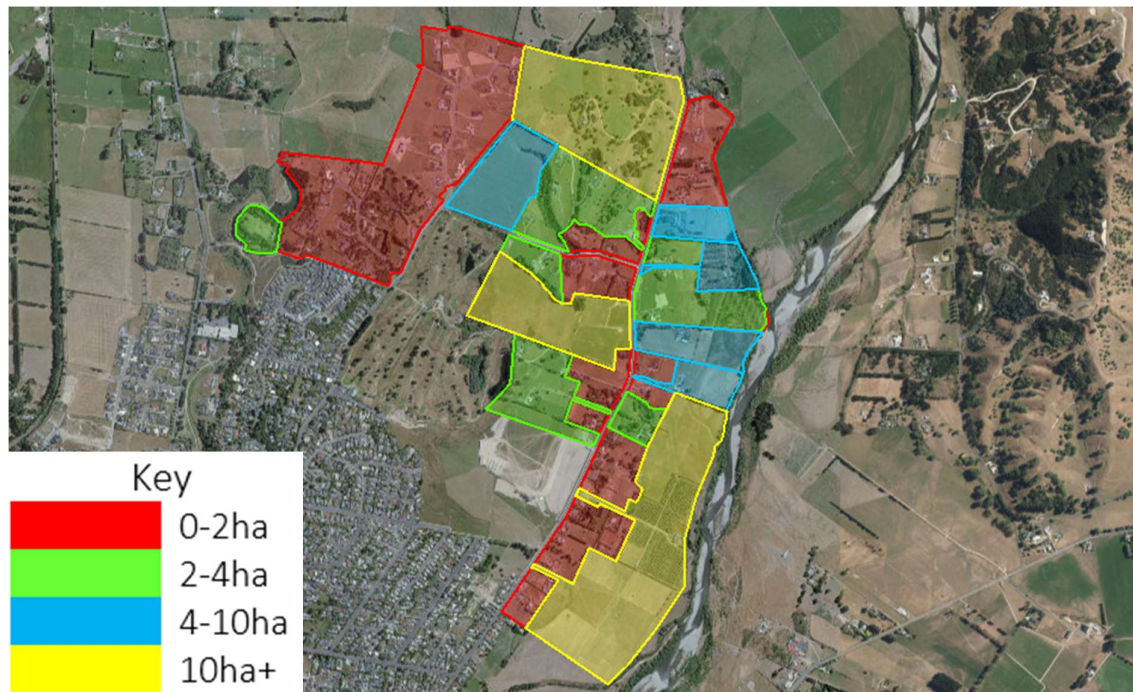


Figure 5: Area by land parcel size in the RLZ.

Titles between 0 to 2 ha are in a cohesive area on the western side of the RLZ and there are small sections on the eastern side of the zone also. The titles are predominantly residential houses with large sections. Approximately, 10 land parcels had a small paddock with some animals (sheep, cattle or horses) or vineyard. However, no commercial operations were identified.

Titles between 2-4 ha are located through the centre of the RLZ or are on the eastern side of the zone. The titles are predominantly lifestyle blocks of mixed land use. The properties generally have a house and a couple of paddocks with either cattle, sheep or horses. Of the 16 titles, one is an olive orchard on part of a 3.9-hectare section.

Titles between 4-10 ha are located on the eastern side of the RLZ and one block on the western side. Of the five titles between 4-10 ha, two of these are in horticultural land use, one in olives and the other a vineyard. The remaining three titles are large scale lifestyle blocks with a couple of larger paddocks, assumed to be in drystock.

Titles greater than 10 ha are in three parts, one in the southwest corner of the RLZ, one in the centre to the north and the other in the lower half of the centre. Of the four titles larger than 10 ha, two are an olive orchard (run as a single block) and the remainder are used for sheep grazing. The largest title is 25.5 ha, and this is grazed by sheep. These larger blocks have the potential to be viable depending on the land use.

Land use surrounding the area is a mixture of lifestyle properties, drystock farms (sheep and beef), horticulture (vineyard and olives) and dairy to the north and east on the irrigated flats by the river, and deer farm to the south.

According to locals, it was noted that small scale olives and vineyards have been in the proposed area for several years, but there has been very little cropping. A landowner on 3s1 land noted that they had tried arable land use to very little success. As the soils are wet, sowing is delayed and crop lodging from wind was a major issue. This appears to remain consistent with historic aerial imagery which indicates that surrounding land use has been in extensive drystock grazing for some time, as well as indicating how harsh the summers are. There are some areas in the Masterton district which do arable, but these are on LUC 1 and 2 soils and are irrigated. There is also strawberry production north of Masterton, but this is done hydroponically so therefore does not meet the NPS-HPL definition of land-based primary production. More information on alternative enterprises can be found in the Alternative Land Use section below.

3.2 Climate

The climate in the Wairarapa is warm and dry in summer and cool and wet in winter with droughts and floods a reasonably common occurrence. Temperatures range between 20-28°C in summer and under 10°C in winter with annual rainfall from 800-1,200mm (more rainfall towards the ranges). Wind is a feature of the Wairarapa climate, specifically cold winds from the south affecting the lower Wairarapa Valley. This means that shelterbelts are required in many areas for horticulture and arable crops³. The area is also prone to frosts over the wintertime, meaning that frost protection is required for high value horticultural crops. Conditions are predicted to warm in the future with increasing number of days exceeding 25°C (94 per year by 2090 up from 24 currently). Average temperature is expected to rise by 0.75-1°C across all seasons by 2040⁴. Rainfall is expected to decrease by 4-5% in summer by 2040 which increases the risk of droughts.

3.3 LUC of the Rural Lifestyle Zone

Regional scale LUC mapping shows that majority of the land is Class 3 (and 2), with about 42 ha not considered HPL, see Table 3 below which details a breakdown of the relevant LUC class, followed by map (Figure 6) showing the distribution of the LUC classes.

Table 3: LUC over the proposed Rural Lifestyle Zone.

LUC	Area (ha)	Percentage of area
2w1	8.1	3%
3s1	54.5	24%
3s2	115.2	50%
3e2	13.1	6%
4e2	1.0	0%
6e4	33.9	15%
6s4	5.1	2%
Other	1.0	0%
Total Area	231.9	
HPL Area	190.9	82%

* This was as accurate as we could get when drawing the proposed zone in ArcGIS

³ <https://teara.govt.nz/en/wairarapa-region/page-3>


⁴ https://niwa.co.nz/sites/niwa.co.nz/files/Well_NCC_projections_impacts2017.pdf




Figure 6: LUC of over the Rural Lifestyle Zone

More information regarding each LUC unit can be found in Appendix 1. LUC 2w1 is free draining alluvial soils over gravel. LUC 3e2 is rolling loess terraces which have a fragipan and are poorly drained. LUC 3s1 is similar, although is on flatter land. Both require subsurface drainage to be productive. LUC 3s2 is shallow alluvial soils over gravel and alternatively are well drained. LUC 4e2 is like 3e2, except steeper again (16-20°). LUC 6e4 is moderately drained loess on slopes from 16-25°. These slopes were observed to have considerable erosion issues. LUC 6s4 is like 3s2 but more shallow soils with a more severe stone and gravel limitation. Table 4 below highlights the LUC units regarding their features, strengths and weaknesses.

Table 4: LUC descriptions

Description	Area (Ha)	Landform	Parent Material and soil	Slope (°)	Strengths	Weaknesses	Land use suitability	Conditions of use
2w1	8.1	Low river terrace.	Alluvium and gley soils.	0-4	Flat Fertile soils	Prone to slight to moderate sheet, rill and wind erosion when cultivated.	Intensive pastoral farming Horticulture Arable Forestry	Shelterbelts and irrigation required for horticulture.
3e2	13.1	Dissected terraces and rolling downlands.	Loess. Yellow-grey earths.	8-15	Rolling. Fertile soils.	Poor drainage due to fragipan. Weak soil structure. Summer soil moisture deficits	Intensive pastoral farming Arable Forestry	Intensive subsurface drainage, shelterbelts, and irrigation for horticulture and arable.
3s1 	54.5	Terrace.	Loess. Yellow-grey earths.	4-15	Rolling. Fertile soils.	Poor drainage and soil structure. Summer soil moisture deficits Slight wind erosion when cultivated.	Intensive pastoral farming Arable Forestry	Intensive subsurface drainage, shelterbelts, and irrigation for arable.
Description	Area (Ha)	Landform	Parent Material and soil	Slope (°)	Strengths	Weaknesses	Land use suitability	Conditions of use
3s2	115.2	Terrace.	Loess. Yellow-grey earths.	4-15	Rolling. Well drained soils.	Severe summer soil moisture deficits. Slight wind erosion when cultivated.	Intensive pastoral farming Viticulture Arable	Shelterbelts and irrigation for horticulture and arable.

							Forestry	
4e2	1.55	Rolling downlands.	Loess over gravel. Yellow-grey earths.	16-20	Strongly rolling. Fertile soils.	Poor drainage and sever summer moisture deficit.	Intensive pastoral farming Arable Forestry	Minimise stock numbers over winter to avoid pugging.
6e4	33.9	Moderately steep hill country	Loess. Yellow-grey earths.	16-25	Moderately well drained.	Severe summer soil moisture deficits. Compact subsoils. Soil slip, sheet, and tunnel gully erosion.	Intensive pastoral farming Forestry	Eucalyptus may be best tree species due to moisture deficit.
Description	Area (Ha)	Landform	Parent Material and soil	Slope (°)	Strengths	Weaknesses	Land use suitability	Conditions of use
6s4	5.1	Terrace or fans.	Alluvium. yellow-brown loams and earths.	0-8	Flat.	Severe summer soil moisture deficits. Shallow soils with sever stone limitation. Flooding.	Pastoral farming Forestry	

3.4 Soil Types

There are varying accounts of information regarding the soil types. As described above, the location is in the central plains of the Wairarapa Valley. The valley comprises of terraces with loess and alluvial soil types. The national scale soil mapping indicates that the area consists of Argillic Pallic (lime green), Perch-Gley Pallic (dark green), Orthic Brown (pink) and Fluvial Recent (yellow), as illustrated in Figure 7 below.

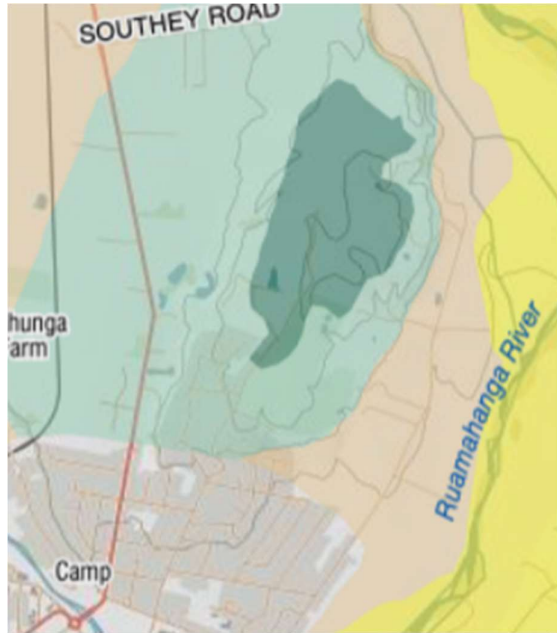


Figure 7: Soils from the New Zealand Soil Classification⁵.

In addition to this, S-maps⁶ provides more in-depth information, but is limited by the confidence of the model in the area. Across the entire area, the soil types are predicted with only moderate and low confidence. The main soil types across the site are illustrated in Figure 8 below.

Soil Siblings			Soil Siblings		
Sibling	Area	Proportion	Sibling	Area	Proportion
Clar_4a.1	74 ha	30.8%	Rang_26a.1	7 ha	3.0%
Oakl_3a.1	42 ha	17.6%	Bushc_7a.1	7 ha	2.7%
Orono_9b.1	31 ha	13.1%	River_1a.1	6 ha	2.4%
Hast_3a.1	21 ha	8.8%	Bushc_6a.1	2 ha	0.8%
Mand_5a.1	20 ha	8.5%	Ashb_15a.1	2 ha	0.7%
Orono_10a.1	13 ha	5.6%	Ruam_3a.1	2 ha	0.7%
Orono_11a.1	12 ha	4.9%	Ymai_15a.1	1 ha	0.4%
			River_7a.3	< 1 ha	0.2%

Figure 8: S-map by area (total).

⁵ <https://soils-maps.landcareresearch.co.nz/>

⁶ <https://smap.landcareresearch.co.nz/>

Over the whole area, the main S-map soil type (30.8%) is Clar_4a.1, which is a poorly drained Perch-gley Pallic soil. This is a stoneless silt, which is windblown (loess) formed from sandstone parent material. Pallic Soils have pale-coloured subsoils, due to low contents of iron oxides, have weak soil structure and high density in subsurface horizons. The rooting depth is inhibited by a high-density soil material (fragipan) at 50-70cm (moderately deep). Pallic Soils tend to be dry in summer and wet in winter. The soil is poorly drained with very high vulnerability of water logging, very high structural vulnerability and a moderate N leaching potential.

The second most common is Oakl_3a.1 (17.6%), which is an immature Pallic soil. This is also stoneless silt, which is windblown (loess) formed from sandstone parent material and has the same properties as the soil above, although root depth is not inhibited, and it is a deep soil. The soil is imperfectly drained with low vulnerability of water logging and has a high structural vulnerability and a low N leaching potential.

The third most common soil (13.1%) is Orono_9b.1, which is an Orthic brown soil. This is a stoneless silt, which is windblown (loess) formed from sandstone parent material. The soil is deep with no rooting barrier. The soil is well drained with very low vulnerability of water logging, a moderate structural vulnerability and a low N leaching potential.

In accordance with the LUC data, 2w1 predominantly consists of Mand_5a.1, which is a Orthic Brown. This is alluvial sand or silt deposited by running water from. The soil is shallow overlying gravels between 45-100cm. Soils are well drained with low water logging, moderate structural vulnerability and a moderate N leaching potential.

The soil information regarding the 3s1 was Claremont_4a.1 with a medium confidence, which is a perch-gley Pallic. According to the maps, this soil is dominant on the top terrace, which includes the LUC 3s1, 3e2 and 4e2. Alternatively, LUC 3s2 was predominantly Orono_9b.

4.0 SITE VISIT

Given the large area of the RLZ, numerous land titles and multiple LUC's, it was determined that each site was not able to be visited. Furthermore, given that HPL cannot be reclassified with site specific mapping in line with a recent decision from the Environment Court (Blue Grass Limited and other v Dunedin City Council, April 2024), AgFirst identified key sites to visit to confirm the land use, soil characteristics, inform productive capacity and any potential limitations of the land. These sites were identified based on size of effective area, LUC and land use, see Figure 9 for location of sites.

Masterton District Council notified landowners of the visit, with some not allowing AgFirst access to their land. A site visit was completed on the 31st of July 2024. During the site visit, visual observations of land use was done across the majority of the site, but soil information was limited, due to access. Thus, there are some limitations to the verification of the current maps and some assumptions have been made that are further discussed below.

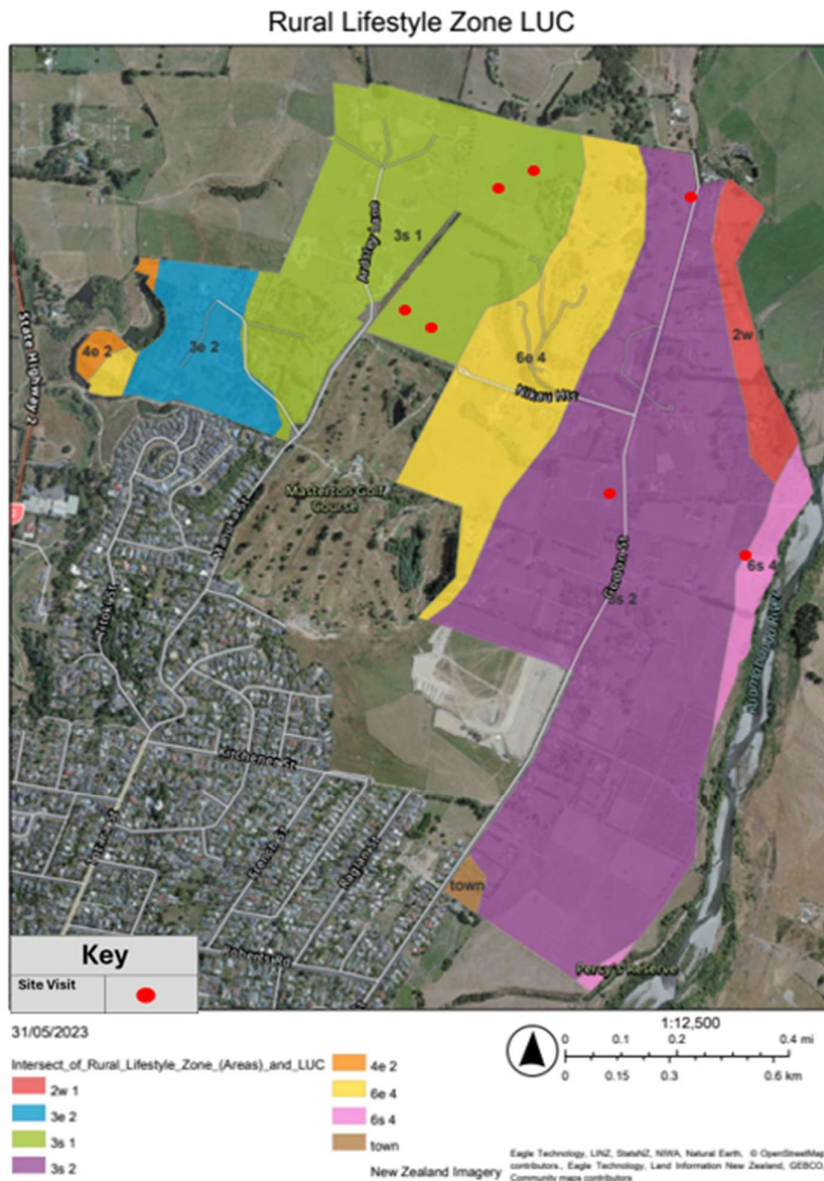


Figure 9: Site visits

From the site visit, it appeared that both the LUC and soil information was limited in their accuracy. The soil data mainly aligns with the LUC data, although 3s2 is noted to be overlying gravels which does not align with the soil information (although soil types and properties do align).

The visit started with the first large site on 3s1 soils. These were as mapped, with a gley soil over a fragipan made of clay. This was true for all the soil mapped 3s1 we observed, with a varying depth of topsoil. As can be seen in Photo 1 and 2 below, the soil is heavily mottled, indicating poor drainage characteristics, while there is a dense clay pan at the bottom of the hole, referred to as a fragipan which is impenetrable to plant roots limiting plant growth. The land use was dry stock, with either sheep or young cattle. Heavy cattle are not able to be run on this land, especially over the winter months, as the soils pug. Additionally, soil structure is poor on this land, further increasing the risk of pugging and compaction and limiting the ability

to conventionally cultivate the land. This was seen in one area where small cattle were located. One landowner noted that they cropped fodder crops on this class of land to fatten lambs, including chicory and plantain as well as rape. There was no evidence of subsurface drainage on the land surveyed. The topsoil on the 3s1 was varying, with some deeper than others. Given this, it is unlikely that horticultural operations would be able to be considered on this class of land, as water is unable to permeate through the pan, creating a high-water table which would leave roots with “wet feet”. This would increase the risk of disease for horticultural land use, even with drainage.



Photo 1 and 2: Typical 3s1 soil profile. Mottled Pallic soil with dense clay fragipan at the bottom.

The second site was the largest site we observed, which had 3s1, 3s2 and some 6e4. Again, all LUC correlated to as expected. The 3s2 observed was alluvial topsoil over gravel, as illustrated in Photo 3 and 4 below. The entire block was utilised for drystock, with the owner predominantly focusing on sheep and lighter cattle over the drier months (summer and autumn).



Photo 3 and 4: 3s2 soil profile. 15-20cm of free draining light soil with a stony/gravelly subsoil. No mottling and well drained.

The soils on 6e4 (not HPL) were brown soils which were free draining and silty loess. However, the erosion on the LUC was considerable, as illustrated below. Land use was extensive drystock, with predominantly sheep.



Photos 5 and 6: Soils on 6e4 (left) and the unit itself (right). Note the extensive erosion and trees for mitigation.

The next site was a vineyard. This was on 3s2 and 6s4 land. However, when digging there it appeared to be a mix of both 3s2 and 3s1 in parts, as there were almost no stones and a clay fragipan. The vineyard appeared to be on entirely 3s2 land.

The same was true for another observation, which was to the east of Gordon Street on the bottom terrace. This land was mapped as 3s2, but observations showed that it was entirely 3s1. There was no gravel or stones present in holes dug and rather a dense fragipan at 30cm down. The hole started filling with water within a minute, illustrating how poorly drained the soils are and that there is a low likelihood that soils would be ideal for horticultural crops.

The exercise indicated that the LUC mapping is limited in its accuracy. There may be more likely to be a larger area of 3s1 than initially thought, which is less versatile than 3s2 in terms of land use. It is assumed that the vineyard and groves would be on 3s2, as they do not like “wet feet” or poorly drained soils.



Photos 7 and 8: Land use on 3s2 and 6s4 (stony, free draining soils). Note that both the vineyard and grove have drip irrigation.

The land use on areas mapped as 3s2 varied from drystock to viticulture and olives. Other than the olive groves and grape vines, most of the land was highly fragmented and was predominantly “peri-urban” use.

Regardless of the soil, all HPL had a considerable moisture constraint over the summer. If a high value crop is to be grown, irrigation is an essential requirement. Likewise, extensive subsurface artificial drainage is a requirement for poorly drained land such as 3s1 or 3e2 to be highly productive.

5.0 HIGHLY PRODUCTIVE LAND

Clause 3.5 (7) of the NPS-HPL states:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- a) *is*
 - i. *zoned general rural or rural production; and*
 - ii. *LUC 1, 2, or 3 land; but*
- b) *is not:*
 - i. *identified for future urban development; or*
 - ii. *subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

Approximately 191ha of the RLZ is classed as LUC Class 2 and 3, thus HPL. The titles were split according to their size to help identify the practicality for agricultural or horticultural productivity and in the Clause 3.10 assessment. These include:

- 0-<2ha – predominantly houses with large sections but little ability to be productive.
- 2-<4 ha – predominantly lifestyle blocks
- Over 4 ha – larger properties which could be viable for intensive horticultural operations.

Table 5 highlights the LUC size under each category. The largest area under each LUC class is 3s2 (47.9%), followed by 3s1 (23.5%). The proportion of property sizes over different LUC varies depending on the property size. Under 3s2, 42% is greater than 10 ha, followed by 26% between 0-2 ha. Compared to 3s1, this is opposite with 61% between 0-2 ha, followed by 11% between 4-10 ha and 11% greater than 10 ha. The larger properties typically have a higher proportion of Class 6 compared with other blocks.

Table 5: LUC breakdown by area and property size. Note that there is likely to be inaccuracies in the mapping, as some of the land mapped as 3s2 appeared to be 3s1.

	2w1	3s1	3s2	3e2	4e2	6s4	6e4	Town
0-2ha	4.0	33.1	30.1	13.1	0.0	0.0	2.0	1.0
2-4ha	1.0	1.0	23.8	0.0	1.0	1.0	15.5	0.0
4-10ha	3.0	10.1	13.2	0.0	0.0	2.0	0.0	0.0
10ha+	0.0	10.2	48.1	0.0	0.0	2.0	16.4	0.0
Total	8.1	54.5	115.2	13.1	1.0	5.1	33.9	1.0
Percentage	3.5%	23.5%	49.7%	5.6%	0.4%	2.2%	14.6%	0.4%

6.0 ALTERNATIVE LAND USES

The discussion below provides detail around the suggested land uses for the different LUC classes, and why these may or may not be suitable for different area over the RLZ.

6.1 Strawberries and Tomatoes

Strawberries were noted in the Land Use Classification of the Wairarapa – Southern Hawkes Bay for 3s1. However, strawberries generally prefer free draining soils and are prone to root diseases such as root rot and grey mould, which is more prevalent in ground grown strawberries. To grow strawberries, the soil must be treated, and plants are often replaced to improve production. Approximately 65% of all strawberries are grown in the Auckland region, followed by 15% in the Waikato. The Auckland region is dominant because of its climate, soil types, labour pool and proximity to key markets⁷.

Given the advancements in hydroponics, most strawberry growers have shifted to this production systems which does not rely on the soil. This helps address disease issues, improve working conditions and increase yield. The only evidence of strawberries in the region was the Wee Red Barn, who have moved to a hydroponic system to address the issues mentioned above. There is limited financial information available on strawberries, but it is unlikely that they would thrive on 3s1 soils as suggested, even with intensive subsurface drainage. Similarly, they need deep soils to thrive which are free draining. The 3s2 soils would be too stony to be able to support a strawberry operation.

Similar to strawberries, the LUC noted that 3s2 could grow tomatoes. Since the 1990's (after the LUC units were published), the majority of tomatoes in the country have moved to indoor production, predominantly twin skin plastic houses or Dutch-style glasshouses. Field grown tomatoes are grown in Hawkes Bay and Gisborne but require specialised harvesting machinery and processing infrastructure which is not freely available in the area.

6.2 Grapes

Grapevines for viticulture require a good deep free draining soil with pH of 5.8-6.8 and an Olsen P of 20-30 under vine on sedimentary soils. K levels should be 10-15 and Mg levels at 20-30 with low salinity levels below 10. It is important to keep the Mg to K ratio at 2:1 because if the K levels get too high in the fruit this will raise the pH of the wine produced and reduce the storage potential of the wine. Grapes can be grown on 3s2 soils, as well as the neighbouring 6s4 soils. However, there is limited opportunity on 3s1 due to the shallower soil depth and high-water table which has the potential to result in poor development of the vines therefore poor yields.

Vineyards in Wairarapa are a large part of the economy, utilising the stony, free draining soils and hot environment. As of 2022⁸, there were 1,083 ha of vineyards in the region making up 3% of New Zealand's total vineyard area. The main variety of grapes grown were Pinot Noir (48.8%), followed by Sauvignon Blanc (36.0%) and Chardonnay (5.3%). Combined, these three varieties make up 90% of the grapes grown by area. The average area of the vineyard in 2022 was 8.6 ha in the region. However, 64% of vineyards were less than 5 ha and 17% between 5 and 10 ha in size, illustrating the boutique nature of the region. The region is well established

⁷ Strawberry Growers New Zealand: <https://www.strawbsnz.co.nz/>

⁸ New Zealand Vineyard Report, 2-23: <https://www.nzwine.com/en/media/statistics/vineyard-reports/>

for growing grapes, so labour and processing infrastructure is widely available, especially further south in the Wairarapa (Martinborough).

To get gross margins for grapes, it was assumed that a hectare was comprised of the top three varieties of grapes grown in the region based on the 2022 season. This equates to 52.9% Pinot Noir, 41.1% Sauvignon Blanc and 6.0% Chardonnay. Data was taken from the Lincoln University Farm Budget Manual (2022) to get gross margins for each variety on a per hectare basis, expressed as EBIT (earnings before interest, depreciation, tax and land ownership) and then split between the ratios of the three main grape varieties to make a per hectare figure. These figures were based on Marlborough data⁹, so may not be reflective of what prices are, but is the best industry data which is available.

6.3 Olives

Similar to viticulture grapes, olives are well suited to free draining soils and hot summer climates and hence are often grown in regions with viticulture, although are limited by the coolness of winter frosts which coincide with harvest.

Olives are a suitable crop to grow given the soils (free draining), weather (hot summer) and availability of labour and processing facilities in the region. The labour does not compete with grapes (rather complements it) and there is expertise in the area with contractors available for pruning, spraying and harvesting (machine)¹⁰.

The olive industry complements grape growing, although is boutique in New Zealand with the majority of olives being consumed domestically. The industry is predominantly geared towards olives for oil, with most groves producing high quality extra virgin olive oil, with only approximately 2.3% of olives produced (5.86t) consumed as table olives. The industry is still developing, with a sustainable food and fibre fund helping a nationwide project look at improving yields around the country and allowing the industry to collect data.

Industry data is sparse, but Olives New Zealand¹¹ estimated that in 2022 there were 312,000 olive trees in New Zealand, which would equate to roughly 937 ha. Wairarapa was responsible for 15.7% of the countries production (by number of trees), which was the fourth largest region. The largest was Hawkes Bay (20.6%), followed by Auckland (16.6%) and Waiheke (15.8%).

When interviewing local growers, many noted that to be a commercially feasible operation the grove would need between 2-3,000 trees, which equates to 6 to 9 ha in size. In addition to this, trees do not produce within the first 5 years at least, so there is a large delay on return on investment.

The crop is labour intensive, with pruning, and spraying a requirement to reduce the alternative bearing loads of the trees. Spraying is done to control diseases such as Peacock Spot and Anthracnose. Olives prefer fertile, well-drained soil with a neutral to slightly alkaline pH (6-7). They prefer to be in full sunlight and cannot survive temperatures below -4°.

⁹Marlborough Vineyard Monitoring Report: <https://www.mpi.govt.nz/dmsdocument/59686-2023-Marlborough-vineyard-monitoring-report>

¹⁰ Olives New Zealand: <https://www.olivesnz.org.nz/focusgrove/>

¹¹ 2022 New Zealand Grove Census: <https://www.olivesnz.org.nz/wp-content/uploads/2022/09/2022-Grove-Census-Harvest-Data-Report-1.pdf>

Like viticulture in the region, the olive industry established with specialised labour (pruning, spraying and harvesting) and processing infrastructure available. Given that the plants can grow in similar climates, they are often grown in wine growing areas and leverage off boutique markets as a result.

There is little information regarding gross margins for olive groves available in the country. The gross margin data has been derived from information provided by Olives New Zealand and conversations with local growers and processors, assuming that all olives are processed into extra virgin olive oil.

6.4 Arable and Vegetables

3e2, 3s1 and 3s2 are both potentially suitable for arable crops, such as maize or wheat, although there may need to be a correction in soil fertility for this to occur. Furthermore, on 3s1 drainage would be required to improve yields. There is no evidence of arable in the area from historic aerial photography suggesting that there are limitations to the area. For most arable enterprises, the optimum soil fertility includes soil sulphate-S levels between 10-15, Mg above 10, K between 6-10, Olsen P of 25-30 and soil pH of 5.8-6.2 (crop dependent)¹².

The highest gross margins found were for maize and wheat. The gross margin for maize was provided from the Foundation of Arable Research for 2022¹³, while the Lincoln University Enterprise Analysis Gross Margins (2023) has been used for wheat yields. Given that there was no evidence of drainage or irrigation on the land surveyed, and that the soils are moderately limited for arable land use (3s1 and 3s2), the yields from these crops have been assumed to be 80% of the average yields used by FAR and Lincoln University.

Field peas were considered but yield is considerably lower than maize or wheat. Additionally, the region had historic problems with a pea weevil, although this appears to no longer be a problem in the region.

The highest land use found in the Lincoln University Enterprise Analysis Gross Margins (2023) was potatoes (vegetable production). These were considered in the analysis for the small area of 2w1 land located in the northeastern area of the RLZ.

6.5 Drystock

The 3s1 and 3e2 land is limited to lighter stock due to considerable limitations to the soil (drainage and structure) which makes grazing heavy animals over the winter without damaging the soil.

Alternatively, 3s2 has shallow soils which are free draining but are more prone to drying out over the summer months which limits pasture growth without irrigation. Furthermore, the nitrogen losses are high on these soils which may be an issue.

Data for gross margins has been derived from the Beef and Lamb New Zealand (B+LNZ)¹⁴ economic farm survey data for class five land, which is North Island East Coast finishing farms. The data for EBIT has been collected on a per stock unit basis with rates subtracted. The data from the last three full years (2019-2022) has been averaged and then been multiplied by the

¹² Managing Soil Fertility on Cropping Farms: <https://www.fertiliser.org.nz/Site/resources/booklets.aspx>

¹³ <https://www.far.org.nz/resources/arable-costs-of-production>

¹⁴ Eastern North Island – Class 5 finishing. <https://beeflambnz.com/industry-data/farm-data-and-industry-production/sheep-beef-farm-survey>

average carrying capacity (informed by the LUC units on a stock unit per hectare basis) to give an indicative figure. The average size of a farm in this class was 376 ha over the three years.

There is very limited information (both physical and financial) available regarding the equine industry. Therefore, this was not considered as an alternative land use. There were few horses seen on the blocks, and none appeared to be a part of a stud operation.

6.6 Dairy

Dairy farming in the Wairarapa equates to 3.1% of the national dairy herd, as of 2022/23¹⁵, with 367 herds at an average herd size of 389 cows. This spans across 52,583 effective ha. The majority of dairy is in the Tararua district. Masterton had 7,633 cows, equating to 3.8% of the cow numbers in the Wairarapa and 5% of the effective area (2,629 ha). The average farm size in Masterton was 188 ha with 545 cows.

Similar to drystock, gross margins have been derived from Dairy New Zealand (DairyNZ) economic farm survey data for lower North Island. The data for EBIT has been collected on a per cow basis with rates subtracted. The data from the last three full years (2021-2023) has been averaged and then multiplied by the average carrying capacity (informed by the LUC units on a stock unit per hectare basis) to give an indicative figure, assuming that a dairy cow is equivalent to 7 stock units.

The best land suitable for dairy production is free draining land flat land, which includes 3s2 and 2w1 (the bottom terrace of the proposed RLZ). It is worth noting that there is an irrigated dairy farm in the northeastern section of the proposed zone, which borders the 2w1 land.

6.7 Irrigation and Drainage

On the site visit there was little evidence of irrigation and none of artificial drainage. Drip irrigation was present on the vineyard and olive groves and a dairy farm adjacent to the RLZ had pivot irrigation.

For optimal production to be met, it is assumed that the land would have no limitations, so drainage (3s1 and 3e2) and irrigation (3s1 and 3s2) would be installed, as well as optimal soil fertility. Even with these conditions, yields are not expected to be as good as higher-class land due to poorer soil conditions. Given this, the yields for cropping have been assumed to be only 80% of the budgeted gross margin which is based on national data. This assumption would be expected for land with both drainage and optimal fertility. Sheep, beef and dairy figures have been left the same (as there is no irrigation in the regional data), while irrigation costs (operational costs) have been assumed for both olives and grapes. Olives and grapes do not require water to the same extent as other crops (as stressing the plant can intensify the flavour of the fruit, although they do require irrigation when the plant is establishing), but irrigation systems can be used as a method to prevent frost damage.

Costs to install artificial subsurface drainage range from \$13,000-15,000 per hectare (Lincoln Budget Manual, 2023), while irrigation can range from \$4-5,000 per hectare for capital infrastructure (although can be up to \$15-20,000 per hectare depending on the system), with annual costs equating to \$1,800 per hectare, although ranging from \$2-6,000 per hectare¹⁶. These annual costs assume that there is an irrigation scheme available and do not include

¹⁵ New Zealand Dairy Statistics 2022-23. https://connect.dairynz.co.nz/2022-23_Dairy_Statistics/

¹⁶ <https://issuu.com/irrigationnz/docs/122854-inznews-2023winter-issuu-wecaninsert/s/26282830>

storage infrastructure. Advice from a specialised horticulture irrigation specialist was that drip irrigation would cost roughly \$19,000 per hectare, but the main variability would come from access and storage of water which usually drives the feasibility of an irrigation scheme.

There are currently no irrigation schemes in the area, and the proposed Wairarapa water scheme project was abandoned. An MPI report¹⁷ from 2021 noted the importance of water in the region, stating that GWRC plan to reduce water allocations over the 2024-2029 period, with droughts increasing in the region and river flows decreasing in the future due to the impacts of climate change. They stated that the lack of water storage infrastructure at a regional level is likely to disincentivise land use change to higher value crops (such as olives and grapes) in the future. There appears to be capacity for water takes from the Ruamahanga River, although this may not be as freely available in the future.

6.8 Other Considerations

When considering alternative land use, growing the commodity is only one part of the equation. For specialised crops, specialised labour and machinery may be needed to service the crop, such as pruning, spraying or harvesting. Furthermore, the crop needs to be harvested, transported, processed, packaged and sold. The feasibility of land use does not consider if there is post-harvest infrastructure set up within the region, or access to labour or machinery required for specialised crops.

In the region, there is specialised labour for drystock, dairy, arable, olives and grapes. There is limited infrastructure to support alternative crops such as kiwifruit or apples, as there is no specialised labour or post-harvest processing infrastructure set up within the region. There would need to be considerable investment to set up this post-harvest sector, and often there needs to be a critical mass (economies of scale) for this to be feasible.

Another consideration is the versatility of the land. Of the HPL, LUC 3 is the least versatile. Both 3s1, 3s2 and 3e2 are severely limited in what they are able to grow. The highest and best land use for 3s2 is viticulture or olives, while 3s1 is limited to some arable and light drystock. If the economic viability of grapes or olives becomes infeasible, the land has few options to change to alternative land uses which are more profitable. LUC 1 and 2 would be able to change to another land use as they are more versatile.

6.9 Gross Margins and Debt

To better illustrate the debt servicing on farm, debt servicing (interest only) has been included on the land. The capital value of the land (excluding improvements) has been taken from the Masterton District Council website¹⁸, with both district and regional council rates included. The 2024/25 rating has been used.

As the assessment is only on HPL, any non-HPL land within a block has been subtracted. For LUC 1-3 it has been assumed that the relative productivity of the land (HPL) is 1, and class 6e is 0.6. Given that class 6s4 can grow both grapes and olives, the relative productivity is also 1. Both the capital value and rates have been calculated with the relative productivity to better reflect the actual value of the highly productive land. For example, if there is 7 ha of 3s land

¹⁷ <https://www.mpi.govt.nz/dmsdocument/47770-Water-Availability-and-Security-in-Aotearoa-New-Zealand>

¹⁸ <https://gis.mstn.govt.nz/WairarapaViewer/?map=14166ab65a594d5aaea6997fd0447c43>

and 5 ha of 6e land, the 3s land would be equivalent to 70% of the value of the total 13 ha for both capital value and rates.

The gross margins include the annual production value of given enterprises. For the assessment, this was done on HPL (LUC 1-3), regarding the effective area (area where land use can occur). The gross margins have been calculated on a per hectare or per stock unit basis, so the effective land area or stocking rate per hectare in combination with effective area was multiplied by the figure to ascertain the productive value of the land. Data obtained for the gross margins can be found above in each of the alternative land uses.

To reflect debt servicing, 40% of this value has been used to assume the debt on the property, while an average interest rate of 7% has been applied¹⁹. Additionally, the rates of the land (both district and regional) have been included to reflect the higher land values which is not illustrated in industry data. Rates have been subtracted where necessary from any industry data to better reflect the situation of the block. It is also worth noting that some of the gross margins do not include a management wage and are pre-tax.

The gross margins are based on annual operational costs, while capital costs have not been considered. These costs would include investment into infrastructure to support a land use, such as artificial drainage, soil fertility (capital fertiliser applications), irrigation infrastructure (bore drilling, instillation, pipes, water storage etc.), plants and possible investment needed for processing infrastructure. Additionally, for land use conversion to horticulture over 5-ha, there would be compliance costs associated with the requirement for a farm environment plan (refer to regulation section below). It is likely that there would be a substantial investment needed which would likely deter many people from converting small scale land into the alternative enterprises as discussed below. However, the NPS HPL considers economic feasibility over a 30-year time horizon. It is likely that the investment would be feasible over this period. Realistically very few people would consider a 30-year investment time frame for a horticultural operation as it would assume that the commodity would be feasible over this period, so is a limitation of the policy. It is highly unlikely that these costs would be able to be paid back within a 5–10-year period.

6.10 Barriers to land use change.

There are a range of factors which influence land use change. Journeaux et al (2017)²⁰ completed a report on these factors. The report noted that all these factors interact as an amalgam as drivers and/or barriers for land use; they all interact in different ways and usually never in the same combination. Overall, it concluded that economic factors are often the most powerful in driving land use change decisions.

7.0 REGULATIONS

Regulation can be a barrier to land use change. For this area the most constricting currently would be the land use conversion and intensification rules for dairy and dairy support under the Resource Management (National Environmental Standards for Freshwater) Regulations

¹⁹ Exchange rates and Wholesale interest rates- Reserve Bank of New Zealand- Te Pūtea Matua (rbnz.govt.nz) 1993-2023 years with a 2.2% bank margin applied to the 90-bank bill monthly average yield.

²⁰ Journeaux, P., van Reenen, E., Manjala, T., Pike, S., Hanmore, I., Millar, S. Analysis of Drivers and Barriers to Land Use Change. <https://www.mpi.govt.nz/dmsdocument/23056-ANALYSIS-OF-DRIVERS-AND-BARRIERS-TO-LAND-USE-CHANGE>

2020. However, these rules will be revoked on 1 January 2025, therefore the rules under the GWRC Natural Resources Plan will prevail.

The Natural Resources Plan also seek to restrict the impacts on freshwater from agricultural land uses. Consent would be required for the use of rural land with new irrigation if the area is more than 20ha of arable, pastoral, or low intensity horticultural use or 5ha or more of horticultural land use if it is not a low intensity horticultural use.

Part of the RLZ is within the Waipoua priority catchment. However, this area is mainly over those blocks within the 0-2ha category on the western end of the zone, and a small area of a larger block that would not trigger the threshold requirements.

Another piece of national legislation that could affect the RLZ will be the requirement of freshwater farm plans through Part 9 of the RMA that encourages actions which will reduce a farm's impact on freshwater. The following farms are required to have a farm plan where there is:

- 20 ha or more in arable use
- 5 ha or more in horticultural use
- 20 ha or more in combined use

These are expected to be rolled out for the GWRC in 2024/25. Although these freshwater farm plans do not necessarily prevent the land being used for land-based primary production, they do ensure that inputs and actions on the farm are being managed to reduce their effects on freshwater. Furthermore, there will be the cost involved of completing the Freshwater Farm Plan and ongoing compliance costs.

The majority of the area is considered to be a part of the groundwater community drinking water supply areas (schedule M2), see Figure 10 below. This includes WRC Well numbers T26/0243 and T26/0549 for the Masterton public water supply bores. This does restrict certain activities over the area, but in terms of agricultural land use and change, none of these would be a hindrance to land use change opportunities.



Figure 10: groundwater community drinking water supply areas (schedule M2).

The Natural Resources Plan also sets out a core allocation framework for surface and groundwater takes throughout the region. The RLZ sits in the Upper Ruamahanga catchment. For groundwater take and surface water takes there is allocation available for new takes to a varying degree. All takes for irrigation would require a resource consent, therefore not guaranteed and these would be subject to the Councils discretion, furthermore some takes depending on whether directly from surface water or a shallow bore may also be subject to minimum flows, so water may not be able to be abstracted during low flow periods.

8.0 NPS-HPL

Clause 3.7 of the NPS HPL, seeks to avoid rezoning of HPL for rural lifestyle. It states that territorial authorities must avoid rezoning of highly productive land as rural lifestyle, except as provided in clause 3.10

Clause 3.10(1) sets out three tests that must be met for rezoning of HPL for rural lifestyle to occur. A proposal must meet all parts of all three tests to be allowed on HPL (although meeting these tests does not presume an application will be approved). The three tests are met where:

- a) *there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and*
- b) *the subdivision, use, or development:*
 - i. *avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and*
 - ii. *avoids the fragmentation of large and geographically cohesive areas of highly productive land; and*
 - iii. *avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development.*

and

- c) *the environmental, social, cultural, and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of highly productive land for land based primary production, taking into account both tangible and intangible values.*

The approach that has been taken to assess all the relative properties identified under 3.10 is to categorise the properties into size 0-2, 2-4, 4-10, 10+. Within these property sizes a full 3.10 assessment has been completed, identifying any properties within these categories that may not be able to meet the exemptions. Individual 3.10 assessments were also completed of the properties visited and those that were determined through a high-level assessment to be the most unlikely to meet Clause 3.10 based on size, soils, LUC and potential for amalgamation.

For this assessment the effective area has been used. The effective area has been defined as “area available [for production]; this does not include houses, sheds, tracks, bush, waterways, and steep areas which are not grazed but may include areas sown in crop”²¹. Given that most

²¹ MPI. (2016). Feed Use in the NZ Dairy Industry. <https://www.mpi.govt.nz/dmsdocument/20897/direct>

of the titles have a house, other infrastructure, and possibly waterways, there is likely to be an over estimation of the agricultural or horticultural productivity on the land.

8.1 Clause 3.10 assessment - 0-2 hectare

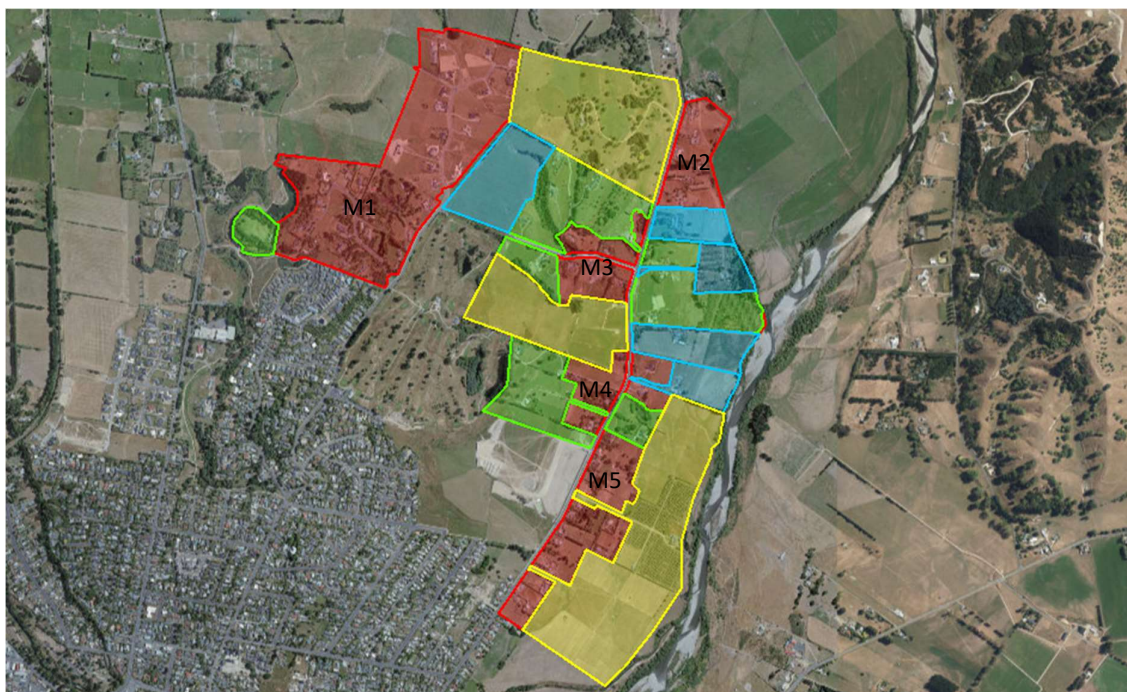


Figure 11: Property categories. Note 0–2-ha titles in red and each assessment area M1-M5 as referred to in the assessment below.

The permanent of long-term constraint is non-reversible land fragmentation

The area includes 81 properties and a total of 80.3 ha of highly productive land, of which 54.6 ha is effective (68% of the total area). The extensive fragmentation limits the parcels use for land based primary production, which limits the extent the parcels can scale up development to any land use.

As per Figure 11, 42 (M1) of the 81 properties are located on the western side of RLZ on the top terrace. The average size of these properties is just over 1 hectare and predominantly have a house with a large section, with very few used for any type of land based primary production. Amalgamation opportunities within these 42 properties is impractical and not economically viable due to the existing extensive land fragmentation and small-scale nature of these blocks. Immediate surrounding land to the north and west is predominantly pastoral farming, with Masterton township, a hill and wetland and Manuka Street adjacent to the rest of these properties.

The remaining 39 properties (M2-M5) are located on the east and west side of Gordon Road in four areas on the bottom terrace. This area is on the eastern side of the RLZ. All these properties are between 0.8-2 ha. Surrounding land use is olives, vineyard and pastoral on the eastern boundary of these parcels and on the western boundary is the Masterton Golf Course. Other surrounding land uses are small scale lifestyle blocks of varying sizes and scale, most having sheep and beef. The options for amalgamation are not reasonably practical and not

economically viable due to the small effective area, the location of these landholdings in relation to larger landholdings and a lack of potential land uses due to size and configuration. Most of the adjoining blocks are small scale lifestyle.

The only blocks that would be considered to have the potential to be amalgamated, would be the 3 most northern blocks of M3, this would provide about 1.5ha of effective area. There is a dairy farm and an old car storage area adjacent to these blocks. However, these are segregated by a watercourse, therefore this fragments these blocks.

The HPL over these blocks is made up of 3s1 (41%), 3s2 (38%), 3e2 (16%) and 2w1 (4%), with the remainder of the land being Class 6 (which is not considered here). 3s2 has well-drained soils and is suitable for viticulture, arable and livestock. 3s1 and 3e2 on the other hand is poorly drained, which is not suitable for viticulture, but is suitable to arable and livestock, just requires increased management with lighter stock and drainage for arable cropping.

The highest and best use of the property is a mix of viticulture on 3s2, arable on 3s1 and 3e2 and horticulture (potatoes) on 2w1, due to the soil type and drainage characteristics of the soil.

As most of the adjoining blocks are residential lifestyle properties there are constraints with size, location of existing dwelling and the practicality of running a livestock, arable or viticulture operation. Size and scale are required for all of these operations, along with easy access.

The constraint of land fragmentation is permanent, and it is not reasonably practicable to consider that this could be rectified, given the considerable residential lifestyle development, small effective area and the scale of housing development. The properties itself have their own limitations from soil drainage, size and shape to the location of dwelling within individual land parcels. All of these make amalgamation more impractical and therefore fragmented. The fragmentation is irreversible, and as discussed below it is not economically viable to run surrounding sites together at a sufficient scale.

Impact on economic viability

The economic analysis has been assessed on the optimum land use for these land parcels which is a vineyard or olives on 3s2, arable on 3s1, 3e2 and potatoes on 2w1. Sheep and beef or dairy weren't considered the most optimal land use due to other land uses considered being more profitable. The total effective area of 0–2-ha land parcels is approximately 53.1 ha across 81 properties.

An average block of the 81 properties is roughly 1.0037 ha, with an effective area of 0.5216 ha. The effective area has been used for all calculations, with the total ha used for the calculation of rates and interest repayments. The estimated deficits are as below:

- Olives (\$9,863)
- Vineyard (\$980)
- Sheep and Beef (\$19,592)
- Dairy (\$18,868)
- Arable (\$18,397) (an average of three different crops; maize silage, maize grain, barley)

The above analysis on alternative land uses shows that for a property of such a small scale, no land uses are economically feasible. The high prices for rates at \$4,027.14 and high land value at \$570,000 is a major constraint and is impacting the deficit situation. Changing the crop type

will not lift profitability in a way that will change the economic situation of the block as it will still make a loss. The property is not of an economic size to be run as a commercial primary production unit and due to the lack of scale and shape of the parcels, no land use options are profitable (even with significant investment).

In the area M2, there are three properties with potential for amalgamation, these land parcels have been analysed on their own given the versatility of the LUC. The highest and best land use is potatoes, and these are suitable on 1.5 effective ha. The estimated deficit is:

- Potatoes (\$22,781)

The above analysis on alternative land uses shows that for a property of such a small scale, no land uses are economically feasible. No alternative horticultural crop types will lift profitability in a way that will overcome the current deficit and improve the economic situation of the block. Due to the lack of scale and the narrow shape of the parcels, no land use options are profitable.

The key reasons why the property is not economically viable is due to the following:

- Non-reversible land fragmentation. Individual properties as a standalone unit are too small to be considered a viable economic unit and there are no potential amalgamation opportunities that are reasonably practical to make an operation economically viable.
- The poor drainage of 3s1 and 3e2 being a limitation for land use type and intensity of chosen land use.
- Changing land uses doesn't improve the economic situation with the earnings before tax being (\$19,592) for sheep and beef and (\$8,129) for dairy. Neither of these land uses are economically viable and makes the deficit worse compared to a vineyard and arable.

Therefore, it is considered that the land fragmentation means that the property is not economically viable for land-based primary production now or for at least 30 years.

8.2 Clause 3.10 assessment – 2-4 hectare

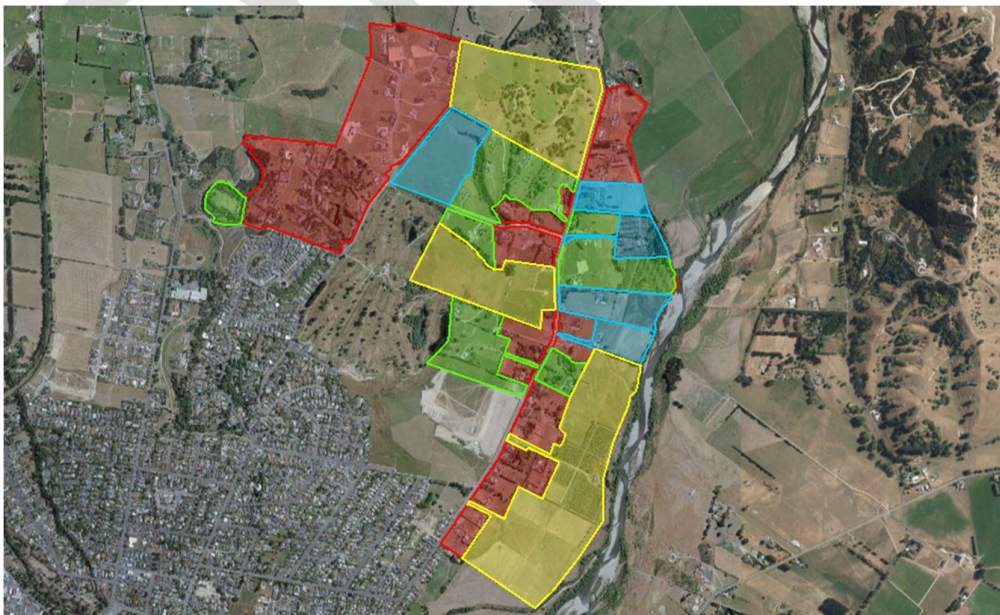


Figure 12: Property categories. Note 2-4ha properties in green.

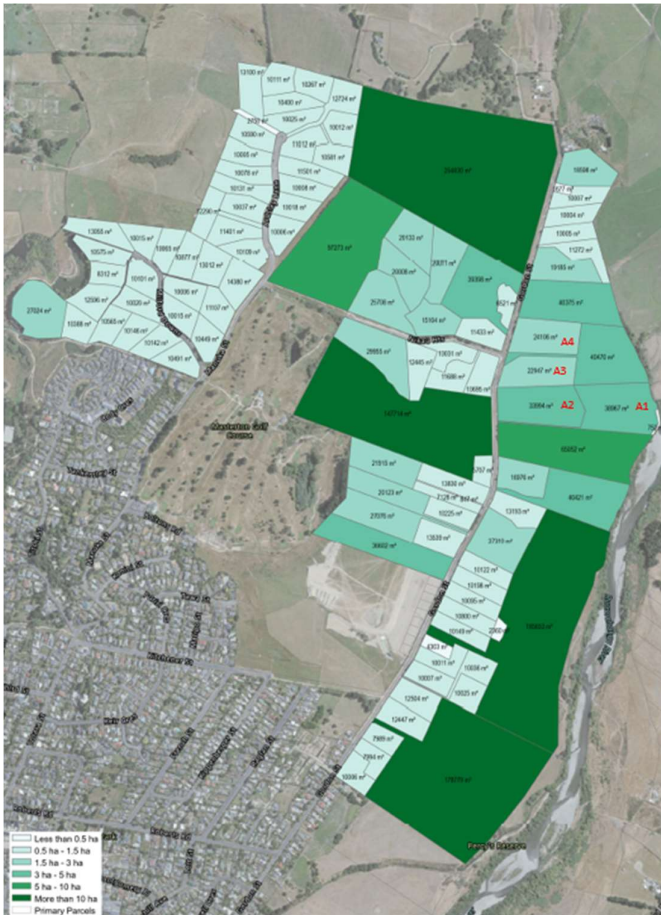


Figure 13: Land parcels over RLZ, with A1-A4 land parcels identified.

The permanent of long-term constraint is non-reversible land fragmentation

There are 16 properties between 2-4 ha, covering 25.9 ha of HPL, with approximately 20.8 ha effective area, see Figure 12 above. Non-reversible land fragmentation is present to varying degrees depending on the location of the parcels. Three potential land uses are feasible from an economic perspective.

Five of the 16 properties are located on the bottom terrace on the east side of Gordon Road. One (A1) of the properties of 3.9 ha is currently all in olives and there is opportunity to amalgamate this with surrounding blocks of between 4-19 ha. The remaining three blocks (A2-A4) are lifestyle blocks which are between 2.3-3.4 ha and are used for livestock. These four blocks (A1-A4) have the potential to be amalgamated with surrounding blocks due to their location in relation to each other. The other standalone block on this side of the road is 2.7 ha but is surrounded by extensively fragmented smaller blocks of land so fragmentation is a permanent constraint. See Figure 13 for the location of A1-A4 land parcels.

A total of 10 of the 16 properties are located on the bottom terrace on the west side of Gordon Road. The size of these properties is between 2-3.7 ha with most being just over 2 ha. These properties are highly fragmented given they are surrounded by smaller blocks less than 2ha. It would be impractical and not economically viable with the existing land fragmentation and

location of the dwellings on each site to consider amalgamation opportunities. Surrounding land to the north is a pastoral livestock enterprise and west is the Masterton Golf Course.

One of the 16 properties is located on the top terrace in the northern corner and is surrounded by a waterway and highly fragmented 0–2-hectare land parcels. This parcel is 2.7 ha but as it is predominantly in bush, it has little effective area and it is of no value for amalgamation opportunities. The surrounding land also doesn't provide any amalgamation opportunities due to it being in residential housing with a large section. As it is already extensively fragmented, the best use of this land is for it to remain as is.

The options for amalgamation are completely impractical on all but four landholdings (A1-A4) due to the location of these landholdings in relation to larger landholdings and a lack of potential land uses due to size and configuration. Most of the adjoining blocks are already fragmented lifestyle blocks.

The HPL is made up of 3s2 (92%), 3s1 (4%) and 2w1 (4%), with the remainder of the land being Class 4 or 6 (which is not considered as part of this assessment). The Class 6 land is predominantly on west side of Gordon Road. As mentioned above 3s2 is suitable to a number of land uses including viticulture and olives due to its well-drained soils. 3s1 are better suited to arable and lighter stock grazing with well drained soils. 2w1 is suitable to horticulture, pastoral farming and arable.

The highest and best use of the land is a mix of viticulture or olives on 3s2, arable on 3s1, due to the soil type and drainage characteristics of the soil. As 2w1 is half covered in olives and the other half as part of the river, this area wasn't considered in our assessment. Given that 3s2 can grow both grapes and olives, it could be amalgamated with surrounding land, provided it is economically viable, practical and not already highly fragmented. Whereas 3s1 has more limitations around soil type with poor drainage and weak soil structure meaning the potential land uses are not suitable for amalgamation.

As most of the adjoining blocks are residential lifestyle properties there are constraints with size, location of existing dwelling and the practicality of running a livestock, arable or viticulture operation. Size and scale are required for all these operations, along with easy access.

The constraint of land fragmentation is permanent for 12 properties, and it is not reasonably practicable to consider that this could be rectified, given the existing lifestyle development and the scale to which this has occurred in surrounding areas. The properties itself have their own limitations from size and shape to the location of dwelling within individual land parcels. The fragmentation of surrounding land is irreversible, and it is not viable to run surrounding sites together at a sufficient scale.

The exception to this is the four blocks (A1-A4) on the east side of Gordon Road which can be amalgamated together and with the surrounding 4 hectare and 6.5-hectare blocks. One of the blocks is solely planted in olives and doesn't have limitations surrounding an existing dwelling or infrastructure. The surrounding land has large enough scale to ensure each block is economically viable on their own and if amalgamated this increases the opportunities. Figure 14 below shows these properties highlighted in orange that are not considered to have a permanent limitation.

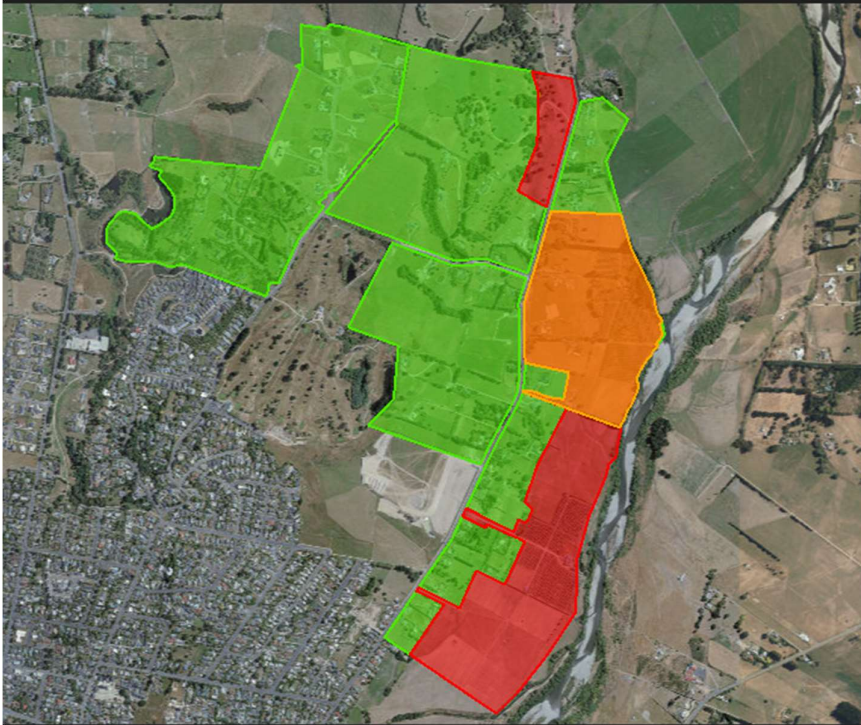


Figure 14: Land parcels in orange those that are not considered to be fragmented.

Impact on economic viability

The economic analysis has been assessed on the optimum land use for these land parcels which is a vineyard or olives on 3s2, arable on 3s1 and 2w1 has not been modelled due to the effective area being less than 0.5ha and already in olives. Sheep and beef or dairy weren't considered the most optimal land use due to the land uses considered being more profitable.

An average block of the 16 properties is roughly 3.4 ha, with an effective area of 2.86 ha. The effective area has been used for all calculations, with the total ha used for the calculation of rates and interest repayments. The estimated surplus/deficits are as below:

- Olives \$12,420
- Vineyard \$28,884
- Sheep and Beef (\$11,098)
- Dairy (\$10,555)
- Arable (\$11,083) (an average of three different crops; maize silage, maize grain, barley)

The above analysis on alternative land uses shows that for a property of such a small scale, there are two land uses that are economically feasible. The three infeasible land uses are dairy, arable, sheep and beef, and arable cropping with interest repayments and rates that are not able to be serviced by low returns. As compared with more profitable land uses including olives and vineyard which are all economically viable. The four properties (A1-A4) that have the potential to be amalgamated have enough scale to be an economically viable vineyard or olive operation with the potential investment in irrigation, shelter and drainage.

Grapes and olives are economically viable on landholdings that are 3s2, but there are other long-term constraints that constrain the land in the long term. The non-reversible land fragmentation means that these 12 properties cannot be run as one economic primary production unit. The land parcels are run as an individual entity and a standalone block, as amalgamation is impractical with the current scale and the location of the existing infrastructure and dwelling. Even with significant investment it is likely these blocks will still be run on their own and therefore not be economically viable. At this size it is not economic due to the large capital outlay for infrastructure, water (irrigation and storage) and shelter.

The key reasons why the 12 properties are not economically viable is due to the following:

- Non-reversible land fragmentation, means there are limited potential amalgamation opportunities that are practical to overcome the small-scale factor and make an operation economically viable.
- The individual properties as a standalone unit are too small to be considered an economic unit. The average size of a vineyard is 8.6 ha.

Therefore, it is considered that the land fragmentation means that for the 12 properties it is not economically viable for land-based primary production now or for at least 30 years.

No scope to sufficiently increase scale.

B+LNZ data shows for Eastern North Island Finishing Class, the average effective area is 376 ha (average of 3 years), meaning these land parcels between 2-4 ha are uneconomic.

This case is similar with a dairy operation as the average size in the Masterton area is 188 effective ha with 2.9 cows per hectare, meaning even at a combined 20.5 ha (59 cows), this is not economically, nor would the properties practically be able to be amalgamated. There is a dairy farm on the east side of the RLZ but access to this is fragmented by a waterway and other blocks already in olives.

Vineyards and olives are feasible on 3s2 land, which is a total of 19.1 effective ha, although most of this land it is impractical to amalgamate with the current location of dwellings and separation between the blocks. The exception to this is the four parcels side by side (A1-A4), which are the only option to consider for amalgamation with surrounding blocks.

The fragmentation of surrounding land is irreversible, and it is not practical to run 12 of the sites together at a sufficient scale.

8.3 Clause 3.10 assessment – over 4 ha

The final assessment was any area of land which is over 4 ha, which is illustrated in blue and yellow in Figure 15 below. As part of the site assessment, some of the blocks were visited. The blocks that were visited and a physical assessment done, are shown below in Figure 16.

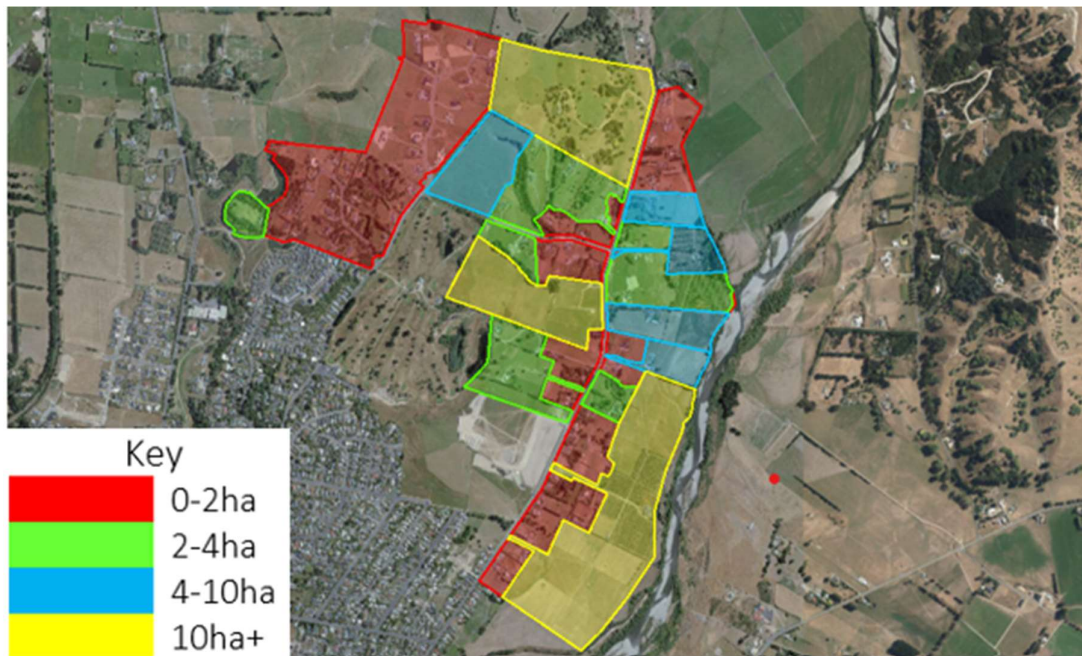


Figure 15: Property categories. Note 4-10-ha titles in blue, 10+ha titles in yellow

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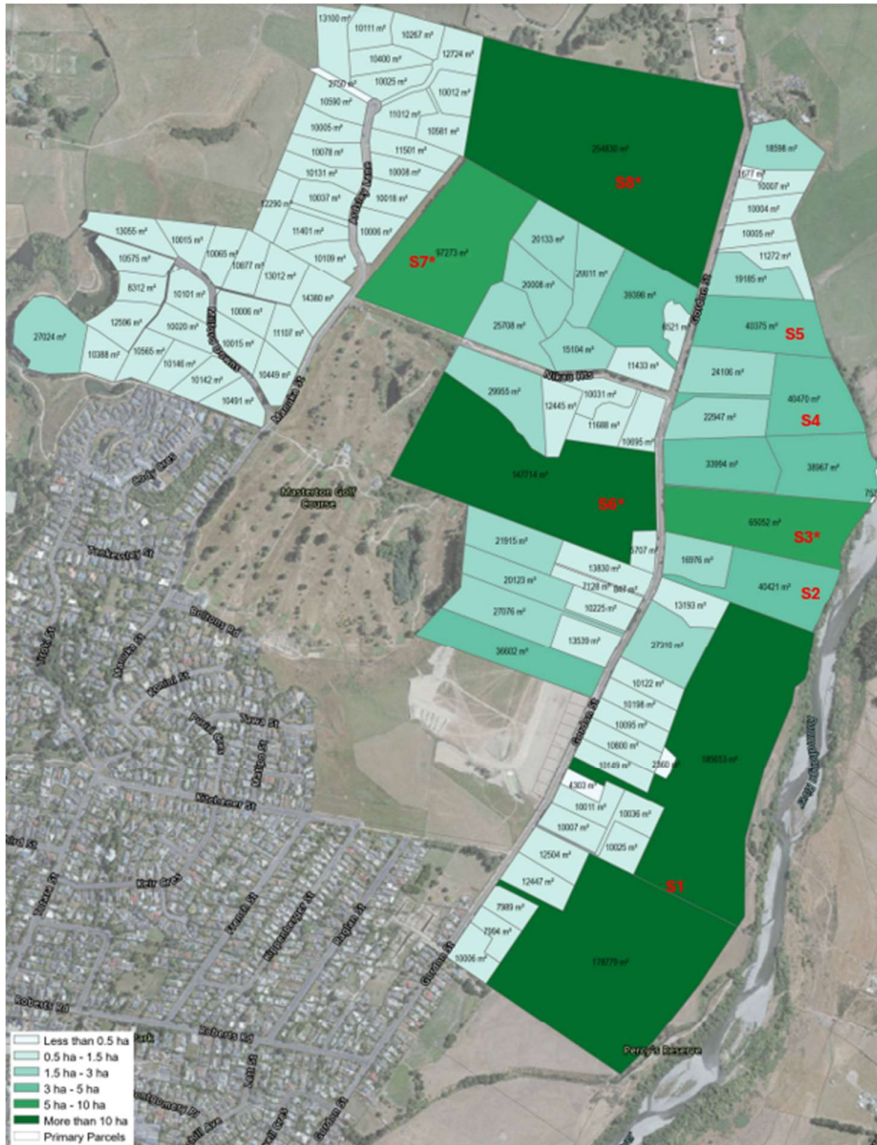


Figure 16: Assessment for blocks over 4 ha in size. An asterisk (*) illustrates that the site was visited

The blocks are detailed below.

- LOT 3 DP 91293 BLK I OTAHOUA S D – 17.88 ha, of which 8.1 ha is in olives and the remaining is in drystock. This has been combined with the block below and is referenced as **S1**. The block has reticulated water and adequate shelterbelts for wind protection.
- PT LOTS 2-3 DP 51754 – 18.73 ha, with 5.3 ha in olives, 1.9 ha of ineffective area and the remained in drystock. Run in conjunction with the block above in olives. This has been combined with the block above and is references as **S1**. As above, the block has good shelter from wind and reticulating water.
- LOT 2 DP 439399– 4.04 ha of which 2.7 effective ha are HPL, utilised with drystock. This is referenced as **S2**. The block has shelter belts to the south and stock water reticulation.

- LOT 2 DP 51384 BLK I OTAHOUA SD – 6.5 ha of which 2.1 ha are in grapes, 0.9 ha ineffective and the remained in drystock. This is referenced as **S3***. The block has shelter belts and drip irrigation for frost protection.
- LOT 2 DP 312685 BLK I OTAHOUA SD -SUBJ TO R/W– 4.05 ha, with 1.8 effective ha is HPL, of which 1.3 ha is utilised for olives, 0.2 ha for grapes and the remainder is not utilised. This is referenced as **S4**. As above, the block has good shelter from wind and drip irrigation.
- LOT 2 DP 439399 – 4.04 ha, of which 3.6 effective ha is HPL, currently in drystock. This is referenced as **S5**. The block has reticulated water and adequate shelterbelts for wind protection from the south.
- PT LOT 11 DP 1107 – 14.82 ha of which 0.4 ha are ineffective and the remained is in drystock. This is referenced as **S6***. The block has some shelter belts for wind protection and reticulating water.
- LOT 9 DP 76583 PT – 9.7 ha of which 0.4 ha is ineffective. This is referenced as **S7***. There is no reticulating water on this block, but there is a dam. There is shelter to the north and northwestern boundary, but little shelter to the south and east. Given that the land is located on the top terrace, wind may be a limitation.
- LOT 1 DP 50622 LOT 4 – 25.64 ha of which 1.9 ha are ineffective and the remained in drystock. This is referenced as **S8***. The block has reticulated water (provided from a dam) and some shelterbelts on the top flats (3s1).

Table 61: Current Land use of Area Surveyed

Title	Site	Total Area (ha)	Drystock (ha)	Olives (ha)	Grapes (ha)
LOT 3 DP 91293 BLK I OTAHOUA S D	S1	17.9	9.8	8.1	0
PT LOTS 2-3 DP 51754	S1	18.6	11.4	5.3	0
LOT 2 DP 439399	S2	4.0	2.7	0	0
LOT 2 DP 51384 BLK I OTAHOUA SD	S3*	6.5	3.5	0	2.1
LOT 2 DP 312685 BLK I OTAHOUA SD -SUBJ TO R/W	S4	4.1	0	1.3	0.2
LOT 2 DP 439399	S5	4.0	3.6	0	0
PT LOT 11 DP 1107	S6*	14.8	14.4	0	0
LOT 9 DP 76583 PT LOT 11 DP 1107	S7*	9.7	7.8	0	0
LOT 1 DP 50622 LOT 4 DP 67373	S8*	25.5	25.1	0	0
Total		105.1	78.3	14.7	2.3

Table 72: Area Surveyed by HPL

Site	Total HPL (ha)	2w1 (ha)	3s1 (ha)	3s2 (ha)
S1	32.5		0	32.5
S2	2.7	1.2	0	1.5
S3*	4.5		0	4.5
S4	1.8		0	1.8
S5	3.6	1.2	0	2.4
S6*	7.3		0	7.3
S7*	9.4		9.4	0
S8*	16.3		10.5	5.8
Total	78.1	2.4	19.9	55.8

The following assessment has been done against the titles above.

Permanent or long-term constraint land fragmentation over some land parcels.

The larger parcels (over 6 ha) have sufficient scale to be used for alternative land uses, including arable and viticulture and olives (if on 3s2 or free draining soils). There is opportunity for amalgamation along the eastern section of the RLZ towards the river, as the majority of the housing appears to be adjacent to Gordon Street, which is predominantly 3s2. In total this area equates to roughly 41 ha, although includes some 6s (non-HPL), including S1 to S4. There is limited opportunity to amalgamate the land west of Gordon Street (S6*) due to fragmentation and shape.

There could be additional amalgamation between blocks to the eastern side of Ardsley Lane, where there is a contiguous area of approximately 17 ha of 3s1 which could be utilised for arable or drystock, namely the western part section of S8* and all S7*. However, from the financials this block of land would not be financially feasible, as discussed below.

The remainder of the land is highly fragmented with amalgamation being infeasible due to the inability to scale up and the shape of the properties. This is mentioned in the 0-2 and 2-4 ha assessments.

One major long-term constraint on the land is water availability, with the future climate predicted to become hotter and drier in the region, increasing the need for irrigation, especially on high value crops. Currently there is water available for the area, but there may be future restrictions which prevent water access.

Land fragmentation does not appear to be a constraint in some areas, but certainly in others. The land itself (3s1 and 3s2) has soil limitations which limit the versatility. Although it is considered to be highly productive, it is not versatile and is the “worst of the best”. 3s1 is heavily limited to arable and drystock, while 3s2 has the same land use as 6s. Overall, there is not sufficient scale to amalgamate land into a pastoral operation and limited opportunity for arable, which cannot be done continuously on 3s1 due to limitations. However, there is opportunity to amalgamate land and consider alternative land uses such as olives or viticulture which require a smaller scale to be feasible.

Impact on economic viability- Indicative budget shows a net loss for most enterprises, other than grapes and olives.

The economic feasibility of land has been done based on different land uses. This includes drystock, arable (maize and wheat, with potatoes for 2w1), dairy, viticulture and olives.

S1 – This site is predominantly 3s2, which is free draining soils. Currently much of the land is in olives and the remainder is in drystock. Potential alternative land uses include grapes, arable, drystock and dairy (although would require irrigation). The total effective area of HPL is 32.5 ha. The rates on the HPL are estimated to be \$8,087 and the interest is \$139,018. For the entire block, the returns would be the following:

- Grapes \$346,329
- Olives \$180,904
- Maize (silage) (\$84,458)
- Wheat (\$69,430)

- Dairy (\$84,458)
- Drystock (\$125,056)

S2- This site is 3s2 (1.5 ha), which is free draining soils, and 2w1 (1.2 ha). Currently the block is utilised by drystock. Potential alternative land uses include olives, grapes, arable, and dairy (although would require irrigation). The total effective area of HPL is 2.7 ha. The rates on the HPL are estimated to be \$2,803 and the interest is \$11,427. For the entire block, the returns would be the following:

- Grapes \$29,055
- Olives \$13,849
- Maize (silage) (\$9,886)
- Wheat (\$7,031)
- Dairy (\$7,442)
- Drystock (\$11,671)

The effective area of 2w1 is capable of growing potatoes. The gross margin for the 2w1 is for potatoes is \$5,375. However, if this land were in olives, it would make \$6,895 and vineyard would be \$12,701.

S3*- This site is predominantly 3s2, which is free draining soils. Currently some of the land is in grapes, with the remaining land utilised for drystock (lease). Potential alternative land uses include olives, arable, drystock and dairy (although would also require irrigation). The total effective area of HPL is 4.5 ha. The rates on the HPL are estimated to be \$2,627 and the interest is \$16,100. For the entire block, the returns would be the following:

- Grapes \$51,377
- Olives \$26,876.
- Dairy (\$9,777)
- Drystock (\$15,661)
- Maize (silage) (\$14,083)
- Wheat (\$7,927)

S4- This site is predominantly 3s2, which is free draining soils. There is a small area of 2w1, although this is entirely ineffective. Currently the block is utilised by grapes and drystock. Potential alternative land uses include olives, arable, and dairy (although would require irrigation). The total effective area of HPL is 2.1 ha. The rates on the HPL are estimated to be \$2,697 and the interest is \$17,370. For the entire block, the returns would be the following:

- Grapes \$11,885
- Olives \$591
- Maize (silage) (\$14,991)
- Wheat (\$13,117)
- Dairy (\$13,386)
- Drystock (\$16,163)

S5- This site is 3s2 (2.4 ha), which is free draining soils, with an area of 2w1 (1.2 ha). Currently the block is utilised by grapes and drystock. Potential alternative land uses include olives, arable, and dairy (although would require irrigation). The total effective area of HPL is 2.1 ha.

The rates on the HPL are estimated to be \$2,697 and the interest is \$17,370. For the entire block, the returns would be the following:

- Grapes \$39,292
- Olives \$17,946
- Maize (silage) (\$13,627)
- Wheat (\$9,829)
- Dairy (\$10,375)
- Drystock (\$16,001)

The effective area of 2w1 is capable of growing potatoes. The gross margin for potatoes is \$4,997. However, if this land were in olives, it would make \$6,461 and vineyard \$12,126.

S6* - This site is a mixture of 3s2 and 6e4. Currently the land is in drystock, and potential alternative land use would be arable. Although the land is mapped as 3s2, the site visit indicates that the land was more akin to 3s1, as the soils were poorly drained. The total effective area of HPL is 7.3 ha. The rates on the HPL are estimated to be \$2,833 and the interest is \$20,736. For the entire block, the returns would be the following:

- Dry stock (\$18,601)
- Maize (silage) (\$16,043)
- Wheat (\$6,070)

S7* - This site is a mixture of 3s1 and 6e4. Currently the land is in drystock, and potential alternative land uses includes arable. The total effective area of HPL is 9.4 ha. The rates on the HPL are estimated to be \$4,072 and the interest is \$40,880. For the entire block, the returns would be the following:

- Dry stock (\$44,935)
- Maize (silage) (\$35,297)
- Wheat (\$22,499)

S8* - This site is a mixture of 3s1 (10.5ha), 3s2 (5.8ha) and 6e4. Currently the land is in drystock, and potential alternative land uses includes grapes, olives and dairy on 3s2, and arable on 3s1. The total effective area of HPL is 16.3 ha. The rates on the HPL are estimated to be \$4,660 and the interest is \$37,420. For the entire block, the returns would be the following:

- Dry stock (\$42,080)
- Maize (silage) (\$25,337)
- Wheat (\$3,145)

For the bottom land (3s2), there is the ability to grow grapes and olives.

- Grapes (3s2) \$73,346.
- Olives (3s2) \$43,637.

Given this, only the 3s2 land on S8* would be financially feasible, while the rest would not be.

As noted in the irrigation and drainage section, for productivity to be improved for alternative land uses there would need to be considerable capital investments made in irrigation (3s1 and 3s2), drainage (3s1) and potential capital fertiliser applications to increase soil fertility to within optimum range for the given crops. Additionally, there are moderate constraints on arable land

use, which would need to be done in conjunction with drystock farming to increase soil organic matter content as continuous cropping would deplete the soil structure.

For 3s2 land, irrigation may be a requirement for dairy, which costs approximately \$4-5,000/ha for capital (although can be up to \$15-20,000/ha), with annual costs equating to \$1,800/ha, although ranging from \$2-6,000/ha. These costs do not include storage infrastructure and are based around irrigation schemes where water is available. Furthermore, water availability may be pressured in the future.

For drystock, dairy and arable, given the likely increase in expenses, it would not be feasible to install artificial drainage or irrigation infrastructure as the lift in productivity is not likely to outweigh the costs associated with the capital and operational expenses. All the properties are not predicted to make a profit for drystock and dairy, and only some for arable.

The highest and best use of land would be viticulture or olives, which is more suitable on the 3s2 land on the bottom terrace. The main limitation to these operations is scale, as noted that olives would require 2,000 trees (6ha) to be deemed commercially feasible, while the average size of a vineyard in the region is 8.6 ha. Only S1 is over 6 ha in size.

Overall, S1 to S5 and the bottom of S8* (3s2) are financially feasible, while S6, S7 and the top half of S8* are not. The reason for this is that the land uses of dairy, dry stock and arable (excluding potatoes) would not be financially feasible due to the size constraints of the blocks. However, both olives and grapes are feasible, which means that areas of large enough land on 3s2 and 2w1 would be financially feasible.

However, both olives and grapes require a considerable upfront capital investment (vines/trees, irrigation infrastructure etc) and do not produce a yield for some years (minimum 3 years for grapes and 5 years olives), meaning that there is no cashflow for the first few years. Thus, there is no ability to service debt or pay rates from the enterprise. It is likely that this investment would be feasible over a 30-year time frame, if commodity and input prices, as well as interest rates remain constant.

As mentioned in the land fragmentation section, there is minimal scope to amalgamate blocks, especially to a scale that would support drystock or dairy operations.

Minimal scope to sufficiently increase scale.

B+LNZ data shows that for Eastern North Island Finishing class land the average effective area is 376 ha (average for last 3 years). None of the properties have this scale nor could amalgamate to this scale.

Similarly, the average size of a dairy farm in the region was 188 ha and 545 cows, which was considerably out of scale of any of the blocks, including if amalgamated.

Little data was obtained regarding the average size of arable operations, but the financial data indicates that most blocks are not feasible and there is limited scope for arable enterprises to be done year on year due to soil limitations.

The main opportunity for the blocks is scope to merge the surrounding land for S1 to S5 along the 3s2 land with some of the surrounding blocks. There is some land in olives and grapes which could be amalgamated.

There is also opportunity to amalgamate the western section of S8* with S7*, although this land is 3s1 and is not financially feasible. There is little opportunity to amalgamate S6 with surrounding land, given that there is limited HPL which is effective (most of the surround land is ineffective, and hence cannot be utilised for primary production), or would be difficult due to shape. Much of the fragmentation of surrounding land is irreversible, and it is not practical nor economically viable to run surrounding sites together at a sufficient scale.

8.4 Assessment against Clause 3.10(2) alternatives to retain productive capacity.

ALTERNATIVE FORMS OF LAND BASED PRIMARY PRODUCTION	
Dairy Farm or Dairy Support Block	<p>Not a reasonably practicable option.</p> <ul style="list-style-type: none"> » The average dairy farm size in the Masterton area is 188 effective hectares and 545 cows, and therefore, this size falls well short of what is considered a dairy farm. There is insufficient scale over any of the blocks, at an individual level or when amalgamated that would make dairy an economically viable option. » Amalgamation and lease options with the dairy farm to the east of the RLZ has been considered, there is a waterway that fragments these parcels from the dairy farm that makes amalgamation an unlikely option due to the high cost to put a compliant bridge across to this area for access and the small effective area this would be servicing. Furthermore, irrigation would also need to be considered if this area was to be utilised for dairy, which given the returns versus the cost, would be unjustifiable. » Due to the small scale, location, lack of irrigation, and soils, leasing options are unviable. Most of the pastoral land is very small scale and would not be an attractive leasing option for dairy grazing. The high value of the land also makes it unattractive for leasing or purchasing.
Livestock Operation	<p>Not a reasonably practicable option.</p> <ul style="list-style-type: none"> » B+LNZ data shows for Eastern North Island Finishing Class, the average effective area is 376 ha (average of 3 years). Livestock operations have been considered across the blocks, however at an individual level, or where blocks are amalgamated where possible, this land use would not be economically viable. » A water reticulation system along with facilities including woolshed, cattle and sheep yards etc are required for a livestock investment. This is large capital outlay and are not economically viable at this scale.
Arable or cropping	<p>There is some opportunity to crop the larger blocks of 3s1 and 3s2 land. However, the main limitation is the soils, the LUC notes that there are moderate limitations to arable. For 3s1 the main limitation is the soil structure, which is poor, while there is also poor drainage which may make it difficult to cultivate earlier in the season (due to wetness) and thus delay sowing date which would impact yields. This could be corrected through artificial drainage, although this is a costly exercise. Based on historic aerial imagery and conversations with landowners, there is no evidence of arable occurring with the RLZ, indicating that conditions are not favourable. There is however evidence of arable occurring further north some kilometres.</p> <p>Based on the assessment, there is a contiguous area of 3s1 land between S7* and S8* which could be cultivated for maize or wheat. However, this land is on</p>

	<p>the top terrace and is more prone to wind damage (lodging), so shelter belts are a requirement. There are some shelter belts across S7* and 8*, but it is limited and there are some exposed areas. Furthermore, with the poor drainage of the soils, these soils are not ideal for arable on a continuous rotation. Even so this amalgamation has been considered and is not economically feasible.</p> <p>For 3s2 (S1-5), the soils are shallow and stony and prone to drying out over summer months. Stony soils can also be hard on cultivation equipment (especially in shallow soils), with extremely stony soils being unable to be cultivated. The LUC notes that both wind protection and irrigation are required to get optimal yields.</p> <p>Another factor for arable is soil fertility. As mentioned, no soil testing was done on any of the land. To get good yields soils fertility needs to be within the optimum range. If not, there is an expense associated with this through capital fertiliser applications. Furthermore, the gross margins which have informed the economic returns may be based of blocks which are able to achieve higher yields, and thus may be more profitable.</p>
Horticulture	<p>There are some blocks over the RLZ already in olives and grapes. Those blocks on LUC 3s2 that are not in olives in grapes have been considered for this land use, along with amalgamation opportunities.</p> <p>For those blocks that are not economically viable, horticulture including vegetable and fruit production are not considered a reasonably practicable option because:</p> <ul style="list-style-type: none"> » Horticulture is not suitable on LUC 3s1 and 3e2 largely due to the soil type characteristics due to its poor drainage. 3s2 is rolling and has gravel and stony subsoils making it not suitable for most horticultural and vegetable crops. The effective areas of 2w1 have been considered, however these do not provide enough scale to make horticulture an economically viable option with no amalgamation opportunities. » There is no other vegetable or horticultural operations in the surrounding area. » Fruit production is not suitable due to lack of shelter, soil type and cost of establishment (i.e. irrigation, plans, frost protection, infrastructure, and shelter). » A small area of 2w1 land could be utilised for horticulture. However, some horticultural options are limited due to a lack of processing infrastructure and labour. Potatoes were modelled for this land and found to be feasible. However, the highest and best use for this land was still found to be either viticulture or olives.
IMPROVED LAND-MANAGEMENT STRATEGIES	
<p>The major constraint facing the blocks that are considered economically unviable is land fragmentation, with blocks over LUC 3s1 and LUC 3e2 also limited by soils. Fragmentation is considered irreversible that cannot be overcome with improved land management strategies, whilst small improvements can be gained over LUC 3s1 and 3e2 soils with investment into shelter, water systems and drainage, but this initial capital outlay is large and cannot be repaid with profitability.</p>	

These improvements will not increase overall profitability to an economic level as these blocks will still be making a loss.

ALTERNATIVE PRODUCTION STRATEGIES

The size and soil type on much of the land limits alternative land based primary production or diversification. The highest and best use of the land is grapes and olives (3s2), or arable or light dry stock (3s1, 3e2), with considerable limitations. Areas which are large enough and able to grow grapes would be financially feasible over 30 years. Otherwise, small improvements to profitability are feasible, but not significant enough to make the block economically viable. This

WATER EFFICIENCY OR STORAGE METHODS

Improved water efficiency and/or storage will not make any of the potential land uses more economically viable on land other than 3s2 and 2w1, assuming they are in potatoes (2w1), olives or grapes.

Only high value horticultural operations would be able to financially sustain irrigation given the costs, as mentioned in the irrigation and drainage section. This section also highlights that the requirement for irrigation will increase in the future, and that there may be considerable water constraints in the future.

Options for water storage on the land has not been considered but would be an option assuming that the operation is able to obtain a consent for water take in the future. GWRC indicated that this is a possibility, while the MPI report suggested that water allocation will decrease over the coming years, so there may be a limited time frame for access to water. Additionally, there are no regional water schemes which would provide water for irrigation.

REALLOCATION OR TRANSFER OF WATER AND NUTRIENT ALLOCATIONS

This is not applicable as the land is not currently subject to nutrient allocations or caps, other than somewhat through the identification of priority catchments. The potential land use of blocks within this catchment are not affected by requirements of the priority zone. Obtaining access to water is also not an issue as the catchment is not over allocated in terms of surface water for any of the blocks. However, as mentioned above, there may be water constraints in the future and there is a lack of storage infrastructure in the region which is a risk. Furthermore, the region is predicted to become hotter and drier over the coming years due to climate change, so water will become increasingly important, especially for high value crops, likely to be a long-term constraint for the properties.

BOUNDARY ADJUSTMENTS (INCLUDING AMALGAMATIONS)

This assessment has analysed the whole block and HPL areas that are suitable for land based primary production and considered all amalgamation opportunities that are reasonably practical. For a lot of the blocks, amalgamation is not suitable as the current properties are too small of scale with current dwellings and sections occupying a lot of the land, which is disjointed from adjoining blocks. The surrounding land is predominantly fragmented lifestyle blocks and therefore, increasing scale would not improve economic viability.

LEASE ARRANGEMENTS

Due to the small scale and limited surrounding amalgamation opportunities, for those blocks that are considered economically unviable, leasing out is not considered a reasonably practicable option. The lease would have to be at a cheap price for any lessee to consider it and even then, this would disadvantage the landowner in terms of covering costs.

8.5 Clause 3.10(3) Evaluation of reasonably practical options

3.10 (3) Any evaluation under subclause (2) of reasonably practicable options:

- (a) must not take into account the potential economic benefit of using the highly productive land for purposes of other than land-based primary production; and
- (b) must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and
- (c) must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.

NO ACCOUNT FOR ECONOMIC BENEFITS OTHER THAN LAND BASED PRIMARY PRODUCTION

Assessments undertaken above including alternative forms of land based primary production, improved land management strategies, alternative production strategies, water efficiency or storage methods, reallocation or transfer of water and nutrient allocations, boundary adjustments including amalgamations and lease arrangements are independent of any potential economic benefit of using the HPL for purposes other than land-based primary production.

IMPACT OF LOSS OF HPL ON LANDHOLDING

The assessment has considered the impact that the loss of HPL would have on the land parcels in which the HPL occurs. This assessment concludes that the major constraint for majority of the blocks within the RLZ is fragmentation, therefore most landowners are not able to utilise the benefits of the HPL due to the configuration and fragmentation of their land parcels. Those land parcels containing HPL that are considered to still be economically viable are not considered to meet Clause 3.10, therefore this HPL land will not be lost. Of the 191 ha of HPL in the RLZ, it is considered that 77ha will not meet Clause 3.10, therefore will not be subject to potential subdivision

FUTURE PRODUCTIVE POTENTIAL

This assessment has considered the future productive potential of land-based primary production on the land parcels, without being limited by its past or present uses. The highest and best land use for the properties, both now and the future, is a combination of vineyards, olives and arable cropping. This is based on the permanent and long-term constraints, being non-reversible land fragmentation and small scale of operation. There are no reasonable and practicable land management strategies for improving the productivity capacity of the land parcels.

8.6 Assessment against NPS-HPL Clause 3.10(1)(b) significant loss, fragmentation, and reverse sensitivity

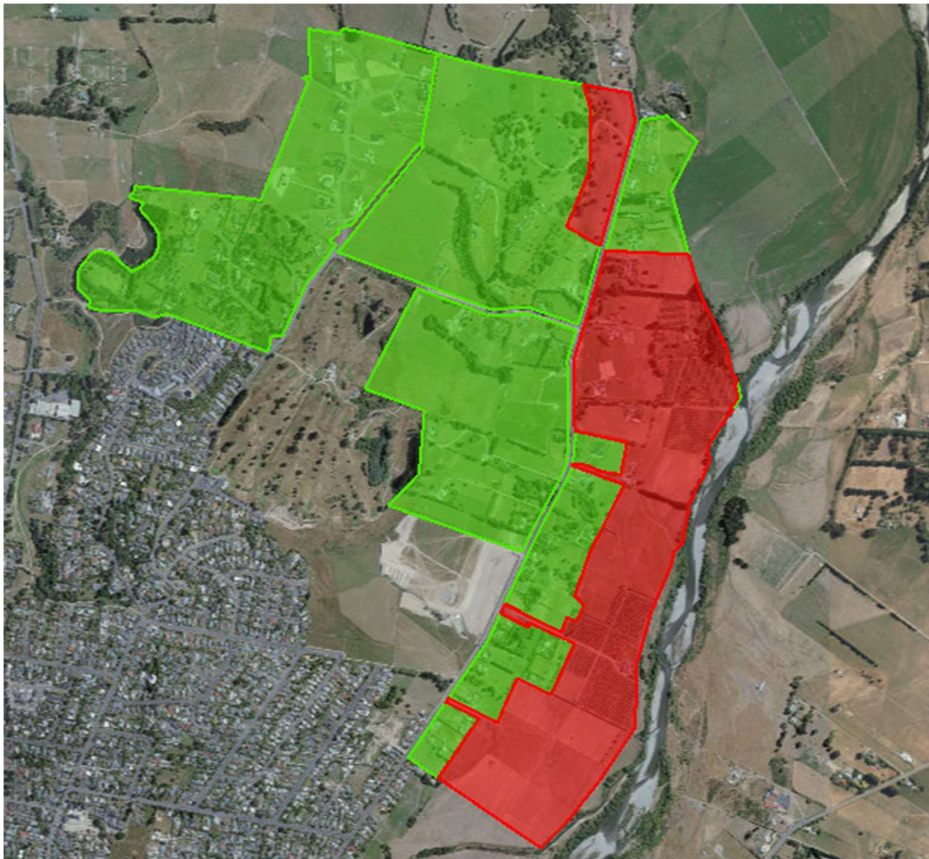


Figure 17: Viability of land in 3.10. Areas in green would pass 3.10 (could be subdivided) while areas in red would not.

HPL LOST FROM PROPOSED LAND USE CHANGE

Total HPL area in the RLZ:

- 0-2 ha: 80.3 (54.6 effective)
- 2-4 ha: 25.9 (20.8 effective)
- 4+ ha: 84.8 (78.2 effective)

However, of the 191 ha of HPL, only 153.6 ha (80.4%) is available for land-based primary production (effective area) currently due to dwellings, infrastructure, driveways, trees, riparian margin etc. Furthermore, of this 153.6 effective area currently available, 65.39ha is not considered to meet Clause 3.10, therefore will not be lost to subdivision or inappropriate land use.

Figure 17 above demonstrates the properties that are considered to meet Clause 3.10 (green) and those that do not (red).

WILL SIGNIFICANT LOSS OF PRODUCTIVE CAPACITY OCCUR?

No, as aforementioned just under half of the HPL land in the RLZ is not considered to meet 3.10, therefore 65.39ha will remain available for land based primary production. The 88.21 ha of effective HPL in the RLZ is not considered to have value for land based primary production due to the fragmentation and soils in some cases.

On a district level, there is an estimated 34,692 ha of HPL that has been mapped as LUC 1 – 3 (See Table 1). Given that the loss of HPL land is estimated to be 88.21ha, this would be a loss of 0.25% of the districts' HPL. Furthermore, most of this HPL land within these land parcels is LUC 3 which is the least versatile land of HPL.

WILL FRAGMENTATION OF LARGE AND GEOGRAPHICALLY COHESIVE AREAS OF HPL OCCUR?

For the 0–4-hectare blocks, the majority is already fragmented into small blocks. This is especially true across Milford Downs and Ardsley Lane, and parts of Gordon Street. This fragmentation is irreversible due to the large-scale residential development within the land parcels.

Land-based primary production options include pastoral grazing, arable cropping and vineyards or olives (only on 3s2), but the economic viability varies as discussed. None of the smaller blocks are economically viable, while only larger blocks with areas of 3s2 or those that are able to be amalgamated are deemed to be economically viable with grapes, and fewer with olives.

Amalgamation of smaller blocks will not improve the economic situation of these land parcels going forward. For the 0–4-hectare blocks, there are no reasonably practical amalgamation options with surrounding land parcels due to the small scale and existing fragmentation. Therefore, the removal of this HPL will not cause any fragmentation of geographically cohesive HPL as it is not part of a geographically cohesive area of HPL to begin with.

However, there are areas of land which could be amalgamated and are financially feasible, including land surrounding S1 to S5. Amalgamation opportunities have been considered across all blocks, for example the blocks on the northeastern part of the RLZ (2w1) to be amalgamated with the adjacent dairy farm, although this opportunity is considered not reasonably practicable due to the fragmentation caused by the waterway with limited access, limited area of effective land this would service and the need for irrigation. Figure 18 below shows the properties that would need to be amalgamated in order to meet Clause 3.10 (in orange).

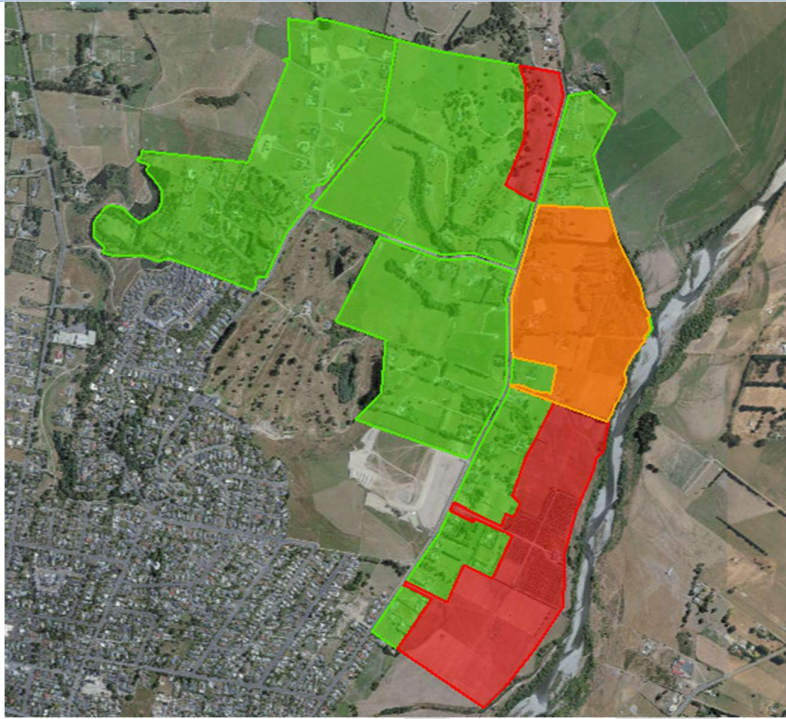


Figure 18: Land which could be amalgamated. Red means that it is financially feasible and would not meet 3.10, orange means that there is potential with amalgamation and green means that it would meet 3.10 as it is not financially feasible. Note that it is by block, not HPL.

The area on the bottom terrace of 3s2 land would be considered a cohesive segment of highly productive land which can be utilised for either viticulture or olives. Further fragmentation of this land would potentially be a loss of productive land, especially from S1 and S2.

However, this land is 3s, which is the least versatile land regarding HPL. It is stony and free draining, shallow soils which are limited to grapes and olives. These crops can be grown on the adjacent 6s land, which is not HPL. There is little ability to consider horticulture, and arable is limited.

Another area of land (3s1) on the top terrace could be lost, although this land is more limited in regard to land use. It is unsuitable for horticulture, including grapes and olives, and limited by arable use due to the poor drainage characteristics and structure of the soil. No suitable land uses are considered economically viable over this area, even with amalgamation where practicable.

The most highly productive land is the 2w1, which is adjacent to the dairy farm. This land is already highly fragmented and is split from the dairy farm by a waterway and non-effective area of houses etc. Although this land could potentially grow vegetable crops, the most profitable of those being potatoes, is still not economically viable over the area due to the fragmentation.

WILL THE DEVELOPMENT RESULT IN ANY REVERSE SENSITIVITY EFFECTS?

No.

As the existing residential lifestyle blocks are neighbouring larger lifestyle blocks with primary production land use, owners are already accustomed to the current impacts from surrounding blocks. These effects are minimised as a result of the small-scale nature and low intensity of these blocks. Any change in land use will have no impact on surrounding land use now or in the future as all measures would be taken to ensure neighbouring properties have no adverse effects. Any further development is unlikely to provide any disturbance.

8.7 Assessment against NPS-HPL Clause 3.10(1)(b) significant loss, fragmentation, and reverse sensitivity

3.10(1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

- (a) the environmental, social, cultural, and economic benefits of the subdivision, use or development outweigh the long-term environmental, social, cultural, and economic costs associated with the loss of the highly productive land for land-based primary production, taking into account both tangible and intangible values.

ENVIRONMENTAL
Improved/No change. The removal of 114 ha (total) or 88.21ha (effective) of HPL will have negligible material impact on the environment as the land parcels are run at low scale with either livestock or no livestock. If the land parcels, changed to highest and best land use with more intensive primary production, there would be a requirement to add more fertiliser and chemicals to run these more intensive operations, which is likely to have negative effects on the environment. It is understood that further subdivision will require additional wastewater discharge, however it is considered that this will be managed through GWRC to ensure that effects on the environment are no more than minor.
SOCIAL
No change. The properties provide social benefits, as the land use is predominantly residential with the extensive fragmentation bringing people to the area. The area is close to the Masterton township which provides employment and improved social outcomes which greater benefits for the wider community.
CULTURAL
No change. There are no known sites of cultural significance within the subject land parcels.
ECONOMIC
Improved. Changing the land use to land based primary production is not economically viable over majority of the land parcels, therefore, retaining the land as is with the potential for subdivision provides a greater economic benefit. As aforementioned with just under half of the HPL in the RLZ still remaining available for land based primary production, this too will provide greater benefit if fully utilised. There is potential land value will increase with the proposed RLZ.

9.0 CONCLUSION

AgFirst have been engaged to assess whether the RLZ proposed in the PDP meet the exemptions under Clause 3.7 and 3.10 of the NPS-HPL.

The RLZ is approximately 230ha north of Masterton and west of the Ruamahanga River, made up of 106 land parcels ranging in size from <1hectare (ha) to 25 ha. Regional scale land use capability (LUC) mapping shows a range of LUC classes, with approximately 191ha LUC Class 2 and 3. This land class qualifies as HPL under the NPS-HPL.

Land use over the RLZ varies from lifestyle blocks with minimal to no form of land based primary production to olive orchards and vineyards.

A key element of Clause 3.10 is whether there is permanent or long-term constraints on the land that mean the use of the HPL for land based primary production is not able to be economically viable for at least 30 years.

Non-reversible land fragmentation exists over 114ha of HPL, where an indicative budget under various productive land uses, including the highest and best use, shows that the fragmentation means that land based primary production is not economically viable both now and in the long term. There are no reasonably practicable options to continue land based primary production in an economically viable manner, due to insufficient scale for any alternative higher value primary production, because of size and inability to amalgamate these blocks.

Majority of these land parcels have minimal effective area and are clustered together, meaning that the effect on HPL within the RLZ and the entire district will be negligible. Given these land parcels are all lifestyle blocks, it is not considered that further subdivision over this 114 ha would affect land based primary production on the balance of HPL within the RLZ and beyond the zone where applicable.

AgFirst consider that this 114ha of HPL in the RLZ meets Clause 3.10 of the NPS-HPL due to:

- Non-reversible land fragmentation
- No reasonably practicable options to continue land based primary production in an economically viable manner both now and in the long term.
- The HPL over majority of these land parcels is already in effect lost due to infrastructure limiting the effective area.
- The long-term environmental, social, cultural, and economic impacts from the loss of the highly productive land associated with the rezoning is improved, therefore, the cost benefit analysis shows the benefits outweigh the costs.

AgFirst consider that for the remainder of HPL in the RLZ, which covers approximately 77ha, there are no permanent or long-term constraints that mean the use of the HPL for land based primary production is not able to be economically viable for at least 30 years.

This HPL is over 11 land parcels, with one area being over part of a land parcel and is all on the western side of the RLZ. These land parcels are all geographically cohesive, apart from one part parcel on the western side of Gordon Road. This land is all LUC 3s2 with the highest and best use considered either viticulture or olives which is considered economically viable over these land parcels, either individually for some or with amalgamation for others. Therefore, some of this viability would rely on amalgamation, particularly for those parcels between 2-10ha. It

would also rely on irrigation in some cases and upfront capital investment, meaning there would likely be no cashflow for the first few years (depending on the land use). However, over a 30-year timeframe based on current returns this would be able to be paid off. It is also worth noting that despite viticulture and olives being an economically viable land use over this area currently, if the returns for these products was to drastically change, the land has few options to change to alternative land uses which are more profitable given the LUC class. Whereas LUC 1 and 2 would be able to change to another land use as they are more versatile.

In conclusion, AgFirst consider that 114ha of HPL or 96 land parcels (including 1 part parcel) will meet the exemptions under Clause 3.10 to be rezoned rural lifestyle, whilst the remaining 77 ha of HPL or 11 land parcels (including 1 part parcel) will not meet the exemptions under Clause 3.10 of the NPS-HPL.

DRAFT

1.0 APPENDIX ONE - LAND USE CLASSIFICATION

1.1 2w1 (NZ2w9) – alluvium and peat

This unit occurs in similar localities to LUC unit 3s1 but is mapped on rolling slopes which have a significant

This unit is mapped on plains and river terraces on the Heretaunga Plains, between Waipawa and Eketahuna, and in the Wairarapa Valley. In addition, small areas are mapped on river valleys in the hill country throughout the region. Annual rainfalls vary from 700 mm at Hastings to 1400 mm at Pahiatua. The flat river terraces have deep soils with a high natural fertility, but with slow natural drainage in the subsoils. A continuing slight wetness limitation to mainly horticultural land use remains after drainage. Water table levels rise seasonally, and areas of ponding can occur after heavy rain. Both recent and gley soils have been mapped, typical soils being Kairanga silt loam, and Ahikouka silt loam. A wide range of crops can be grown, and with appropriate drainage it is suitable for deeper rooting crops. Crops include berry fruit, market garden vegetables, asparagus, cereal crops (barley, maize, wheat), pip fruit, and root and green fodder crops. Some kiwifruit and stone fruit may be grown in sheltered or frost-free areas. Shelter is required for all cropping in the southern half of the region. Some areas of this unit south of Pahiatua, are presently used for dairying with a present average stocking rate of 12 SU/ha. Potential stock carrying capacity is 28 SU/ha, with forestry site index for *P. radiata* ranging from 28 to 33 m. Erosion is not a problem, except near streams where streambank erosion may remove productive soils.

1.2 3e2 (NZ3e17) – Mantled by loess

This unit occurs in similar localities to LUC unit 3s1 but is mapped on rolling slopes which have a significant surface erosion hazard when cultivated. It is located in areas of inland Hawke's Bay and Wairarapa with rainfalls between 700-1,000 mm/annum and with marked seasonal drought periods. The unit is mapped on dissected terraces and rolling downlands on slopes ranging between 8 and 15°. These slopes have a moderate sheet, rill and wind erosion potential when cultivated. Contour cultivation and shelterbelts are recommended conservation measures. The unit is well suited to cereal cropping (barley, wheat, oats), peas, grapes (with summer irrigation), small seed production and root and green fodder cropping. Soils are yellow-grey earths and have formed on a deep loess cover overlying Pleistocene gravels and silts. Typical soils mapped are Martinborough loam and Wharekaka fine sandy loam. They have poor internal drainage (caused by the presence of a fragipan), a weak soil structure and are subject to summer soil moisture deficiencies. Because of the greater slope angle, slightly better natural drainage exists than on LUC unit 3s1, but subsurface drainage is still necessary to achieve the potential productivity. The present average stocking rate is 13 SU/ha, and the potential stock carrying capacity is the same as for LUC unit 3s1 (23 SU/ha). Forestry site index is rated as 26-32 m for *P. radiata*.

1.3 3s1 (NZ3s6) – Mantled by loess.

This unit is mapped on flat, loess-covered terraces occurring in the drier inland areas of Central Hawke's Bay and the Wairarapa Valley. These terraces are older than present flood plains and occur at higher elevations. Annual rainfalls range between 700 mm and 1,000 mm. A marked dry season with prolonged periods of soil moisture deficiency can be expected to occur in summer. Soils are yellow-grey earths that have poor internal drainage and poor soil structure. Typical soils mapped are Martinborough loam, and Waipukurau sandy loam. The light-textured

topsoils will not withstand continuous cultivation. Slow internal drainage, caused by the compact dense subsoil, together with poor soil structure and summer droughts, impose moderate cropping limitations on this unit and make it unsuitable for most permanent horticultural and orchard crops (except for grapes and strawberries). The range of crops grown is limited to some cereals (barley, oats, wheat, maize), peas, small seeds (ryegrass, clover, pea seed) grapes, and root and green fodder cropping. Some berry fruit (strawberries) may be grown in areas with more favourable climatic and drainage conditions. A slight wind erosion problem exists with regular cultivation, and the establishment of windbreaks is recommended. Intensive subsurface drainage (tile and mole) is essential to reduce wetness limitations, and to increase the cropping versatility of this unit. Present average carrying capacity is 14 SU/ha but with drainage and intensive grazing a potential of 23 SU/ha exists. The unit is also suitable for forestry, with a site index value for *P. radiata* between 26 and 30 m.

1.4 3s2 (NZ3s8) – Terraces and floodplains (Gravels). Includes grapes and olives.

This unit is mapped on flat terraces and plains that have 30-45 cm depth of free draining, light-textured soils, over gravels and stones. Gravel and small stones may be present throughout the profile, but they are not a hindrance to cultivation. This unit is more susceptible to summer drought than LUC unit 3s1. This is due to shallower soil depth and light-textured topsoils, and it generally occurs in areas where rainfalls are less than 1,200 mm/annum. Porina and grass grub can be a problem on this unit. Soils are intergrades between central yellow-brown loams and earths, e.g., Takapau series. They are susceptible to wind erosion when cultivated; however, with correct soil conservation management techniques, such as shelterbelt plantings, soil losses can be minimised. Large areas of the unit occur on the Takapau Plains, where, because of the wind erosion hazard, shelterbelts have been established in the past. With shelter, and irrigation where necessary, this unit is suitable for cereal crops, small seeds, process peas, lucerne, grapes, berry fruit (strawberries), beans, tomatoes, and forage crops. Olives have also been grown in this area. The present average stocking rate is 12 SU/ha, while the potential stock carrying capacity is 25 SU/ha. The forestry site index for *P. radiata* ranges between 26 and 30 m (medium to high).

1.5 4e2 (NZ4e16) - Mantled by loess

This unit is mapped in inland Hawke's Bay and Wairarapa Valley, on strongly rolling loess-covered downlands. Localities are similar to LUC unit 11le2. Climatic conditions are the same; annual rainfalls are between 700-1,000 mm, and prolonged summer droughts are common. Soils are yellow-grey earths with parent materials of loess overlying gravels and sandstones. Typical yellow-grey earth soils mapped are Wharekaka fine sandy loam, and soils of the Matapiro series. Slopes are steeper than LUC unit 3e2, ranging between 16 and 20°. Natural drainage on these steeper slopes is better than on LUC unit 3e2, but the heavy compact subsoils still impede drainage. Under grass, little or no erosion occurs, but a severe surface erosion potential exists under cultivation. Cropping use is marginal because of the increased erosion hazard, and the soil structure and climatic limitations. With contour cultivation and windbreaks to minimise soil loss, occasional cereal or root and green fodder cropping may be carried out. This unit is more suitable for intensive grazing, although high stock numbers over the winter period need to be avoided to minimise pugging. The present average stocking rate is 11 SU/ha. Potential carrying capacity is slightly lower than for LUC unit 3e2, being assessed as 20 SU/ha. The compact subsoils are a moderate limitation to forestry, although the potential site index is 27-30 m for *P. radiata*.

1.6 6e4 (NZ6e36) – Mantled by loess

This unit is mapped on loess-mantled hill country where erosion is a continuing hazard. Slopes range between 16 and 25 °. The unit is confined to the southern part of the region east of Masterton and Martinborough, where annual rainfalls are less than 1200 mm. Long periods of summer drought are common. Hill soils mapped are those related to central yellow-grey earths, e.g., Wharekaka hill soils and Gladstone hill soils. They are moderately well drained but have compact subsoils. Present erosion forms are soil slip, sheet and tunnel gully. Soil slips occur in the upper slope profile, with long, narrow debris tails. Loess cover is variable, and in places has been completely removed to expose the underlying gravel and sandstone lithologies. Aspect has a marked effect on this unit. Hot dry northerly winds make establishment of traditional soil conservation trees difficult, especially on north and west facing slopes. Present research indicates that some eucalypt species are more suited to the harsher Wairarapa climate and are able to withstand long periods of moisture stress. Although suitable for intensive grazing, stock numbers are limited because of summer soil moisture deficiencies. The present average stocking rate is 10 SU/ha, while the potential stock carrying capacity is rated as 15 SU/ha. Forestry site index is 26-28 m for *P. radiata*.

1.7 6s4 (NZ6s15) – Gravels

This unit is mapped on very stony terraces or fans where the soils are less than 15 cm deep. These soils are not suitable for cropping because of the combination of shallow soil depth, numerous large stones, and susceptibility to drought. Typical soils are intergrades between central yellow-brown loams and earths, e.g., Tauherenikau stony silt loam, and recent soils from alluvium, e.g., Ruamahanga stony sand. Stones, often up to boulder size, are present throughout the soil profile and on the surface. Stone picking can provide a short-term improvement, allowing occasional root and green fodder crops to be grown. However, repeated stone picking is required because further stones will be brought to the surface at each cultivation. Where this unit occurs on lower river terraces, it may be subject to short duration flooding. Present average stocking rate is 4 SU/ha, with a grazing potential of 15 SU/ha, and the unit has a site index for *P. radiata* of 26-28 m.

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4 Summary of submission on the Rural Lifestyle Zone of the Proposed Plan

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
S94.212	Greater Wellington Regional Council	RLZ-R10	RLZ-R10	Support	Retain as notified.	Strongly support the provision for papakāinga.	Accept	RLZ - Rural Lifestyle Zone
S94.213	Greater Wellington Regional Council	RLZ-S5	RLZ-S5	Support	Retain as notified.	The standard provides appropriate direction for on-site services.	Accept	RLZ - Rural Lifestyle Zone
S149.048	NZ Transport Agency (NZTA)	RLZ-O1	RLZ-O1	Support in part	Amend the RLZ chapter to restrict access from the RLZ area to SH2 via Fifth Street, until the Interregional Connector function of the transport corridor is changed.	The submitter is not opposed to the proposed rezoning. The proposed zoning is located close to a city centre and for the most part does not directly front the state highway network. The submitter would suggest no access onto Fifth Street is supported with higher density living until road hierarchy and function of the current Interregional Collector corridor is altered to better accommodate additional traffic. Like the residential rezoned land south of Fifth Street, an investment in the corridor is required to provide additional capacity and a different road function to support ongoing development.	Reject	RLZ - Rural Lifestyle Zone
S152.020	AdamsonShaw Ltd			Oppose	Amend for clarification and further investigations required.	The submitter has concerns around identification of Rural Lifestyle Zone in Masterton and in particular current and future capacity of storm/wastewater disposal. As well as lack of consistency with no such zones identified in Carterton and South Wairarapa.	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
S172.096	Fire and Emergency New Zealand	RLZ-O3	RLZ-O3	Support in part	Amend: RLZ-O3 Enable compatible activities Residential activities, light primary production activities, and ancillary activities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for, and emergency service facilities where there is an operational and/or functional need to locate within the zone.	Fire stations may have a functional need to be located in certain areas, including the Rural Lifestyle Zone. Locating fire stations where they have a functional and/or operational need can help reduce response times to fire events and protect the community more efficiently. Amend RLZ-O3 to provide for activities that may have an operational or functional need to locate within the zone.	Reject	RLZ - Rural Lifestyle Zone
S172.097	Fire and Emergency New Zealand	RLZ-P1	RLZ-P1	Support in part	Amend: RLZ-P1 Compatible activities Enable residential activities, primary production, emergency service facilities , and ancillary activities that are compatible with the purpose, character, and amenity values of the Rural Lifestyle Zone.	Amend RLZ-P1 to recognise that emergency service facilities may need to locate in the zone to meet the needs of rural communities.	Reject	RLZ - Rural Lifestyle Zone
S172.098	Fire and Emergency New Zealand	RLZ-R1	RLZ-R1	Support	Amend RLZ-R1: ... a. Compliance is achieved with:... x. RLZ-S5, and...	Amend RLZ-R1 to require compliance with RLZ-S5. It is vital that all buildings and activities across all zones are provided with an appropriate firefighting water supply. This amendment will better provide for the safety of communities within the Rural Lifestyle Zone.	Reject	RLZ - Rural Lifestyle Zone
S172.099	Fire and Emergency New Zealand	RLZ-R3	RLZ-R3	Support	Amend RLZ-R3: ... a. Compliance is achieved with:... x. RLZ-S5, and...	Amend RLZ-R3 to require compliance with RLZ-S5. It is vital that all buildings and activities across all zones are provided with an appropriate firefighting water supply. This amendment will better provide for the safety of communities within the Rural Lifestyle Zone.	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
S172.100	Fire and Emergency New Zealand	RLZ-R4	RLZ-R4	Support in part	Retain RLZ-R4 as notified.	Supports RLZ-R4 subject to the relief sought in relation to RLZ-S5.	Accept	RLZ - Rural Lifestyle Zone
S172.101	Fire and Emergency New Zealand	RLZ-R9	RLZ-R9	Support	Retain RLZ-R9 as notified.	Supports RLZ-R9 subject to the relief sought in relation to RLZ-S5.	Accept	RLZ - Rural Lifestyle Zone
S172.102	Fire and Emergency New Zealand	RLZ-R10	RLZ-R10	Support	Retain RLZ-R10 as notified.	Supports RLZ-R10 subject to the relief sought in relation to RLZ-S5.	Accept	RLZ - Rural Lifestyle Zone
S172.103	Fire and Emergency New Zealand	New provision request	New provision request	Support	Insert a new rule in RLZ - Rural Lifestyle Zone chapter that provides for emergency service facilities as a permitted activity within the zone.	Seek the inclusion of a new rule for emergency service facilities being a permitted activity in the Rural Lifestyle Zone. New fire stations may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. Fire and Emergency is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. Provisions within the rules of the district plan are therefore the best way to facilitate the development of any new fire stations within the district as development progresses. The permitted activity standards within the Rural Lifestyle chapter will appropriately manage the effects of fire stations within the zone.	Reject	RLZ - Rural Lifestyle Zone
S172.104	Fire and Emergency New Zealand	RLZ-S5	RLZ-S5	Support in part	Amend: RLZ-S5 On-site services ... 4. Where a connection to Council's reticulated system is not available, an on-site A firefighting water supply, and access to that supply,	Supports RLZ-S5 insofar as it requires an on-site firefighting water supply to be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 where a connection to Council's reticulated	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
					<p>must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p> <p>Matters of discretion:</p> <p>1. The suitability of any alternative servicing options or infrastructure options.</p>	<p>system is not available.</p> <p>The Council Engineering Standards do not require reticulated systems to be designed in accordance with SNZ PAS 4509:2008.</p> <p>The PDP includes provisions for firefighting water supplies in relation to the creation of new allotments under the subdivision chapter. There is a gap in the PDP provision in regard to ensuring that and use activities are appropriately serviced with a firefighting water supply.</p> <p>Amend RLZ-S5 to ensure all land use activities in all zones are adequately serviced with a firefighting water supply. SNZ PAS 4509:2008 provides flexibility in regard to how an appropriate firefighting water supply can be provided.</p> <p>There are not matters of discretion when compliance is not achieved with RLZ-S5. The submitters seek the inclusion of a matters of discretion relating to the suitability of any alternative servicing options.</p>		
S221.152	Horticulture New Zealand	RLZ-O1	RLZ-O1	Support	Retain RLZ-O1 as notified.	RLZ-O1 is consistent with the description in the National Planning Standards.	Accept	RLZ - Rural Lifestyle Zone
S221.153	Horticulture New Zealand	RLZ-O3	RLZ-O3	Support in part	Amend RLZ-O3 as follows: Residential activities, light primary production activities, and ancillary activities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for	It is unclear what 'light' primary production activities are. The National Planning Standards description does not differentiate primary production activities.	Accept	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
S221.154	Horticulture New Zealand	RLZ-P1	RLZ-P1	Support	Retain RLZ-P1 as notified.	RLZ-P1 is consistent with the description in the National Planning Standards.	Accept	RLZ - Rural Lifestyle Zone
S221.155	Horticulture New Zealand	RLZ-P2	RLZ-P2	Support	Amend reference to Rural Production Zone with General Rural Zone.	Reference to Rural Production Zone should be to General Rural Zone.	Accept	RLZ - Rural Lifestyle Zone
S221.156	Horticulture New Zealand	RLZ-P3	RLZ-P3	Support in part	Retain RLZ-P3(e)(iv) and (f) as notified.	Consideration for reverse sensitivity and setbacks from primary production activities are supported. This will enable primary production to continue in the rural zones without risking social license to operate.	Accept	RLZ - Rural Lifestyle Zone
S221.157	Horticulture New Zealand	RLZ-R5	RLZ-R5	Support	Retain RLZ-R5 as notified.	The submitter supports primary production being a permitted activity status.	Accept	RLZ - Rural Lifestyle Zone
S221.158	Horticulture New Zealand	RLZ-R7	RLZ-R7	Support	Retain RLZ-R7 as notified.	The submitter supports rural produce retail being a permitted activity status.	Accept	RLZ - Rural Lifestyle Zone
S221.159	Horticulture New Zealand	RLZ-R8	RLZ-R8	Support	Retain RLZ-R8 as notified.	The submitter supports shelterbelts being a permitted activity status.	Accept	RLZ - Rural Lifestyle Zone
S221.160	Horticulture New Zealand	New provision request	New provision request	Support	Insert new rule: RLZ-RX Greenhouses 1. Activity status: Permitted Insert suggested supporting definition of 'Greenhouses'.	Permitted activity status and a supporting definition for greenhouses is essential to ensure this efficient growing system, well suited for climate adaptation, is not caught by rules meant for other activities. Greenhouses are a primary production activity and should be enabled as such in the Rural Lifestyle Zone.	Reject	RLZ - Rural Lifestyle Zone
S221.161	Horticulture New Zealand	RLZ-S3	RLZ-S3	Oppose in part	Amend RLZ-S3 as follows: 1. All buildings and structures must not be located within: a. 10m of any boundary; b. 25m of a significant waterbody; and	The submitter seeks that there is a larger setback to the boundary with primary production activities. Setbacks are an important tool to avoid, or otherwise mitigate any potential reverse sensitivity effects	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
					c. 5m of any surface waterbody; andd. 30m from a boundary with the General Rural Zone. ...	from rural lifestyle development that could affect primary production, especially on highly productive land.		
S229.053	New Zealand Pork Industry Board	RLZ-O1	RLZ-O1	Support	Retain RLZ-O1 as notified.	Support objective for the RLZ to be used primarily for residential lifestyle, while still providing for primary production to occur.	Accept	RLZ - Rural Lifestyle Zone
S229.054	New Zealand Pork Industry Board	RLZ-O2	RLZ-O2	Support	Retain RLZ-O2 as notified.	Support objective to maintain the character and amenity values of the zone, and the description of those values.	Accept	RLZ - Rural Lifestyle Zone
S229.055	New Zealand Pork Industry Board	RLZ-O3	RLZ-O3	Support	Retain RLZ-O3 as notified.	Support objective to enable compatible activities within the zone.	Accept in part	RLZ - Rural Lifestyle Zone
S229.056	New Zealand Pork Industry Board	RLZ-P1	RLZ-P1	Support	Retain RLZ-P1 as notified.	Support policy to enable activities that are compatible with the purpose, character and amenity values of the zone.	Accept in part	RLZ - Rural Lifestyle Zone
S229.057	New Zealand Pork Industry Board	RLZ-P2	RLZ-P2	Support	Retain RLZ-P2 as notified.	Support policy to avoid activities that are incompatible with the purpose, character and amenity values of the zone.	Accept in part	RLZ - Rural Lifestyle Zone
S229.058	New Zealand Pork Industry Board	RLZ-P3	RLZ-P3	Support	Retain RLZ-P3 as notified.	Support policy to provide for subdivision, use and development that supports the purpose, character and amenity values of the zone.	Accept	RLZ - Rural Lifestyle Zone
S229.059	New Zealand Pork Industry Board	RLZ-R5	RLZ-R5	Support	Retain RLZ-R5 as notified.	Support permitted activity status for primary production excluding intensive farming in the RLZ.	Accept	RLZ - Rural Lifestyle Zone
S229.060	New Zealand Pork Industry Board	RLZ-R11	RLZ-R11	Support	Retain RLZ-R11 as notified.	Support discretionary activity status for Intensive primary production in the RLZ.	Accept	RLZ - Rural Lifestyle Zone
S243.002	Alan Flynn			Oppose	Delete the Rural Lifestyle Zone, enable rural lifestyle subdivision in	Opposes Rural Lifestyle Zone in the Masterton District. Notes the location	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
					the same manner as that proposed for Carterton and South Wairarapa districts.	and size of the zone has fault lines, high natural water seepage, and is subject to liquefaction risk. Considers there are different areas around the Masterton urban boundary that are more suitable. Restricting rural lifestyle subdivision to one zone limits Masterton's growth. Rural lifestyle sections under 4ha in size are desirable and an efficient way of creating a green belt buffer around the more densely populated urban areas, while still providing access to urban amenities to those wishing to live on a rural lifestyle section. The Masterton urban boundary is already fragmented and there is nothing to be gained from limiting further rural lifestyle subdivision to one zone. Considers there is no reason why rural lifestyle subdivision should be treated differently in Masterton compared to Carterton or South Wairarapa in a Combined District Plan.		
S245.062	Ministry of Education Te Tāhuhu o Te Mātauranga	RLZ-O3	RLZ-O3	Support in part	Amend RLZ-O3 as follows: Enable compatible activities Residential activities, light primary production activities, and ancillary activities and educational facilities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for.	The submitter has an obligation to provide educational facilities to existing communities in both rural and residential zones. If there is a community large enough in the Rural Lifestyle Zone, educational facilities should be enabled to support those communities. Objective RLZ-O3 and Policy RLZ-P1 should be amended to reflect that. Should the relief sought be accepted in point S245.064, then the proposed amendments in this	Accept in part	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
						submission points and S245.063 are not necessary.		
S245.063	Ministry of Education Te Tāhuhu o Te Mātauranga	RLZ-P1	RLZ-P1	Support in part	Amend RLZ-P1 as follows: Appropriate activities Enable residential activities, primary production, and ancillary activities and educational facilities that are compatible with the purpose, character, and amenity values of the Rural Lifestyle Zone.	<p>The submitter has an obligation to provide educational facilities to existing communities in both rural and residential zones. If there is a community large enough in the Rural Lifestyle Zone, educational facilities should be enabled to support those communities. Objective RLZ-O3 and Policy RLZ-P1 should be amended to reflect that.</p> <p>Should the relief sought be accepted in point S245.064, then the proposed amendments in this submission points and S245.062 are not necessary.</p>	Accept in part	RLZ - Rural Lifestyle Zone
S245.064	Ministry of Education Te Tāhuhu o Te Mātauranga	RLZ-R16	RLZ-R16	Oppose	Delete RLZ-R16 and replace with a new provision as follows: RLZ-RX Educational Facility Activity Status: Restricted Discretionary Activity Note: This does not apply to childcare home businesses (refer Home business). Matters of discretion: 1. The effects on the streetscape and amenity 2. Scale, design, layout and setbacks 3. Onsite landscaping and amenity 4. Adverse effects on the safe, efficient and effective operation of the road network 5. Potential reverse sensitivity effects on rural production activities and any proposed mitigation	Educational facilities should be enabled in this zone as they are considered essential social infrastructure. Requests a new rule be inserted that specifically enables educational facilities as a Restricted Discretionary Activity. This will allow the submitter to better service the growth within the rural areas of the district and support the local communities' needs.	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
S252.007	New Zealand Heavy Haulage Association Inc	RLZ-S8	RLZ-S8	Support in part	<p>Amend RLZ-S8:</p> <p>... 2. The transportation route and any traffic management plans shall be provided to the Council no later than 10 working days before relocating the building.</p> <p>... 4. Performance bond. A refundable performance bond of 125% of the cost of external reinstatement works identified in the Building Inspection Report under Performance Standard RLZ-S8(1) in cash to be lodged with the Council along with application for building consent as a guarantee that external reinstatement works are completed.</p> <p>b. The bond shall be lodged in terms of the form of Deed annexed as Appendix 6 to the District Plan.</p> <p>c. Subject to the provisions of the Deed, the bond will be refunded after the Council has inspected and confirmed compliance with external reinstatement requirements.</p> <p>Note: The Council will in good faith consider the partial release of the bond to the extent that reinstatement works are completed (i.e. on a proportional basis).</p>	Generally supports the provisions for relocated buildings across the zones but opposes the performance bond requirement. Considers a performance bond is not necessary as many councils manage adverse effects of relocatable buildings without them. Considers performance bonds put an unnecessary cost on intended owners and is not appropriate in terms of section 32 RMA. Seeks removal of transport route requirement and traffic management plans prior to relocating the building.	Reject	RLZ - Rural Lifestyle Zone
S252.019	New Zealand Heavy Haulage Association Inc	New provision request	New provision request	Support in part	Insert a relocatable buildings policy that does not refer to performance bonds, recognises positive effects of relocated buildings, and maintains and enhances amenity values of areas in relation to relocatable buildings.	Generally supports provisions relating to relocated buildings but seeks deletion of reference to performance bonds in the zone policies. Seeks the zone policies be amended and recognise and provide for the positive effects of relocated buildings and maintain and enhance	Reject	RLZ - Rural Lifestyle Zone

Submission Point / Further Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation	Topic
						the amenity values of areas in relation to relocatable buildings.		
S258.167	Royal Forest and Bird Protection Society of New Zealand Inc			Support in part	Amend RLZ chapter to ensure provisions recognise the importance of indigenous biodiversity to the character of the zone.	It is not clear that indigenous biodiversity is recognised as important to the character of the zone.	Reject	RLZ - Rural Lifestyle Zone
FS105.158	Ian Gunn			Support	Allow	Supports the submission, particularly relating to conservation for indigenous biodiversity.	Reject	
S258.182	Royal Forest and Bird Protection Society of New Zealand Inc	RLZ-R14	RLZ-R14	Oppose in part	Amend RLZ-R14 to separate mining activities from quarrying activities and make mining a Non-complying activity, and add supporting policy direction to recognise quarrying and mining may not be appropriate where it has adverse effects on indigenous fauna habitat.	Considers management of mining and quarrying is inadequate as the chapter deals with the appropriateness of those activities in the zones but does not deal with scale or effects of associated earthworks on natural environment values, and do not distinguish mining from primary production.	Accept in part	RLZ - Rural Lifestyle Zone
FS89.009	Fulton Hogan Limited			Oppose	Disallow	The submitter seeks to amend RLZ-R14 to separate mining activities from quarrying activities. Quarrying Activities are a non-complying activity in the Rural Lifestyle Zone and all relevant effects can be considered. Therefore, the relief sought is not required.	Reject	
S260.032	Tony Garstang	New provision request	New provision request	Amend	Insert provisions in the Rural Lifestyle Zone to protect rivers.	The Plan should extend Awa protection to all Zones including residential, rural, commercial, industrial, open space, and special purpose zones. Much recent modification has been done in the industrial Ngaumutawa area.	Reject	RLZ - Rural Lifestyle Zone



5 Section 42A report on the Rural Zone by Charles Horrell

OFFICER'S SECTION 42A REPORT RURAL ZONES

Prepared for	Hearing Panel
Prepared by	Charles Horrell
Report date	16 September 2024
Hearing date	Hearing 3: Rural Zones, 14-18 October 2024

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1 Interpretation

This report uses several abbreviations for brevity as set out in the following table:

Abbreviation	Meaning
GWRC / the Regional Council	Greater Wellington Regional Council
NZCPS	New Zealand Coastal Policy Statement 2010
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CF	National Environmental Standards for Commercial Forestry 2023
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standard for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standard for Sources of Drinking Water 2007
NES-STO	National Environmental Standard for Storing Tyres Outdoors 2021
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NRP	Operative Natural Resources Plan for the Wellington Region 2023
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-GG	National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
ODP / Operative District Plan	Operative Wairarapa Combined District Plan 2011
PC1 / Proposed Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region 2013
PDP / Proposed District Plan	Proposed Wairarapa Combined District Plan 2023
RPS / Regional Policy Statement	Regional Policy Statement for the Wellington Region 2013
the Act / the RMA	Resource Management Act 1991
the Councils / the Wairarapa Councils	Masterton District Council, Carterton District Council, and South Wairarapa District Council

2 Executive Summary

1. The Proposed Wairarapa Combined District Plan (PDP) was publicly notified on 11 October 2023. Submissions closed 19 December 2023. Further submissions closed 26 April 2024.
2. The Rural topic covers the following sections of the PDP:
 - General Rural Zone chapter
 - Rural Lifestyle Zone chapter
 - Sections of the Subdivision chapter relevant to the Rural Zones
 - Definitions relevant to the Rural Zones, and
 - Spatial extent of the Rural Zones as identified in Planning Maps.
3. The PDP contains two Rural Zones: The General Rural Zone (GRUZ) and the Rural Lifestyle Zone (RLZ). There is specific policy focus for each zone on the predominant land use that is promoted. In the Rural Lifestyle Zone, this is generally light primary production and a low-density residential living. In the General Rural Zone, there are a range of activities enabled, but there is a clear embedded hierarchy in first providing for primary production before other activities.
4. A total of 73 original submissions (512 submission points) and 44 further submissions (216 further submission points) were received on the Rural topic. Submissions provided general support to the provisions, particularly as they related to enabling primary production activities to occur. Generally, where amendments were sought, they were to support specific outcomes in the zone, provide for specific activities, or change permitted levels of activities or standards. There was particular interest in the approach taken to managing the potential conflict of rural lifestyle development with other activities that exist in the rural environment. Some submissions support the approach as it conservatively protects productive rural land, whereas others raised concern over the restriction and ability to provide for new rural lifestyle development.
5. The submissions raised several issues that relate to different parts of the PDP. For the purposes of evaluating the submissions, I have split the evaluation into three parts:

Part	Description
Part 1: General Rural Zone	Submissions relating to: <ul style="list-style-type: none"> • The provisions of the General Rural Zone chapter • Relevant definitions and overlays, including highly productive land and the Martinborough Soils Overlay • Submissions relating to definitions that apply predominately in the rural zones.
Part 2: Rural Lifestyle Zone	Submissions relating to: <ul style="list-style-type: none"> • The provisions of the Rural Lifestyle Zone chapter • The appropriateness of the Rural Lifestyle Zone and any rezoning requests.
Part 3: Rural Subdivision	Submissions relating to: <ul style="list-style-type: none"> • The overall approach to rural lifestyle subdivision, and • Provisions of the Subdivision chapter that specifically relate to subdivision of land in the rural zones.

6. Under each of those parts, several key themes were identified in the submissions. Those themes have been grouped as follows:
 - a. Part 1: General Rural Zone
 1. General Matters
 2. New Provision Requests
 3. GRUZ Definitions

4. GRUZ Objectives
5. GRUZ Policies
6. GRUZ Rules
7. GRUZ Performance Standards.

b. Part 2: Rural Lifestyle Zone

1. Appropriateness of Rural Lifestyle Zoning
2. Submissions seeking rezoning
3. RLZ Objectives
4. RLZ Policies
5. RLZ Rules and Performance Standards
6. New Provision Requests.

c. Part 3: Rural Subdivision

1. Overall approach (including minimum allotment sizes)
2. General subdivision matters
3. Rural subdivision policies
4. Rural subdivision rules.

7. As a result of submissions, a range of changes have been recommended and are summarised below:

- GRUZ Chapter Introduction:
 - Changes to the introduction text to further clarify the characteristics of the General Rural Zone.
- GRUZ Objectives:
 - GRUZ-O2: Amend to reference additional activities as being part of the rural character in the GRUZ and to clarify that raw materials are 'predominately' derived from primary production and ancillary activities.
 - GRUZ-O4: Amend to replace "enable" with "provide for" in reference to activities that have a functional need or operational need to be located in the GRUZ.
 - GRUZ-O6: Amend to replace "additional" with "further" in reference to avoiding fragmentation, and to refer to 'productive capacity' in addition to productive potential.
 - GRUZ-O7: Amend wording to clarify that it is "inappropriate subdivision, use and development" that highly productive land values are protected from.
- GRUZ Policies:
 - GRUZ-P3: Amend to include an additional clause to for managing the location, scale and effects of other activities that have a functional or operational need to be located in the General Rural Zone.
 - GRUZ-P4: Amend to ensure consistency with SUB-P6 and to further clarify the intent of the direction.
 - GRUZ-P5: Amend to recognise the local and regional benefits of aggregate extraction, and to ensure that the policy integrates with other policy direction relating to highly productive land.
 - GRUZ-P6: Amend to ensure that there is a clear distinction between managing reverse sensitivity risk and managing effects on sensitive activities. Also amend to recognise landfills and cleanfills as activities that pose a risk of generating reverse sensitivity effects, while deleting the reference to 'waste management facilities'.
 - GRUZ-P8: Amend to include reference to "horticulture".

- GRUZ Rules:
 - GRUZ-R14: Change the activity status of motorised outdoor recreation activities from restricted discretionary to discretionary.
 - GRUZ-RX: Insert a new restricted discretionary rule for any 'emergency service facility'.
 - GRUZ-RX: Insert a new restricted discretionary rule for any 'educational facility'.
 - GRUZ-RX: Insert a new discretionary rule for any 'mining activity'.
- GRUZ Standards:
 - GRUZ-S1: Amend to replace the reference to "frost protection fan" with "frost fan".
 - GRUZ-S3: Amend to require the existing setback from a front boundary only apply to residential units rather than all buildings; to include an additional setback from landfills; and to remove any duplication. Also include an additional matter of discretion to allow consideration of the extent to which the reduction in a setback would impact the character and amenity values of the GRUZ.
- Rural Definitions:
 - Include additional definitions of "frost fan", "horticulture or horticultural activities", and "mining".
 - Amend the definition of "highly productive land" to remove the reference to the planning maps.
 - Amend the definition of "seasonal worker accommodation" to include reference to post-harvest facilities as an activity that the short-term labour requirement may be apply to.
- RLZ Objectives:
 - RLZ-O3: Amend to replace reference to "light" with "small scale", and reference to "ancillary" with "other".
- RLZ Policies:
 - RLZ-P1: Amend to replace reference to "ancillary" with "other".
 - RLZ-P2: Amend to replace reference to "Rural Production Zone" with "General Rural Zone".
- RLZ Rules:
 - RLZ-RX: Insert new non-complying activity rule for any 'mining activity'.
- Subdivision Introduction:
 - Insert a paragraph that cross references the direction in the General Rural Zone and Rural Lifestyle Zone.
- Subdivision Policies:
 - SUB-P5: Amend to remove duplication and provide direct cross reference to GRUZ-O1, GRUZ-O2, and GRUZ-P3.
 - SUB-P6: Amend to remove reference to highly productive land to avoid duplication with SUB-P8.

- Subdivision Rules:
 - SUB-R2(2): Amend matter of control (15) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R2(6): Amend matter of discretion (6) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R2(10): Amend to clarify that the requirement to meet Clause 3.8 and 3.10 of the NPS-HPL only applies in circumstances where the subdivision is located over highly productive land.
 - SUB-R4(1): Amend to set a date that the property threshold is identified at and to set a minimum allotment size. Also to amend matter of control (15) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R4(2): Amend matter of discretion (6) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R4(4): Amend to allow the rule to apply to instances where the minimum balance requirement would not otherwise be met, and to clarify that the requirement to meet Clause 3.8 and 3.10 of the NPS-HPL only applies in circumstances where the subdivision is located over highly productive land.
 - SUB-R4(5): Amend to provide cross reference to any other conditions of the controlled activity rule that would not be met and are not otherwise provided for by another rule.
 - SUB-R5(1): Amend to clarify that a condition of the rule requires no allotment to be vacant of a residential unit to be created, and to amend matter of control (15) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R5(3): Amend matter of discretion (6) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R5(X): Insert new restricted activity rule for the subdivision of a surplus dwelling which would otherwise meet controlled activity criteria, except that there will be a vacant allotment created.
 - SUB-R5(4): Amend to remove the reference to any non-compliance with the vacant allotment requirement as it would be managed under the new restricted discretionary rule.
- Zoning:
 - Amend the extent of the Rural Lifestyle Zone to remove parcels that do not meet Clause 3.7 and 3.10 of the NPS-HPL. Those parcels are rezoned to General Rural Zone.

3 Introduction

3.1 Author and Qualifications

8. My name is Charles Price Horrell. I am a Consultant Planner at Boffa Miskell, assisting the three Wairarapa District Councils. I have been involved in the PDP review since the review commenced in 2020 and have been the lead planner in the evaluation of the Rural topic.
9. I hold the qualifications of a Master of Resource and Environmental Planning (First Class Honours) from Massey University and a Bachelor of Applied Science from the University of Otago. I am a Full Member of the New Zealand Planning Institute.
10. I have 9 years' experience in planning and resource management, working for both a local authority and a consultancy. For the first 5 years, I was employed as a consent planner at Otago Regional Council with the positions Consents Officer, Senior Consents Officer, and Team Leader. My main role was the evaluation of resource consent applications. For six months of my working at Otago Regional Council I was seconded to a policy planning role where I worked on a freshwater plan change. Since January 2020, I have been employed by Boffa Miskell as a planner in the positions of Professional, Senior Professional and Associate Principal Planner. I have worked on various projects involving resource consents, notices of requirement, and plan change processes for various clients, including both government and private entities.

3.2 Code of Conduct

11. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it when preparing this report. Other than where I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3.3 Declaration of Interests

12. Boffa Miskell also provides policy advice and assistance to Transpower New Zealand Ltd and the Ara Poutama Aotearoa the Department of Corrections with reviewing and submitting on RMA planning documents. Therefore, in preparing this Section 42A report, where provisions have been submitted on by Transpower or Corrections, I am not the author of those evaluation or recommendations due to potential or perceived conflict of interest. Those evaluations and recommendations (which refer to first person) are authored by Solitaire Robertson, Planning and Regulatory Manager, Carterton District Council.
13. Through Boffa Miskell, I provide consenting advice and assistance to Meridian Energy Limited. It is considered that this previous and ongoing advice does not result in a potential or perceived conflict of interest, namely given that advice related to projects outside the Wairarapa and Meridian Energy Limited did not submit on matters relating to the Rural topic in their original submission.

3.4 Scope and Purpose of Report

14. This report has been prepared in accordance with section 42A of the Resource Management Act (RMA) to assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity prior to the hearing to see how submissions have been evaluated and subsequent recommendations made by officers.
15. This report responds to submissions on the Rural topic, including:
 - a. Submissions relating to the General Rural Zone,
 - b. Submissions relating to the Rural Lifestyle Zone,
 - c. Submissions relating to provisions from the Subdivision chapter that apply specifically to the General Rural Zone or Rural Lifestyle Zone, and

- d. Submissions relating to definitions and overlays specific to the General Rural Zone or Rural Lifestyle Zone.
16. This report does not address any district wide matters, with the exception of the relevant provisions of the Subdivision Chapter. In addition, it is noted that the Strategic Direction Objectives chapter contains the strategic objectives relating to the Rural Environment. Submission points on these objectives have been addressed in Hearing 1.
 17. Noting the above caveats, I have provided recommendations to assist the Hearings Panel wherever possible.

3.5 Supporting Evidence

18. The expert evidence, literature, or other material that I have used or relied upon for this report are:
 - a. The section 32 evaluation report for the Rural Zones, and all legislation, technical, and expert reports listed in that evaluation report
 - b. Advice provided by AgFirst with relation to the Rural Lifestyle Zone and its consistency with the NPS-HPL in **Appendix 4**
 - c. Advice provided by Alec Birch, Rural Road Engineer at Masterton District Council, with relation to any feasibility constraints to maintain onsite servicing within the Rural Lifestyle Zone in **Appendix 5**
 - d. All submissions and further submissions to the PDP on the Rural topic.

3.6 Key Issues in Contention

19. The remaining key issues in contention that need to be resolved through the Hearing process are:
 - The approach taken to giving effect to the NPS-HPL in the GRUZ and the Subdivision chapter
 - Whether primary production activities are appropriately enabled in the GRUZ and RLZ
 - Whether all activities that have a functional or operational need in the GRUZ are appropriately recognised and provided for
 - The approach taken to rural subdivision across the Rural Zones
 - The appropriateness of the RLZ
 - How permitted standards should apply with relation to height, setbacks, onsite wastewater, and relocatable buildings.

3.7 Procedural Matters

20. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings, or expert witness conferencing in relation to submissions on the Rural Topic.

4 Statutory Considerations

4.1 Statutory Documents

21. I note that the section 32 report for Rural topic provides a detailed record of the relevant statutory considerations applicable to the GRUZ, RLZ, and Subdivision chapter.
22. I also note that the section 42A report for Hearing 1: Introduction and General Provisions, sets out the relationship between the PDP, the RMA, and “higher order documents” i.e., treaty settlements, other relevant plans, and strategies.
23. While it is not necessary to repeat the detail of the relevant RMA sections and higher order documents here, it is important to highlight the higher order documents that have been subject to change since notification of the PDP which must be given effect by the Rural topic.

4.2 Resource Management Act 1991

24. On 22 December 2023, the Government passed legislation to repeal the Natural and Built Environment Act and the Spatial Planning Act, meaning the RMA will continue to be the primary legislation governing resource management processes and practice.
25. The Government has also announced a three-phase RMA reform plan. In the first phase, the Government will retain fast-track consenting provisions in advance of a separate bill to be introduced at a later date. For the second phase, the Government has stated it will amend the RMA to better enable infrastructure and renewable energy, farming, new housing, aquaculture, and other primary industries. The third phase will involve replacing the RMA with a new resource management regime. No definitive timeframes for these phases have been announced at this stage.
26. In May 2024, the government introduced the Resource Management (Freshwater and Other Matters) Amendment Bill which proposes targeted changes as listed below:
 - Exclude the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting. This amendment will address concerns raised about the way it is being applied while a review and replacement of the NPS-FM is undertaken.
 - Repeal the low slope map and associated requirements from stock exclusion regulations, reducing costs for farmers.
 - Repeal the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F).
 - Align the provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F.
 - Suspend for three years requirements under the NPS-IB for councils to identify new Significant Natural Areas (SNAs) and include them in district plans. The Bill also extends some SNA implementation timeframes to 31 December 2030.
 - Speed up and simplify the process for preparing and amending national direction, including national environmental standards, national planning standards, national policy statements and the New Zealand Coastal Policy Statement.
27. At the time of writing this report, submissions were being invited on this Bill. The government has indicated if passed, this Bill would become law by the end of 2024. As the above Bills are still going through the law-making process, they have not been applied in the preparation of this report.
28. In August 2024, the government released a statement on the priorities of Phase 2 of the RMA reform. The priorities of Phase 2 include:
 - Developing national direction on infrastructure and energy, including a new national policy statement for infrastructure.
 - Updating the National Environment Standard for Telecommunication Facilities.
 - Developing a consistent approach to quarrying across the resource management system.
 - Extending the duration of port coastal permits.
 - Allowing councils to opt out of the Medium Density Residential Standards if they can demonstrate they can meet projected housing demand for 30 years.
 - Amending the NPS-UD and NPS-HPL to simplify heritage management and develop new national direction on minor residential units (granny flats) and papakāinga housing.
 - Amending the NPS-HPL to enable indoor primary production, greenhouses, and specified infrastructure (e.g. solar farms) on highly productive land (discussed in section 4.3 of this report).
 - Developing a national framework for managing natural hazard and climate change risks and improving emergency response provisions.

29. Limited documentation is currently available on these matters and no formal consultation has yet taken place. The Bills to give effect to these changes are expected to be before Parliament by the end of 2024 and passed into law by mid-2025. Due to the early stage of these announcements, they have not been applied in the preparation of this report.
30. The third phase will involve replacing the RMA with a new resource management regime. No definitive timeframes for these phases have been announced at this stage. The government has indicated the timeline for this third phase is to pass into law by the end of 2025.

4.3 National Policy Statement for Highly Productive Land

31. The National Policy Statement for Highly Productive Land (NPS-HPL) was released in September 2022 and provides national direction for the protection of highly productive land for land-based primary production. This direction is directly relevant to the Rural topic and the PDP has sought to give effect its direction.
32. In August 2024, the Government released an amended NPS-HPL to specifically provide for:
 - The development, operation or decommissioning of specified infrastructure on highly productive land through clause 3.9(2)(j)(i), and
 - The development and relocation of intensive indoor primary production and greenhouses on highly productive land through clause 3.9(2)(aa) and associated definitions.
33. No submissions on the PDP specifically raised concern over the approach taken for specified infrastructure over highly productive land. There have been submissions in relation to both intensive indoor primary production and greenhouses, but not as they relate to being undertaken over highly productive land.
34. While the PDP provisions preceded the changes to the NPS-HPL described above, the Councils do not consider the provisions conflict with those changes (and rather align) – specifically, the provisions of the PDP do not further restrict specified infrastructure, intensive indoor primary production, or greenhouses over highly productive land to any greater degree than any other appropriate land uses specified in Clause 3.9 of the NPS-HPL. No further specific changes are considered necessary to account for the amended to the NPS-HPL.

4.4 National Environmental Standard for Commercial Forestry

35. The Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 were released following the notification of the PDP and took effect on 3 November 2023. It amended the National Environmental Standards for Plantation Forestry 2017 to recognise other forms of commercial forestry, including carbon farming. The changes to the National Environmental Standard require those additional commercial forestry activities to be managed by the National Environmental Standard, except where a rule in a plan is more stringent or lenient as it relates to afforestation.
36. There are no specific rules relating to those forms of commercial forestry in the GRUZ or RLZ. The Councils have also not identified a specific need to apply further stringency or leniency for any associated afforestation.
37. One submission has raised that there should be more stringent rules with relation to commercial forestry. This submission is considered in Section 8 of this report.

4.5 Proposed Change 1 to the Regional Policy Statement for the Wellington Region

38. Proposed Change 1 to the Regional Policy Statement (RPS) was notified in August 2022 and submissions closed on 14 October 2022. The further submission period was during December 2022. Hearings commenced in June 2023 and finished in April 2024. Decisions on submissions on Proposed Change 1 are anticipated to be notified by the end of 2024.

39. The focus of Proposed Change 1 is to implement and support the NPS-UD and to start the implementation of the NPS-FM. It also addresses issues related to climate change, indigenous biodiversity, and high natural character.
40. As decisions are yet to be released, there are no changes to the relevant objectives and policies of Proposed Change 1 beyond those already assessed in the section 32 report.

4.6 Plan Change 1 to the Natural Resources Plan for the Wellington Region

41. The Natural Resources Plan for the Wellington Region was notified and made operative on 28 July 2023. It contains rules affecting the use and development of natural resources that come under the jurisdiction of Greater Wellington Regional Council (GWRC) under section 30 of the RMA. Plan Change 1 was notified on 30 October 2023. Submissions closed 15 December 2023. At the time of preparing this report, hearings were yet to be announced.
42. The focus of Plan Change 1 is on:
 - Management of freshwater and coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua to implement the National Policy Statement for Freshwater Management 2020 within those whaitua.
 - Amendments to air quality rules.
 - Amendments to beds of lakes and rivers rules.
 - New sites with significant indigenous biodiversity values.
43. Plan Change 1 includes objectives and policies, rules, and other methods to manage activities such as earthworks, stormwater discharges (including from new urban development), wastewater discharges, and rural land use to achieve water quality and ecological health objectives within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. As these Whaitua are outside of the Wairarapa, most of this plan change is not applicable to the Wairarapa.
44. The parts of Plan Change 1 that relate to the Wairarapa are not applicable to the Rural topic.

4.7 Treaty Settlements

45. In addition, on 12 December 2022, the Te Rohe o Rongokako Joint Redress Act 2022 was given Royal Assent. This Act gives effect to the joint redress in the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 and Ngāti Kahungunu ki Wairarapa Tāmaki Nui ā Rua Claims Settlement Act 2022.
46. Of particular relevance to the District Plan is what is known as the Wairarapa Moana framework (Part 3 of this Act). This Act provides for the establishment of the Wairarapa Moana Statutory Board, giving it certain functions and powers. The Board would act as kaitiaki (guardian) for the Wairarapa Moana and the Ruamahanga River catchment. The Board would:
 - Administer the Wairarapa Moana reserves while protecting and enhancing their cultural, spiritual, and ecological values.
 - Manage the Wairarapa Moana marginal strips.
 - Lead the sustainable management of Wairarapa Moana and the Ruamahanga River catchment.
 - Promote the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and wellbeing of Wairarapa Moana and the Ruamahanga River catchment, relating to natural resources.
47. Under the Wairarapa Moana framework, a natural resources document is to be prepared. The purpose of this document is to “identify the Statutory Board’s issues, values, vision, objectives, and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, to the extent that they relate to the health and well-being of Wairarapa Moana or the Ruamahanga River catchment”. Under the Joint Redress Act, it states the natural resources document must not contain rules or regulatory methods.

48. Once this natural resource document is prepared, the District Councils must recognise and provide for the content of the natural resources document in the District Plan to the extent that it is relevant to matters covered by the District Plan.
49. The Tangata Whenua chapter of the PDP provides further detail on the two Treaty Settlements. Statutory Acknowledgement Areas included in the Treaty Settlements are listed in Appendices 1 and 2 of the PDP. For completeness, it is noted that there are no iwi management plans in place in the Wairarapa.

4.8 Section 32AA Evaluation

50. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where applicable, the recommended decisions have been evaluated in accordance with section 32AA of the RMA. These evaluations are contained within section 5 of this report.
51. In accordance with sections 32 and 32AA of the RMA, the further evaluation for each key issue considers:
 - a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b. The reasonably practicable options for achieving those objectives.
 - c. The environmental, social, economic, and cultural benefits and costs of the amended provisions.
 - d. The efficiency and effectiveness of the provisions for achieving the objectives.
 - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
52. In accordance with section 32(1)(c) of the RMA, further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.9 Trade Competition

53. No consideration of trade competition has been given with respect to these topics. There are no known trade competition issues raised within the submissions.

5 Rural Topic Background and Context

5.1 Operative District Plan

54. The Operative District Plan identifies three zones within the Rural Environment being: the Rural (Primary Production) Zone, Rural (Special) Zone and Rural (Conservation) Zone:
- a. The Rural (Primary Production) subzone accounts for most rural land in the Wairarapa and would be the equivalent of a General Rural Zone as defined in the National Planning Standards.
 - b. The Rural (Special) Zone comprises rural land of LUC Class 1 and 2, along and surrounding key infrastructure,¹ and land that is subject to natural hazard risk. The Zone is largely located within peri-urban areas that would be vulnerable to pressure from sporadic urban growth and rural living/lifestyle subdivision and development. The commentary of the Operative District Plan describes the purpose of the Rural (Special) Zone as:

To recognise that such sporadic and unplanned intensification is generally inappropriate in these parts of the rural environment, and to place limitations as necessary to avoid future problems.
 - c. The Rural (Conservation) subzone comprises the conservation estate and publicly owned land. Within this zone, conservation activities are generally enabled.
55. For the purposes of the Rural topic, the Rural (Conservation) Zone is not relevant as it is proposed to be replaced by the Natural Open Space Zone (Hearing Stream 2).
56. There are three objectives for the Rural Environment Zones that generally seek to achieve the following:
- a. Maintain and enhance amenity values in the Rural Zones (Objective Rur1),
 - b. Enable primary production and other land uses that function effectively and efficiently (Objective Rur2), and
 - c. Ensure the amenity values of the adjoining zones are reasonably protected from adverse effects generated within the Rural Zones (Objective Rur3).
57. There are 12 underlying policies for the Rural Environment Zones. These policies generally direct the following:
- a. Identification of the three underlying zones and the purpose of each of those zones – Rural (Production), Rural (Special), and Rural (Conservation) (Policies Rur1(a)-(c)),
 - b. Limit incompatibility with primary production and other activities in rural areas (Policies Rur2(a)-(c)),
 - c. Manage effects of activities, including reverse sensitivity effects (Policies Rur2(d)-(f) & Rur3(a)), and
 - d. Provide for the attributes of rural character including openness, productive working landscapes, and a low density of buildings and structures (Policies Rur1(d)-(e)).
58. The land use rules in the Operative District Plan are generally permissive and apply an 'effects-based' approach to the need for consent. This means that most land use activities within the Rural zones are permitted subject to various performance standards including setback requirements, building height limits, and restriction on the number of dwellings.

¹ Aerodrome, municipal treatment facilities, and landfills

5.2 District Plan Review

59. While reviewing the Operative District Plan, it was found that while the provisions have reasonably enabled primary production activities, the provisions have not been efficient or effective in managing other activities in the rural zones. This was identified as being largely associated with the 'effects-based' approach that the Operative District Plan takes in providing for most activities subject to effects-based standards. The fragmentation of rural land was identified as a particular issue, which was largely a result of increased demand for rural lifestyle living and ineffective subdivision provisions that are generally based around a 4ha minimum lot size. During the review process, the National Policy Statement for Highly Productive Land (NPS-HPL) was also introduced, which requires specific protection of highly productive land.
60. The section 32 report and evaluation was supported by two technical assessments² and identified six resource management issues. Those issues are summarised in the table below.

Issue	Comment
Issue 1: The Wairarapa's rural area has existing primary production activities that need to be provided for (farming, forestry, horticulture).	The Wairarapa's vibrancy and vitality is dependent on its thriving primary production industry. This is enabled through the ability for primary production to be undertaken in an efficient and effective way in the rural environment. The Operative District Plan's Rural Zone enables most rural activities but does not enable all relevant primary production activities due to its effects-based approach. In addition, the provisions do not adequately manage ancillary activities or other activities that may conflict with primary production. The District Plan's rural subdivision provisions need to assist in continuing to provide for existing primary production.
Issue 2: The Wairarapa contains highly productive land and highly versatile soils that need to be safeguarded for rural production.	The Wairarapa contains highly versatile soils that provide for a variety of crops and agricultural production. The NPS-HPL also directs the protection of 'highly productive land' for land-based primary production. There is a significant portion of the rural environment that would be considered 'highly productive' by the NPS-HPL and requires appropriate protection. Without appropriate protection, there is potential for further loss of productive land through inappropriate land use and subdivision. The District Plan's rural subdivision provisions need to assist in limiting further loss and fragmentation to productive land.
Issue 3: The Wairarapa's rural area has important character and amenity values that need safeguarding.	The Wairarapa's rural area is valued for its openness, naturalness, and low density-built form. It is therefore vulnerable to inappropriate activities, built development, and subdivision/fragmentation. There are a variety of activities that can impact on rural character and amenity. This includes sporadic commercial and industrial development that has occurred, particularly between Masterton and Carterton. However, the predominant land use change trend in the rural environment over last two decades has been rural lifestyle intensification. The District Plan's rural subdivision provisions need to assist in achieving rural character and amenity values.
Issue 4: The Wairarapa's rural area accommodates activities that can be compromised by	For Wairarapa's rural area to continue to function efficiently, rural activities must not be compromised by sensitive activities locating in proximity to them. The rural area is a working environment, where rural activities result in adverse environmental effects as part of their day-to-day operations including noise, dust, and visual impacts. If activities sensitive to these effects are established nearby, the full and efficient productive use of the land can be compromised.

² A Primary Production Report prepared by AgFirst and an Economic Analysis prepared by Formative

sensitive activities through reverse sensitivity effects.	Additionally, reverse sensitivity effects can arise where a new sensitive activity must either accept or protect itself from the effects associated with the working site. Policy 9 of the National Policy Statement for Highly Productive Land also directs that “reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land”.
Issue 5: Rural activities can generate substantial adverse effects that need to be managed, particularly on neighbouring residential zones.	Rural provisions need to be set at levels that allow for a variety of rural activities to operate, provided they do not result in significant adverse environmental effects. Without an assessment through a resource consent process, adverse effects from activities such as rural industry and intensive indoor primary production activities could have adverse effects that are greater than those of other permitted primary production activities, which could create an undesirable permitted baseline of effects.
Issue 6: Rural development can adversely affect the safety, reliability, and efficiency of the transport network	The suitability of transportation infrastructure is a key constraint on development in the rural area. The extent to which additional development can be accommodated without adversely affecting the safe and efficient functioning of the rural road network depends on traffic generation and the condition (level of service) of the roads. The impact of subdivision, land use, and development on the safety, reliability, and efficiency of the rural transport network needs to be considered to meet RPS objective 10 and policy 57.

61. At the time of commencing the District Plan review, the National Planning Standards were introduced and required to be adopted as part of the review process. The National Planning Standards set out a framework for each chapter and what it must contain.
62. The Zone Framework Standard contained in section 8 of the National Planning Standards sets out three possible rural zones. This section also contains a description for each zone, setting out the type of rural environment the zone enables.

5.3 Proposed District Plan

63. The PDP introduces two rural zones – the General Rural Zone (GRUZ) and the Rural Lifestyle Zone (RLZ). The RLZ is situated directly adjacent to Masterton urban area on its northeastern boundary. This zone enables rural lifestyle development along with small-scale primary production. The GRUZ covers the remainder of the rural environment throughout the Wairarapa districts. This zone seeks to enable primary production activities, along with a range of other activities that have a functional or operational need to be located in that zone. The GRUZ also seek to provide for rural lifestyle development; however, the approach limits that development to areas that are already fragmented and land that does not contain productive characteristics.
64. Highly productive land is recognised in the GRUZ and is defined as having the same meaning as that in the NPS-HPL. In addition to recognising highly productive land, the GRUZ also recognises the ‘Martinborough Soils Overlay’, which is land that contains productive characteristics and contributes significantly to social and economic wellbeing. The provisions of the GRUZ seek to generally limit non-primary production development over both highly productive land and the Martinborough Soils Overlay.
65. The land use provisions of the GRUZ and RLZ have sought to retain an enabling framework for primary production, while ensuring that other activities are better managed by moving to more of an activity-based approach. This approach ensures that there is further clarity to plan users, and the framework is more robust in ensuring appropriate activities are provided for, and inappropriate activities are avoided. A comparison of the PDP rule framework compared with the Operative District Plan is shown below.

Activity	District Plan Activity Status	
	Operative District Plan	Proposed District Plan
Buildings and structures, including construction, additions, and alterations	Permitted activity subject to performance standards	Permitted activity subject to performance standards
Demolition of buildings and structures	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Permitted activity
Relocating a building	Controlled activity	Controlled activity
Seasonal worker accommodation	Controlled activity	Permitted activity subject to performance standards
Primary production	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Permitted activity
Agricultural aviation	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Permitted activity
Residential visitor accommodation	Permitted activity	Permitted activity subject to performance standards
Residential activities	Permitted activity subject to standards	Permitted activity subject to performance standards
Intensive primary production	Permitted activity subject to standards	Permitted activity subject to performance standards
Conservation activities	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Permitted activity
Rural produce retail	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Permitted activity subject to performance standards
Farm quarries	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Permitted activity
Quarrying activities without on-site processing	There is no specific rule, but is otherwise allowed under Section 9 of the RMA	Restricted Discretionary activity
Quarrying activities with on-site processing	Discretionary activity	Discretionary activity
Papakāinga	Controlled activity	Permitted activity subject to performance standards
Motorised outdoor recreation activities	Restricted Discretionary activity	Restricted Discretionary activity
Visitor accommodation	Discretionary activity	Discretionary activity
Commercial boarding of cats, dogs, and other domestic pets	Discretionary activity	Discretionary activity

Activity	District Plan Activity Status	
	Operative District Plan	Proposed District Plan
Commercial and industrial activities	Discretionary activity	Discretionary activity
Large scale commercial activities	Non-complying activity	Non-complying activity

66. The subdivision provisions of the PDP seek to enable small allotment subdivision in the RLZ and generally limit small allotment subdivision in the GRUZ. The RLZ allows for subdivision as a controlled activity down to 0.5 ha, subject to performance standards. In the GRUZ, the provisions are largely based around a 40-ha minimum allotment size which is set to provide for primary productive subdivision, while conservatively avoiding other inappropriate forms of subdivision (namely rural lifestyle). While this minimum applies across the zone, there is provision in the subdivision rules for small allotment subdivision in the GRUZ. Specifically, this type and scale of subdivision is generally provided in South Wairarapa and Carterton Districts on properties that are less than 4ha and not located on productive land – which seeks to provide for reasonable lifestyle opportunities in the absence of a RLZ in those districts. In addition, there is provision to subdivide a surplus residential dwelling subject to a 40-ha balance area being maintained throughout all of the zones.

5.4 Immediate Legal Effect Application

67. Prior to the notification of the PDP, the Councils applied to the Environment Court for orders that specified rules of the PDP take immediate legal effect in accordance with Section 86D of the RMA. The orders were granted by the Environment Court on 26 September 2023³. Those orders relate to specific rules of the GRUZ and Subdivision Chapter as it relates to rural subdivision. Rules that are subject to the orders are:

- GRUZ-R7(1) – (3) Residential activities
- RLZ-R4(1) – (2) Residential activities
- SUB-R1(1) – (5) Boundary adjustments
- Rule SUB-R2(2), (10), (11) - (12) Subdivision of a new allotment
- Rule SUB-R4(1) – (5) Subdivision of land less than 4ha in the General Rural Zone
- Rule SUB-R5(1) – (4) Subdivision of a surplus dwelling

³ ENV-2023-WLG-000010

6 Consideration of Submissions and Further Submissions Received

68. A total of 73 original submissions (512 submission points) and 44 further submissions (216 further submission points) were received on the Rural Topic.
69. The submissions raised a number of issues that relate to different parts of the PDP. For the purposes of evaluating the submissions, I have split this into three parts:

Part	Description
Part 1: General Rural Zone	Submissions relating to: <ul style="list-style-type: none"> • The provisions of the General Rural Zone chapter • Relevant definitions and overlays – including highly productive land and the Martinborough Soils Overlay • Submissions relating to definitions that apply predominately in the rural zones.
Part 2: Rural Lifestyle Zone	Submissions relating to: <ul style="list-style-type: none"> • The provisions of the Rural Lifestyle Zone chapter • The appropriateness of the Rural Lifestyle Zone and any rezoning requests
Part 3: Rural Subdivision	Submissions relating to: <ul style="list-style-type: none"> • The overall approach to rural lifestyle subdivision, and • Provisions of the Subdivision chapter that specifically relate to subdivision of land in the rural zones

70. The following sections are structured to follow those parts.

7 Part 1: General Rural Zone

7.1 Overview of Submissions and Further Submissions Received

71. A total of 60 original submissions (373 submission points) and 25 further submissions (130 further submission points) were received on the GRUZ. Submissions were generally supportive of the provisions. Where amendments were sought, they were to support specific outcomes in the zone, provide for particular activities, or change permitted levels of activities or standards.
72. Submissions on the GRUZ came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
S34	James Richardson	S36	Jan Jessep	S47	Rangitāne o Wairarapa
S48	Aburn Popova Trust	S53	Martinborough Holdings Limited	S63	Shaun Draper
S70	Dan Kellow	S72	Aviation New Zealand - New Zealand Helicopter Association	S74	Jack Cameron
S79	KiwiRail Holdings Limited	S81	Genesis Energy Ltd	S82	Dublin Street Wines Ltd

S94	Greater Wellington Regional Council	S117	Geoffrey Roberts	S122	Fulton Hogan Limited
S125	Lynly Selby-Neal and Angus Laird	S126	James Derek Gordon Milne	S131	Aircraft Owners and Pilots Association NZ
S132	Simon Casey	S136	Wairarapa Winegrowers' Association Inc	S143	Penelope Jane Bargh
S144	E McGruddy	S148	Antilles Ltd	S149	NZ Transport Agency (NZTA)
S152	AdamsonShaw Ltd	S154	Te Tini o Ngāti Kahukuraawhitia	S172	Fire and Emergency New Zealand
S174	Monique Leerschool	S180	Michelle Hight	S181	Kath and David Tomlinson
S182	Aggregate and Quarry Association	S187	New Zealand Frost Fans	S205	Garry Daniell
S207	South Wairarapa Whenua Advisory Group Incorporated (SWWAG)	S208	Ballance Agri-Nutrients	S212	Māori Trustee
S214	Federated Farmers of New Zealand	S218	Transpower New Zealand Limited	S219	Nigel & Philippa Broom
S22	NZ Agricultural Aviation Association	S221	Horticulture New Zealand	S222	Jack Wass
S223	Helios Energy Ltd	S229	New Zealand Pork Industry Board	S233	Scott Anstis
S236	-Director-General of Conservation Penny Nelson	S237	Rural Contractors New Zealand Incorporated (RCNZ)	S238	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited ('the Fuel Companies')
S239	East Leigh Limited	S244	Michael David Walters Hodder	S245	Ministry of Education Te Tāhuhu o Te Mātauranga
S247	Enviro NZ Services Ltd	S251	Masterton, Carterton, and South Wairarapa District Councils	S252	New Zealand Heavy Haulage Association Inc
S255	Scott Summerfield and Ross Lynch	S257	Audrey Sebire	S258	Royal Forest and Bird Protection Society of New Zealand Inc
S260	Tony Garstang	S268	Dan Riddiford	S288	Radio New Zealand Limited (RNZ)

73. Further submissions on the GRUZ from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
FS13	Horticulture New Zealand	FS15	Porters Pinot Wines	FS22	NZ Pork
FS29	NZ Agricultural Aviation Association	FS48	Aviation Industry Association for NZ Helicopter Association	FS49	Scott Summerfield and Ross Lynch
FS54	Rochelle McCarty	FS62	Aburn Popova Trust	FS67	Meridian Energy Limited
FS69	Rudy van Baarle - Molesworth Homes	FS70	Canoe Wines Limited Partnership	FS74	Genesis Energy Limited
FS78	Holly Hill	FS80	AdamsonShaw Ltd	FS81	Wairarapa Federated Farmers
FS87	Rangitāne o Wairarapa Incorporated	FS89	Fulton Hogan Limited	FS90	Greater Wellington Regional Council
FS95	Te Tini o Ngāti Kahukuraawhitia Trust	FS96	Ministry of Education Te Tāhuhu o Te Mātauranga	FS97	Transpower New Zealand
FS102	Gavin Grey	FS105	Ian Gunn	FS108	Richard Simpson
FS109	East Leigh Limited				

74. The matters raised by submitters range across the following themes:

- a. General Matters
- b. New Provisions Requests
- c. GRUZ Definitions
- d. GRUZ Objectives
- e. GRUZ Policies
- f. GRUZ Rules
- g. GRUZ Performance Standards.

7.2 Officer Recommendations

75. A full list of submissions, further submissions, and officer recommendations on the submission points for General Rural Zone is contained in Appendix 3: Recommended Responses to Submissions and Further Submissions.

7.3 Key Issue 1: General Matters

Recommended changes to GRUZ General Matters

Provision(s)	Officer Recommendation(s)
General Rural Zone Chapter	Retain existing approach subject to changes recommended throughout this report.
Introduction	
Introduction text	Amend as follows: The General Rural Zone encompasses the largest proportion of the rural area of the Wairarapa and is the largest zone by area. The General Rural Zone is characterised by open landscapes interspersed with buildings or structures. Typical land cover includes pasture, crops, vines, forestry, and

	<p>indigenous vegetation. Character and amenity values of the zone include spaciousness, sparsely developed landscape, vegetation cover, and the presence of a productive farming environment <u>and the visual, odour and noise effects associated with primary production activities.</u></p> <p>...</p> <p>Activities undertaken in the General Rural Zone need to be managed in a way that <u>enables primary production activities, and</u> preserves rural character, and <u>the productive capacity of land</u> which is directed through this chapter. In addition, activities also must be undertaken in a way that maintains other significant values that are located within the General Rural Zone. These significant values are largely identified in the district-wide chapters, in particular the Natural Environment topics, which contain specific objective, policies, and rules to manage adverse effects on their values. In addition, the urban water supply protection area as shown in the District Plan Maps identifies a buffer surrounding the Masterton urban water supply. There are no objectives, policies, or rules in the District Plan to manage effects on this water supply; however, consideration should be given to the urban water supply protection area for any activity within close proximity in order to protect the water supply...</p>
Definitions	
New definition	<p>Add new definition: <u>Horticulture or Horticultural Activities</u> <u>Means the production of fruit, vegetables, flowers, and grains.</u> <u>Includes:</u></p> <ul style="list-style-type: none"> • <u>Greenhouses,</u> • <u>Market gardens,</u> • <u>Plant nurseries,</u> • <u>Orchards, and</u> • <u>Vineyards.</u> <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • <u>Forestry, and</u> • <u>Intensive primary production.</u>
New definition	<p>Add new definition: <u>Frost Fan</u> <u>means a land-based device designed or adapted to mitigate frost damage by fanning warmer air over potentially frost affected surfaces and includes:</u></p> <ol style="list-style-type: none"> a. <u>Fan blades;</u> b. <u>Motive source;</u> c. <u>Support structure/tower;</u> d. <u>Plinth; and</u> e. <u>Associated probes and communications and networking devices.</u>
GRUZ Policies	
GRUZ-P5	<p>Amend policy as follows: <u>Recognise the local and regional benefits of aggregate extraction in the Wairarapa, and Mmanage quarrying activities within the General Rural Zone by:</u></p> <ol style="list-style-type: none"> a. enabling farm quarries; and b. providing for other <i>quarrying activities</i> where it can be demonstrated that: <ol style="list-style-type: none"> i. the siting and scale of buildings, structures, machinery, <u>movement of vehicles</u> stored material, quarried areas, cut faces, and visual screening maintains the character and amenity values of the General Rural Zone;

	<ul style="list-style-type: none"> ii. adverse effects to established sensitive activities will be avoided; iii. there are measures to minimise any adverse noise, vibration, traffic, and lighting effects beyond the boundary, including through the use of setbacks, where appropriate; iv. there are measures to mitigate any adverse effects on character and amenity values of the General Rural Zone from the movement of vehicles; v. it avoids or mitigates any adverse effects on the health and wellbeing of surface waterbodies and their margins; and vi. it internalises adverse effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting; and vii. <u>where the quarrying activity is located over highly productive land, it is consistent with GRUZ-P9.</u>
Rules	
GRUZ-R12 Quarrying activities	<p>Amend as follows:</p> <p>...</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with GRUZ-R12(1); b. There is no processing including crushing, screening, washing, and blending on site; and c. A management plan has been prepared for the operation of the quarrying activity. <p>Matters of discretion: ...</p> <p><u>10. Loss of highly productive land.</u></p>
GRUZ Performance Standard	
GRUZ-S1 Maximum height	<p>Amend as follows:</p> <ul style="list-style-type: none"> • The maximum height of any building or structure shall be: <p>b. 15m above ground level for any frost protection fan...</p>

Overview of Submissions Received on General Matters

76. There were 17 submitters who submitted at a general level on the provisions of the GRUZ. Those submissions relate either to the approach taken to the GRUZ or to specific matters/activities addressed in the GRUZ.

77. The following 'general matters' were raised by submitters:

- Overall approach to General Rural Zone
- Giving effect to NPS-HPL
- Martinborough Soils Overlay
- Recognition of viticulture
- Providing for Renewable Electricity Generation Activities and the National Grid
- Quarrying activities
- Frost fans.

Content and Evaluation of Submissions Received on General Matters

Submissions on Overall Approach

78. Jack Wass (S222.001; S222.002) has raised concern over the 'blunt' approach taken to the direction of the GRUZ. The submitter considers that the provisions need to provide a greater ability for rural lifestyle where it does not compromise productive land. This is supported by Scott Summerfield and Ross Lynch (FS49.001).
79. E McGruddy has raised that the overall approach to the GRUZ is too overly focused on limiting lifestyle blocks and fails to recognise the positive outcomes they provide to the rural environment. The submitter considers that lifestyle blocks form part of the purpose, character, and amenity values of the General Rural Zone for the following reasons:
- Smallholdings were a feature of rural settlement patterns in the past
 - Smallholdings are a feature of rural settlement patterns today – as illustrated through lifestyle development patterns around the towns in the Wairarapa
 - Smallholdings provide multiple ecosystem services
 - Smallholdings make a significant contribution to economic activity in the Wairarapa.
80. E McGruddy has proposed an alternative approach of enabling further development of smallholdings where that land is already fragmented. In line with this alternative approach, the submitter has sought the following changes to the General Rural Zone to account for the general relief:
- Amendments to the Introduction to specifically recognise lifestyle blocks in peri-urban areas (S144.008),
 - Amendments to Objectives and Policies to further enable lifestyle in peri-urban areas around towns (S114.009; S114.010; S114.011; S114.012; S114.013; S144.014), and
 - Amendment to Standard GRUZ-S4 to enable up to three residential units on landholdings less than 8ha (S114.015).
81. Kath and David Tomlinson (S181.003) and Scott Summerfield and Ross Lynch (S255.005) requested GRUZ be amended to be consistent with the Operative District Plan in relation to rural lifestyle. Submitters consider the proposed provisions are too limiting on smaller properties and considers that the operative approach is better suited. These submissions are supported by Scott Summerfield and Ross Lynch (FS49.004) and Rochelle McCarty (FS54.008). Jack Wass (S222.006) has similarly sought that a more flexible approach is adopted for smaller allotments.
82. Horticulture New Zealand (S221.174) have raised that any rural lifestyle should be directed to the RLZ and should be avoided in the GRUZ. The submitter considers that this would be more aligned with the National Planning Standards and ensures that adverse effects associated with rural lifestyle can be appropriately managed.

Evaluation of Overall Approach

83. I refer back to the section 32 evaluation for the Rural topic that identified the proliferation and fragmentation of productive land as a significant resource management issue. While this issue principally relates to subdivision, the GRUZ provisions seek to integrate with the subdivision provisions through the aligning the policy direction and the land use provisions in the GRUZ chapter. In this section I am primarily considering the land use components of the GRUZ provisions. The overall approach to rural subdivision is discussed in Part 3 of this report.
84. There are five Strategic Direction Objectives (SDO) that relate to the Rural Environment. Those Objectives, as recommended to be amended through Hearing Stream 1, are shown below

RE-O1	Social and economic wellbeing
The Wairarapa's rural environment <u>and land use activities in this environment</u> contributes positively to the region's economic and social wellbeing.	
RE-O2	Productive capacity
The <u>land and resources of the</u> General Rural Zone <u>are used predominantly</u> remains <u>available</u> for <i>primary production</i> activities and <u>the</u> productive capacity <u>of land</u> is protected <u>from inappropriate subdivision, use and development</u> .	
RE-O3	Highly productive land
Highly productive land is protected <u>from inappropriate subdivision, use and development and its</u> for use in <i>land-based primary production</i> , both now and for future generations.	
RE-O4	Character <u>and amenity values</u> of the rural environment
The character <u>and amenity values</u> of the rural environment is maintained and enhanced.	
RE-O5	Rural lifestyle
Opportunities for rural lifestyle subdivision and development are only provided in parts of the rural environment where they do not conflict with enabling primary production <u>or existing industry and infrastructure</u> and protecting the productive capacity of land.	

85. SDO RE-O5 provides direction relating to rural lifestyle. This direction requires opportunities to be provided for rural lifestyle but makes it clear that this is secondary to enabling primary production and protecting the productive capacity of the land. While this direction applies across both rural zones, as identified in the section 32 report, there is a need for the GRUZ to also provide appropriate opportunities for rural lifestyle development insofar as it does not conflict with primary production and protecting productive capacity of land. While I agree with Horticulture New Zealand (S221.126) that it would be more consistent to direct rural lifestyle development to the RLZ, I refer back to the section 32 report that details the impracticalities associated with identifying a RLZ across all of the districts. Specifically, no RLZ in South Wairarapa and Carterton could be identified due to constraints associated with identifying a contiguous area. In the absence of a Rural Lifestyle Zone, I consider that it is appropriate to provide for lifestyle development in appropriate locations that align with the description of the GRUZ in the National Planning Standards, which anticipates a range of activities that may include rural lifestyle.
86. The proposed GRUZ provisions seek to achieve objective RE-O5 in the following ways:
- Objective GRUZ-O6 and Policy GRUZ-P4 provides direction relating to rural lifestyle which aligns with the RE-O5
 - Rule GRUZ-R8 permits residential activities with up to:
 - one residential unit and a minor residential unit per site for any property less than 40ha
 - one residential unit and a minor residential unit per site for any property that contains highly productive land or is within the Martinborough Soils Overlay
 - up to two residential units and a minor residential unit for any property larger than 40ha that does not contain highly productive land or is not within the Martinborough Soils Overlay.

- Where the number of dwellings exceeds what is permitted, consent is required as either a restricted discretionary activity or discretionary depending on whether the property also contains highly productive land or is within the Martinborough Soils Overlay.
87. It is understood that the principal concern of Jack Wass (S222.001, S222.002) is that the GRUZ does not sufficiently provide for rural lifestyle. The submitter observes in their submission that the direction takes a 'blunt' approach. Kath and David Tomlinson (S181.003) and Scott Summerfield and Ross Lynch (S255.005) have similarly raised concern over the approach taken and have implied that the Operative Plan provisions are more efficient and effective in meeting the objectives. While I acknowledge that the approach of the PDP is conservative, I consider that this appropriately aligns with the strategic direction objectives highlighted above and the description of the GRUZ in the National Planning Standards. As contained in the evaluation in the section 32 report, the 'status quo' approach was considered, and it was identified that it had been ineffective and inefficient in managing lifestyle development. I do not consider there is evidence that further residential development needs to be enabled in the GRUZ and note that there remains an ability for further residential activities to be provided for through a resource consent process, which allows site-specific consideration.
88. E McGruddy has raised a concern that the approach is too limiting and does not appropriately recognise the benefit of peri-urban development. While the submitter has acknowledged that there has been an issue with fragmentation, the submitter considers that the approach should allow additional residential development on smaller lots and focus on peri-urban areas.
89. The submitters alternative approach would allow for further residential development on properties less than 8ha, including those located over highly productive land. I have evaluated the approach further in Part 3 of this report as it relates to subdivision. With relation to how this approach would apply to land use activities, it would enable two further residential units on any property less than 8ha. While in principle I agree with the submitters reasoning for further enabling rural lifestyle on small allotments in the peri-urban areas, I consider that the proposed changes are unlikely to achieve this outcome and would conflict with the strategic direction. Specifically, the changes sought would enable further residential development on any property less than 8ha, despite its locality to a settlement or whether it is located over highly productive land.
90. **Figure 1**⁴ shows the distribution of properties less than 8ha in size in the Wairarapa, which shows that while there are clusters close to settlements, they are interspersed throughout the districts. The provision would also result in a theoretical yield of an additional 17,142 dwellings compared with the PDP based on existing property sizes⁵. This is well in exceedance of the identified demand for rural dwellings.⁶ I also note that the approach would enable residential activities over highly productive land, which would be contrary to the NPS-HPL.

⁴ Also refer to Appendix 9 for a larger more legible version of this map.

⁵ There are 8,571 properties less than 9 ha

⁶ Projected demand is anticipated to be approximately 90 dwellings per annum based on previous building consent data, Stats NZ projections, and Greater Wellington Partnership (2021) Demand for Dwellings 2023-2033, 50th Percentile.

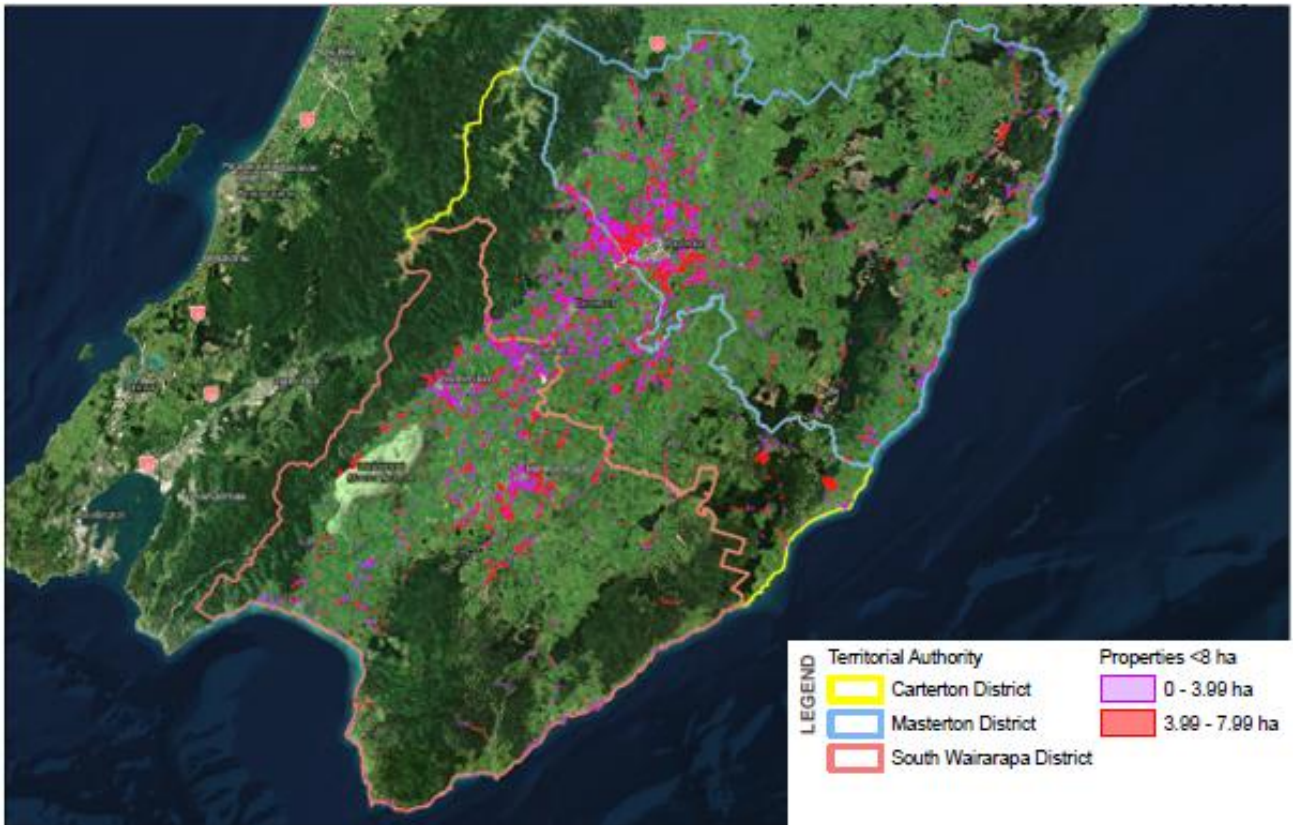


Figure 1: Distribution of less than 8 ha properties.

91. I acknowledge that the provisions may not enable all instances where further residential development is appropriate as a permitted activity. However, there remains a consenting pathway as either a restricted discretionary or discretionary activity and an ability to consider those on a case-by-case basis.
92. Overall, I consider that the current approach to lifestyle development in the GRUZ is appropriate and continues to be the most efficient and effective way of achieving the objectives, including RE-O5.

Submissions on National Policy Statement for Highly Productive Land

93. Greater Wellington Regional Council (S94.193), (S94.194), (S94.196), (S94.198), (S94.200), (S94.201), (S94.202), (S94.203), (S93.205), (S94.207), (S94.208), (S94.209), (S94.211) and Federated Farmers of New Zealand (S214.100), (S214.104), (S214.105) have sought various changes throughout the General Rural Zone chapter to give effect to the NPS-HPL. Both submitters raised that the national direction must be given effect to and did not consider that the current provisions were achieving its outcomes. Greater Wellington Regional Council specifically references clauses 3.11, 3.12, and 3.13 of the NPS-HPL and the associated obligation of district plans. The changes sought by the submitters include:
 - Amendments to GRUZ-O1, GRUZ-O2, and GRUZ-O4 to include direct reference to “land-based primary production on highly productive land” to better align with clause 3.11 and 3.12 of the NPS-HPL (S94.193), (S94.194), (S94.196)
 - Amendments to GRUZ-O3 to directly reference highly productive land and require avoidance of activities that constrain productive capacity on highly productive land (S214.100)
 - Amendment to GRUZ-O6 to reference “highly productive land” rather than productive land generally and refer to “productive capacity” rather than productive potential (S94.198)

- New objective to enable opportunities to maintain or increase the productive capacity of highly productive land which would be consistent with clause 3.12(1)(b) of the NPS-HPL (S94.200)
- Amendments to GRUZ-P1 and GRUZ-P3 to reference “land-based primary production on highly productive land” to better align with clause 3.13(a) of the NPS-HPL (S94.201) (S94.203) and to require avoidance of other activities that do not have a functional or operational need to be located in the General Rural Zone (S214.103) (S214.105)
- Amendments to GRUZ-P2 to directly reference highly productive land and include direction that avoids cumulative effects, which better aligns with clause 3.13(1)(a) of the NPS-HPL (S94.202)
- Amendment to GRUZ-P5 require direction that quarrying activities avoid any impact on productive capacity or any reduction in highly productive land (S94.205)
- New policy to enable existing activities over highly productive land, which aligns with clause 3.11(1)(a) – (b) of the NPS-HPL (S94.207)
- Amendment to GRUZ-R8 to require any minor residential units to directly support land-based primary production (S94.208)
- Amendment to GRUZ-R12 to add consideration of highly productive land as a matter for discretion (S94.209)
- Amend GRUZ-S4 to reference “land-based primary production” in addition to primary production (S94.211).

Evaluation of National Policy Statement for Highly Productive Land

94. The PDP has sought to give effect to the NPS-HPL, which is described in the section 32 report⁷. The approach taken has been to incorporate the relevant direction throughout the plan, beginning at the Strategic Direction level⁸. The GRUZ contains one objective (GRUZ-O7) and one policy (GRUZ-P9) that seek to give effect to the NPS-HPL. This direction is also reflected throughout the PDP in the following ways:

- ‘Highly productive land’ is included as a defined term, which reflects the definition in the NPS-HPL. Currently, highly productive land means any land identified as LUC 1, 2 or 3 by Manaaki Whenua Mapping.
- It has informed the location and spatial extent of the zoning of land, with preference to avoid urban zoning of highly productive land.
- Rules of the GRUZ prioritise primary production activities over other activities where it is over highly productive land:
 - Primary production is permitted by GRUZ-R5.
 - Seasonal worker accommodation is a controlled activity (GRUZ-R4) where it is located over highly productive land. The matters of control ensure that the activity can be located and operated to minimise potential loss of productive capacity.
 - Residential activities that are permitted over highly productive land are limited to one residential unit and a minor residential unit (GRUZ-R8). Any additional residential units proposed are a discretionary activity which ensure they are necessary to support land based primary production or that they can meet any relevant exemption under the NPS-HPL⁹.
 - There are relevant matters of discretion in performance standards to ensure that consideration can be given to any loss of highly productive land and the NPS-HPL.
- Subdivision rules limit any subdivision over highly productive land (refer to Part 3 of this Report).

95. The NPS-HPL directs territorial authorities to include relevant objectives, policies, and rules in their district plans to give effect to the NPS-HPL through clauses 3.11, 3.12, and 3.13, which I have shown below.

⁷ Section 8.2

⁸ Through Objectives RE-O2 and RE-O3

⁹ Clause 3.9 or 3.10

3.11 Continuation of existing activities

- (1) Territorial authorities must include objectives, policies, and rules in their district plans to:
 - (a) enable the maintenance, operation, or upgrade of any existing activities on highly productive land; and
 - (b) ensure that any loss of highly productive land from those activities is minimised.
- (2) In this clause, existing activity means an activity that, at the commencement date:
 - (a) is a consented activity, designated activity, or an activity covered by a notice of requirement; or
 - (b) has an existing use of land or activity protected or allowed by section 10 or section 20A of the Act.

3.12 Supporting appropriate productive use of highly productive land

- (1) Territorial authorities must include objectives, policies, and rules in their district plans that:
 - (a) prioritise the use of highly productive land for land-based primary production over other uses; and
 - (b) encourage opportunities that maintain or increase the productive capacity of highly productive land, but only where those opportunities are not inconsistent with:
 - (iv) any matter of national importance under section 6 of the Act; or
 - (v) any environmental outcomes identified in accordance with the National Policy Statement for Freshwater Management 2020.

3.13 Managing reverse sensitivity and cumulative effects

- (1) Territorial authorities must include objectives, policies, and rules in their district plans that:
 - (a) identify typical activities and effects associated with land-based primary production on highly productive land that should be anticipated and tolerated in a productive rural environment; and
 - (b) require the avoidance if possible, or otherwise the mitigation, of any potential reverse sensitivity effects from urban rezoning or rural lifestyle development that could affect land-based primary production on highly productive land (where mitigation might involve, for instance, the use of setbacks and buffers); and
 - (c) require consideration of the cumulative effects of any subdivision, use, or development on the availability and productive capacity of highly productive land in their district.

96. Clause 3.11 requires the continuation of existing activities by enabling the maintenance, operation, or upgrade of any existing activities and ensuring any loss of highly productive land is minimised. I consider that the PDP provisions appropriately give effect to this clause through the proposed direction. Greater Wellington Regional Council (S94.193) (S94.207) have suggested changes to Objective GRUZ-O1 and a new Policy to further reflect clause 3.11. I do not consider that these changes are necessary or appropriate. The change to the objective would result in a narrowing of its direction and would imply the purpose of the General Rural Zone is principally focused on providing for land-based primary production over highly productive land. While this is an important component within the General Rural Zone, I do not consider it forms the primary purpose and I note it would be inconsistent with the description of the General Rural Zone in the National Planning Standards. With relation to the proposed policy, I do not consider it is necessary as the direction is already reflected through other policies, specifically GRUZ-P1 (compatible activities), GRUZ-P3 (rural character), and GRUZ-P9 (highly productive land).
97. Clause 3.12 requires provisions to support the productive use of highly productive land. This is to be achieved by prioritising use of highly productive land for land-based primary production and providing for opportunities to increase productive capacity on highly productive land. Greater Wellington Regional Council and Federated Farmers have implied that the current objectives and policies do not adequately give effect to this clause, as the direction needs to be integrated throughout all of the direction of the General Rural Zone, rather than the current approach of including specific direction (GRUZ-O7 and GRUZ-P9). The suggested changes seek to include

reference to highly productive land and/or land based primary production throughout the direction. Greater Wellington Regional Council have also sought an additional objective to reflect clause 3.12(1)(b) to provide for opportunities to maintain or increase productive capacity of highly productive land.

98. I would agree that integrating the direction into other provisions may be necessary where there is potential for conflict to occur. However, I am not aware of any conflict in the direction. Generally, the provisions of the chapter begin at a broad level and become increasingly more specific in relation to the matter and direction. While direction relating to highly productive land is not included in the initial objectives and policies of the chapter, this is not an inference on its relative importance, but rather acknowledges that it is a specific issue in the context of the GRUZ – it relates to protecting productive capacity of specific land. I consider that the requested changes would not achieve any greater integration and would rather narrow other direction, which would have consequential impacts to the rule framework. I have responded to specific changes sought for Issues 2 and 3 in this report, but generally I do not consider further changes are required to give effect to clause 3.12.
99. In relation to the proposed new objective to reflect clause 3.12(1)(b), I do not consider that this is necessary or appropriate to include in the GRUZ. In my view, clause 3.12(1)(b) is intended to be given effect to in a more holistic way through the development of the district plan. I consider that this direction has been given effect to in the PDP in various ways through the zoning and the provision framework.
100. Clause 3.13 requires reverse sensitivity to land based primary production and the cumulative effects of loss of highly productive land to be managed. No concerns have been raised in relation to how the reverse sensitivity direction is given effect to, which is reflected through Policy GRUZ-P6. However, both Greater Wellington Regional Council and Federated Farmers have sought changes throughout the direction to ensure cumulative effects are managed. Again, various changes have been sought to integrate the direction throughout other objectives and policies.
101. Similar to my response above, I note that the direction within the General Rural Zone covers several matters and the cumulative effects associated with the loss of highly productive land is a relatively narrow issue. It is also noted that cumulative effects associated with the fragmentation of rural land generally was identified as a locally significant resource management issue, which the General Rural Zone in part seeks to manage. This cumulative effect is not only associated with productive capacity, but also rural character. I consider that several of the changes suggested do not provide any further direction and rather limit the scope of other key matters. I have responded to specific changes sought for Issues 2 and 3 of this report.
102. Overall, I consider that the approach taken to giving effect to the NPS-HPL is appropriate and I do not consider that further direction is required.

Submissions on Introduction Text

103. New Zealand Pork Industry Board (S229.025) has sought changes to the introduction text as shown below. The submitter supports the description of the rural zone but seeks changes to ensure the description explicitly references the anticipated sights, sounds, and smells that are associated with a productive farming environment. The defined term 'productive capacity' is relevant to HPL and should be used in that context in the plan, noting that primary production can be land-based and non-land based. This is supported by Horticulture New Zealand (FS13.066).

The General Rural Zone encompasses the largest proportion of the rural area of the Wairarapa and is the largest zone by area. The General Rural Zone is characterised by open landscapes interspersed with buildings or structures. Typical land cover includes pasture, crops, vines, forestry, and indigenous vegetation. Character and amenity values of the zone include spaciousness, sparsely developed landscape, vegetation cover, and the presence of a productive farming environment and the visual, odour and noise effects associated with farming activities.

...

Activities undertaken in the General Rural Zone need to be managed in a way that preserves rural character, primary production and the productive capacity of land which is directed through this chapter. In addition, activities also must be undertaken in a way that maintains other significant values that are located within the General Rural Zone. These significant values are largely identified in the district-wide chapters, in particular the Natural Environment topics, which contain specific objective, policies, and rules to manage adverse effects on their values. In addition, the urban water supply protection area as shown in the District Plan Maps identifies a buffer surrounding the Masterton urban water supply. There are no objectives, policies, or rules in the District Plan to manage effects on this water supply; however, consideration should be given to the urban water supply protection area for any activity within close proximity in order to protect the water supply.

...

Evaluation of Introduction Text

104. I generally agree with the changes requested and consider that they assist in describing the GRUZ. I recommend that the changes are accepted subject to minor changes to the wording to use consistent terms (for instance 'primary production activities') and clarify the primary production is to be enabled rather than preserved. I consider that the recommended changes to the Introduction will ensure the intent of the zone is better understood by plan users.

Submissions on Martinborough Soils Overlay

105. There were several submissions on the Martinborough Soils Overlay. Those submissions related to both the area identified and the associated provisions in the GRUZ.
106. Aburn Popova Trust (S48.002), Wairarapa Winegrowers' Association Inc (S136.001), and New Zealand Frost Fans (S187.002) support the identification of the overlay and seek that it is retained as notified.
107. Martinborough Holdings Limited (S53.002), Lynly Selby-Neal and Angus Laird (S125.001), (S125.003), (S125.004), (S125.005), and James Derek Gordon Milne (S126.001), (S126.002), and Antilles Ltd (S148.002) have opposed the overlay insofar as it has identified specific properties within it. The submitters have sought that those properties are excluded from the overlay. Those properties include:
- 10 Nelsons Road, Martinborough (S53.002)
 - 101a Shooting Butts Road, Martinborough (S125.001), (S125.003), (S125.004), (S125.005)
 - Land between Hinakura Road and Shooting Butts Road and its extension to the South-East (cantered on Cromarty Road) and land at 10 Nelsons Road (S126.001)
 - The old sawmill site in Nelsons Road (S126.002)
 - 34 Vintners Lane, Martinborough (S148.002).
108. Each of the property parcels referenced are shown in **Appendix 7** with relation to the Martinborough Soils Overlay.
109. The submitters raised the following in relation to why those properties should be removed from the Martinborough Soils Overlay:
- The nature of the site (10 Nelsons Road) being used for historic timber treatment is not suitable for viticulture and soils are likely contaminated (S53.002 and S126.002). The existing buildings on the site are well suited to commercial/light industrial activities (S53.002).
 - The site (101a Shooting Butts Road) does not contain unique soil and climate characteristics that are suitable for high value crops. This is supported by a soil scientist assessment for the site (S125.001).

- There is insufficient evidence that the overlay applies over the land identified and considers that further input is required from a soil scientist to better define the spatial extent (S125.003) (S126.001).
- The provisions are unduly restrictive and are a removal of property rights (S125.004).
- Recent soil analysis has been undertaken for the site (34 Vintners Lane), which identifies an absence of LUC 3 soil, and it is not suitable for viticulture (S148.002).

Evaluation of Martinborough Soils Overlay

110. While there are various different reasons referenced, it would seem the main reason provided is that the land does not contain the qualities and characteristics that would make it suitable for productive use. It's worth noting that none of the submitters have requested that the full overlay is removed, and implied general support to the intent of the overlay.

111. The intent of the overlay is set out in Objective GRUZ-O7(b) and Policy GRUZ-P7:

GRUZ-O7 Protection of highly productive land and other land with special characteristics

Recognise and protect:

- highly productive land; and
- land that utilises the finite combination of climate and soil characteristics which make it suitable for high value crops including viticulture, orchards and olives.

GRUZ-P7 Martinborough Soils Overlay

Identify and protect land and buffer areas within the Martinborough Soils Overlay that contain characteristics that:

- have unique soil and climatic characteristics suitable for high value crops including viticulture, orchards and olives;
- are vulnerable to fragmentation of land and development; and
- contribute to the economic and social wellbeing of Martinborough.

112. As outlined in the section 32 report, while there is an overlap with the NPS-HPL with relation to land that is highly productive, the Martinborough Soils Overlay also responds to the unique nature of the hard rural / urban boundary in Martinborough, which also provides for the economic and social wellbeing of Martinborough. Specifically, the presence of high value crops in proximity to the township supports local tourism and associated businesses. This unique nature also makes it vulnerable to further development, particularly lifestyle development that can remain in close proximity to the township. The land subject to the overlay was identified in consultation with the Wairarapa Winegrowers Association, who have expert knowledge in the local industry. The land was identified based on a combination of existing land use, soil characteristics based on desktop information and local knowledge, and buffers to manage potential reverse sensitivity and to ensure a contiguous area.

113. While there has not been any site-specific assessment undertaken for the productive capacity, as noted, the intent of the overlay is not primarily focused on the productive characteristics of the soil, but also economic / social benefits and to respond to the vulnerability of the fragmentation of that land. In addition, the overlay seeks to include buffer areas to manage reverse sensitivity or further fragmentation, which is consistent with the intent and policy direction. I therefore consider it is reasonable to include additional land that does not specifically contain productive characteristics but could compromise the protection of adjacent land. It is also worth noting that all properties relating to the submissions are also subject to the interim definition of highly productive land under the NPS-HPL which applies the same restrictions (see Figure 2). Again, I note that the Martinborough Soils Overlay manages more than just productive capacity, but this does further rationalise the productive nature of the land.

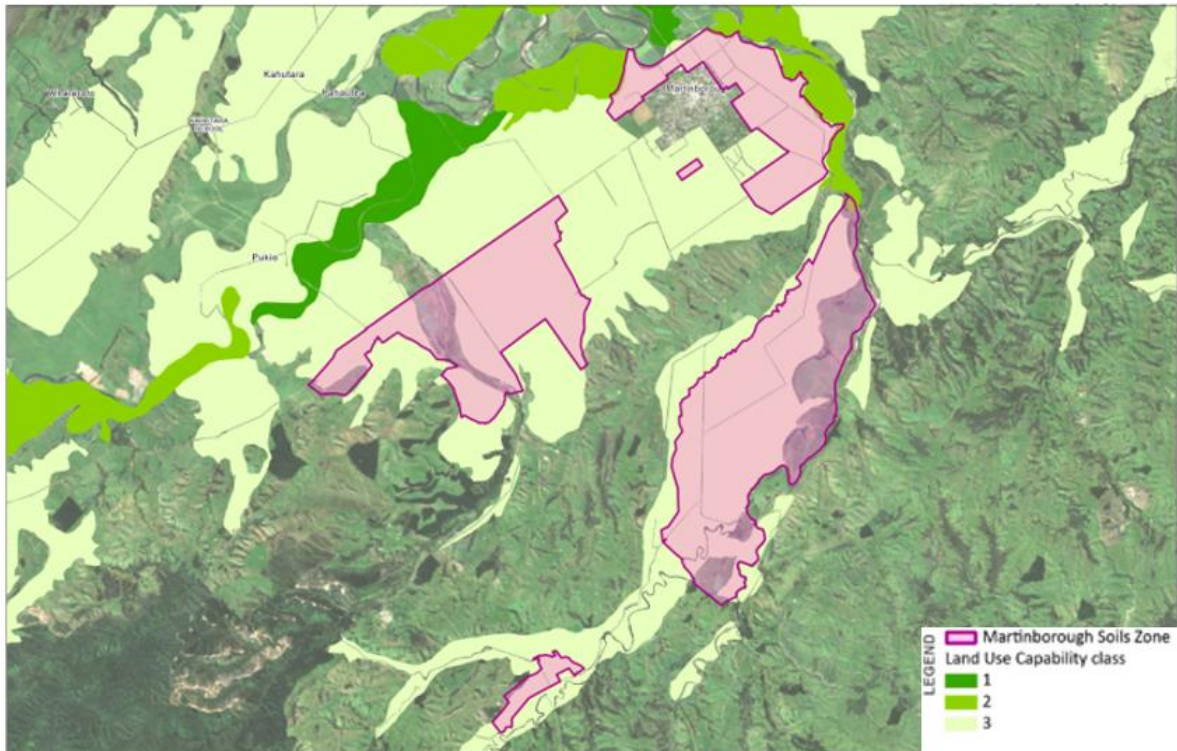


Figure 2: Martinborough Soils Overlay in relation to highly productive land (LUC 1,2 and 3).

114. I do not recommend any changes to the overlay in response to the submissions. To remove those properties would fragment the overlay area and compromise achieving the outcome sought. While some properties may not contain highly productive soils, the rule framework ensures that development on those properties can be considered on a case-by-case basis to ensure that the values of the Martinborough Soils Overlay are maintained.

Submissions on Viticulture

115. Aburn Popova Trust and Wairarapa Winegrowers' Association Incorporated have sought that various objectives and policies are amended to specifically reference viticulture in addition to primarily production. The submitters consider that the definition of 'primary production' does not sufficiently account for viticulture. They noted that while horticulture is provided for within the definition of primary production, they do not consider that viticulture is a form of horticulture. The submitters have sought amendments to the following objectives and policies to insert "including viticulture" following references to 'primary production':

- GRUZ-O1 (S48.003), (S136.002)
- GRUZ-P2 (S48.006), (S136.005)
- GRUZ-P3 (S48.007), (S136.006)
- GRUZ-P4 (S48.008), (S136.007).

Evaluation of Viticulture

116. The definition of 'primary production' has been derived from the National Planning Standards definitions and is provided below (emphasis added):

Means

- a. any aquaculture, agricultural, pastoral, **horticultural**, mining, quarrying or forestry activities; and
- b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a.;

- c. *includes any land and buildings used for the production of the commodities from a. and used for the initial processing of the commodities in b.; but excludes further processing of those commodities into a different product.*

117. It is my view that viticulture and viticultural activities would be captured in the definition of 'primary production', being a form of horticulture. I would also consider that by including a reference to a particular subset of primary production confuses the objective and implies that it is to be prioritised over other forms. While I do not consider that any change is necessary, I accept that there is potential for an interpretation issue. To avoid this, I recommend that an additional definition of 'horticultural activities' is inserted. While it may be cleaner to amend the definition of 'primary production', I note that this is derived from the National Planning Standards and cannot be altered. I have provided a recommended definition for horticultural activities. Subject to defining this term, I do not recommend any further changes to relevant objectives and policies.

Submissions on Renewable Electricity Generation Activities and the National Grid

118. Transpower NZ Limited (S217.084), (S218.085) have sought that nationally significant infrastructure is specifically recognised in the objective and policy direction of the GRUZ. This would be achieved by providing similar enabling direction to what exists for primary production activities. In their submission, Transpower have referenced the National Policy Statement for Electricity Transmission which requires the national significance of the National Grid to be recognised. In the context of the GRUZ, this would be achieved by affording at least the same priority as primary production.

119. Genesis Energy Ltd have sought the following changes to the General Rural Zone to recognise renewable electricity generation (REG) activities:

- Updates to the Introduction to reference renewable electricity generation activities in the range of activities expected in the General Rural Zone (S81.035)
- An amendment to GRUZ-O2 and GRUZ-P3 to recognise renewable electricity generation activities as being part of rural character (S81.036) (S81.040)
- Amendments to GRUZ-O4 and GRUZ-P6 to enable other activities with a functional or operational need to be located in the General Rural Zone to the same extent as primary production (S81.037) (S81.041)
- An amendment to GRUZ-O5 to recognise reverse sensitivity effects on existing renewable electricity generation activities (S81.038)
- An amendment to GRUZ-P1 to specifically recognise renewable electricity generation activities as a compatible activity in the General Rural Zone (S81.039).

120. In their submission Genesis Energy Ltd reference that their existing REG activities are located within the General Rural Zone and that there is a likelihood for additional new large scale REG activities to be located in the General Rural Zone. Genesis Energy Ltd consider that specific recognition needs to be given to REG, being an activity that has a functional or operational need to be located in the General Rural Zone. Genesis Energy Ltd also reference the national direction under the National Policy Statement for Renewable Electricity Generation which requires REG to be recognised and provided for.

Evaluation of Renewable Energy Generation Activities and the National Grid

121. I agree that both the National Grid and REG activities need to be recognised for their national significance and reasonably provided for in the PDP. I note that the Infrastructure and Energy chapters provide integrated direction and seek to recognise and provide for those activities. In most cases, I consider that the direction is already sufficiently covered in those chapters and there is not a need to replicate direction in the GRUZ. The exception is recognising renewable electricity generation activities as forming part of the rural character, which is a matter that has previously been considered during Hearing Stream ¹⁰. I recommend changes to GRUZ-O2 in line with similar changes outlined in the Joint Witness Statement provided with Mr Wesney's

¹⁰ Refer to [Joint Witness Statement](#) for Strategic Direction Objectives Topic, dated 28 August 2024.

Right Statement for Hearing Stream 1¹¹. I have further discussed the specific changes in Key Issues 4 and 5.

Submissions on Quarrying Activities

122. There are various submissions relating to the quarrying activities provisions, specifically Policy GRUZ-P5 and Rule GRUZ-R12. Submissions generally supported the approach taken to quarrying activities in the PDP being a 'balanced approach' of providing for the activity, subject to managing the associated effects.
123. Aggregate and Quarry Association (S182.002) raised that while there was clear pathway for quarrying activities, they observed that there was a lack of direction to consider the benefits of quarrying activities in the policy direction – rather, it primarily focuses on managing the effects. They consider that this fails to project a positive impression of quarrying. Aggregate and Quarry Association (S182.003) also considers that the rule framework discriminates against land-based quarrying where processing activities usually occur on-site. Available supply of river-based aggregates is likely to reduce over time, requiring more land-based quarrying. With river extraction, gravel is usually transported away for processing elsewhere, which is not the case with land-based quarrying where processing occurs at the same site. This provision is a barrier to land-based quarrying as it becomes more necessary in the Wairarapa. Aggregate and Quarry Association also consider that splitting the activities inconsistent with the definition of quarrying and quarrying activities as defined in the PDP and National Planning Standards, which anticipates the range of activities, including on-site processing.
124. Fulton Hogan Limited (S122.060) generally supports the provision for quarrying activities and the multi-tiered approach. However, they consider that direction in the policy and rule to require activities to maintain the character and amenity values of the General Rural Zone should be removed, as it implies that quarrying activities do not contribute to the character in line with GRUZ-O2. The submitter has also sought that direction relating to managing amenity effects associated with the movement of vehicles is removed, as this is already managed by the roading hierarchy. The submitter has also raised that the associated activity of depositing non-virgin inert fill is not provided for by the rules. While this is an associated activity of quarrying, the submitter considers that this is not captured in the definition. The submitter has sought an additional discretionary activity rule that provides for the deposition of inert fill.

GRUZ-P5 Quarrying activities

Manage quarrying activities within the General Rural Zone by:

- a. enabling farm quarries; and
- b. providing for other quarrying activities where it can be demonstrated that:
 - ~~i. the siting and scale of buildings, structures, machinery, stored material, quarried areas, cut faces, and visual screening maintains the character and amenity values of the General Rural Zone;~~
 - ii. adverse effects to established sensitive activities will be avoided;
 - iii. there are measures to minimise any adverse noise, vibration, traffic, and lighting effects beyond the boundary, including through the use of setbacks, where appropriate;
 - ~~iv. there are measures to mitigate any adverse effects on character and amenity values of the General Rural Zone from the movement of vehicles;~~
 - v. it avoids or mitigates any adverse effects on the health and wellbeing of surface waterbodies and their margins; and
 - vi. it internalises adverse effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting.

GRUZ-RX Disposal of inert fill

Activity status: Discretionary

Where:

- a. ~~the fill is inert and is deposited as part of quarry rehabilitation.~~

125. Greater Wellington Regional Council (S94.205) consider that there is a need to integrate the NPS-HPL direction in the provisions and specifically require consideration of any impact on productive capacity or reduction in highly productive land through both the policy and rule. This is opposed by Fulton Hogan Limited (FS89.004) who seeks that the relief sought is disallowed as it would be inconsistent with the NPS-HPL.
126. Rangitāne o Wairarapa (S47.031) and Te Tini o Ngāti Kahukuraawhitia (S154.017) raised concern over the impact quarrying activities can cause to kai sovereignty and soil sovereignty to tangata whenua. These concerns appear to be based on the experience of quarrying activities that have been established under the Operative District Plan. Both submitters have sought that an additional clause is added to require Policy GRUZ-P5 (quarrying activities) to require engagement with tangata whenua in order to understand the impacts of the activities. The suggested wording provided by Rangitāne o Wairarapa (S47.031) is shown below. These submissions were supported by Te Tini o Ngāti Kahukuraawhitia Trust (FS95.102) and Ian Gunn (FS105.034). Wairarapa Federated Farmers (FS81.064) in part opposed one of the submissions as it relates to farm quarries.

GRUZ-P5 Quarrying activities

Manage quarrying activities within the General Rural Zone by:

- a. enabling farm quarries; and
- b. providing for other quarrying activities where it can be demonstrated that:...
 - viii. the applicant has engaged with tangata whenua to understand the impacts of such activities.

127. Enviro NZ Services Ltd (S247.025) has sought changes to the policy to also reference 'cleanfill activities'. The submitter considers that the direction is also suitable for those activities and therefore should be recognised. The submission is opposed by Fulton Hogan Limited (FS89.002) who seek that if direction is provided for cleanfill activities that it is as a separate policy.
128. Director-General of Conservation (S236.067) has sought that Rule GRUZ-R12 is amended to become a discretionary activity where it occurs within any scheduled sites or overlays. Wairarapa Federated Farmers (FS81.021) and Fulton Hogan Limited (FS89.001) oppose this submission and seek it is disallowed. Royal Forest and Bird Protection Society of New Zealand Inc (S258.181) have similarly requested that there is policy direction to recognise that quarrying activities may not be appropriate where it has adverse effects on indigenous fauna habitat.

Evaluation of Quarrying Activities

129. I agree with Aggregate and Quarry Association (S182.002) that there is currently no direction to recognise the benefits of quarrying. The provisions of the PDP take a 'balanced' approach to quarrying activities by requiring consent for most quarrying activities, but with specific matters that will be considered in those application processes. While the direction in the PDP has in part been in response to an implementation issue identified, it also recognises that quarrying activities are anticipated in the General Rural Zone. I consider that it would be consistent with the approach to recognise the benefits and agree that the current direction is particularly focused on adverse effects. The submitter has briefly described the benefits of quarrying activities in their submission and in addition the Wellington Regional Policy Statement¹² recognises the regional importance of mineral resources and requires particular regard to be given to its social, economic, and environmental benefits. To account for the submitters relief, I have recommended that Policy GRUZ-R5 is amended to also recognise the local and regional benefits of aggregate extraction.
130. With relation to Aggregate and Quarry Association (S182.002) point regarding the rule framework and discriminating quarrying where processing is required, I note that this framework has sought to reflect the approach in the Operative District Plan. The Operative District Plan identifies quarrying activities with on-site processing as a discretionary activity, which had not incurred any observed implementation issues during the plan review phase. In addition, on-site processing does incur additional adverse effects that need to be managed. That said, if there is an ability to

¹² Policy 60

consider and manage those effects through matters of discretion, it may be reasonable to include this in the rule (GRUZ-R12(1)).

131. Fulton Hogan Limited (S122.060) have requested various specific changes. I consider these changes in the paragraphs below.
132. I disagree that having direction that requires the activity to maintain the character of the General Rural Zone infers that quarrying activities do not form part of the character. GRUZ-O2 recognises interspersed quarrying activities as being part of its character. But notwithstanding this, there is still a need to ensure quarrying activities do not occur in a way that conflicts with the other characteristics of rural character in the General Rural Zone.
133. In relation to the need to manage amenity effects associated with the movement of vehicles, I do not consider that the roading hierarchy can be fully relied upon for managing those effects. I note that this is largely based on the capacity of the road, rather than any associated rural character and amenity values. That said, I do observe an overlap in the direction in Policy GRUZ-P5, specifically clauses (b)(iv) and (b)(i) and note vehicle movements can be captured in (b)(i) with a change to reference vehicles in addition to machinery. I also recommend a consequential change to GRUZ-R12 to clarify the similar matters of discretion.
134. I agree with the suggested change to matter of discretion (8) of GRUZ-R12 to refer to 'rehabilitate' rather than 'remediate'. This better clarifies the direction.
135. With regard to the additional rule for deposition of inert fill, I would agree in principle to this, however, I question how this activity would not already be provided for by definition of quarrying activities. The definition included in the PDP is as follows (emphasis added):
- Means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale, and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops, and car parking areas associated with the operation of the quarry.*
136. My interpretation of the definition is that any deposition associated with material excavated from the site, including any inert fill, is captured by this definition. Material that is brought to site from an outside source would not be captured. However, this would imply a commercial cleanfilling operation. If the activity the submitter is intending to manage is already captured in the definition, the proposed additional rule would make the activity more onerous. Until this has been clarified by the submitter, I do not recommend any additional rules.
137. In response to Rangitāne o Wairarapa (S47.031) and Te Tini o Ngāti Kahukuraawhitia (S154.017), I consider that this direction for requiring engagement with tangata whenua is most appropriately recognised through the Strategic Direction and Tangata Whenua chapters. Notwithstanding this, I note that the Resource Management Act 1991 only requires an applicant of a resource consent to undertake prior engagement with a party in very limited circumstances¹³. To require consultation to be undertaken may be contrary to this and *ultra vires*.
138. In response to Greater Wellington Regional Council (S94.205), I agree that it would be appropriate to integrate the NPS-HPL direction in this instance. However, as Fulton Hogan Limited (FS89.004) has noted, the proposed changes would limit the ability for clause 3.9 to be applied, which provides a pathway for certain activities, including aggregate extraction that provides significant national or regional public benefit. To account for both submitters' relief, I recommend that there is a simple cross reference to Policy GRUZ-P9, which provides the NPS-HPL direction. This ensures that there is a reasonable ability to consider the NPS-HPL direction, while allowing for the pathways provided through clause 3.9 and 3.10 to be considered. I also recommend a consequential change to GRUZ-R12 to include an additional matter of discretion to consider loss of highly productive land.

¹³ Where an application affects land subject to a Customary Marine Title.

139. I do not agree with requested changes by Enviro NZ Services Ltd (S247.025). Cleanfill activities were not identified as a key issue in the Wairarapa through the review phase. Currently the approach taken to the PDP would anticipate only where they associate with another activity, for instance cleanfill activities that are associated with a quarry under the broader definition of 'quarrying activity'. Any cleanfill sites that operate independently (e.g. a commercial cleanfill site) would fall to a discretionary activity. While there is no specific policy direction relating to cleanfills, they would still be provided for where they meet the policy direction of the General Rural Zone. In the absence of evidence that there is a resource management issue associated with commercial cleanfilling activities, I consider that this is appropriate.
140. With regard to Director-General of Conservation (S236.067), I note that the rules of the district wide chapters will apply if a quarrying activity is proposed over an overlay. In addition, there are general clearance rules in the Ecosystems and Indigenous Biodiversity chapter that would apply for any associated vegetation clearance. In most cases, those district wide rules would trigger either a discretionary or non-complying activity status. I consider that this appropriately accounts for the submitters concerns.

Submissions on Frost Protection Devices

141. New Zealand Frost Fans (S187.001) has sought that all references to 'frost protection devices' is replaced with 'frost fans'. The submitter considers that this would be more accurate as 'frost fan' is a common term used in the horticultural industry. New Zealand Frost Fans (S187.007) has also requested a new definition is inserted for 'frost fan' as shown below. The addition of the definition is supported by Horticulture New Zealand (FS13.012).

Frost Fan
means a land-based device designed or adapted to mitigate frost damage by fanning warmer air over potentially frost affected surfaces and includes;

- a. Fan blades;
- b. Motive source;
- c. Support structure/tower;
- d. Plinth; and
- e. Associated probes and communications and networking devices.

Evaluation of Frost Protection Devices

142. The GRUZ references frost fans twice. Policy GRUZ-P8 makes reference in clause (b)(i) to "operation of devices used to protect crops form bird and/or frost". Standard GRUZ-S1 refers to 'frost protection fan' in clause (1)(b). I agree that the terms should reflect what is commonly used in the industry to avoid any confusion. While GRUZ-P8 refers to devices, I consider that this is appropriate as it is also referring to bird scaring devices. The reference in GRUZ-S1 slightly differs by including 'protection' in the term. To ensure the term aligns with what is commonly used, I recommend that the word 'protection' is removed from the term. I recommend that the associated definition of 'frost fan' is inserted with the meaning provided by New Zealand Frost Fans (S187.007).

Section 32AA Evaluation

Effectiveness and Efficiency

143. The recommended additional definitions for 'horticulture' and 'frost fan' will provide greater clarity to PDP users and avoid misinterpretation.
144. The recommended changes to the GRUZ-P5 will ensure that direction better integrates with NPS-HPL direction and ensures that the benefits of quarrying activities are recognised, which is consistent with the RPS.

Costs / Benefits

145. There are no material differences to the benefits and costs for the recommended amendments as they are for clarity purposes.

Risk of Acting or Not Acting

146. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

147. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

7.4 Key Issue 2: New Provision Requests

Recommended changes to GRUZ Provisions

Provision(s)	Officer Recommendation(s)
General Rural Zone Chapter	Retain existing approach subject to changes recommended throughout this report.
Definitions	
New definition	<p>Add new definition: <u>Mining</u> <u>has the same meaning as in section 2 of the RMA and Crown Minerals Act 1991:</u></p> <p><u>means to take, win, or extract, by whatever means—</u></p> <ul style="list-style-type: none"> a. <u>A mineral existing in its natural state in land; or</u> b. <u>A chemical substance from a mineral existing in its natural state in land; and</u> <p><u>Includes—</u></p> <ul style="list-style-type: none"> a. <u>The injection of petroleum into an underground gas storage facility; and</u> b. <u>The extraction of petroleum from an underground gas storage facility; but</u> c. <u>Does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a).</u>
Rules	
New rule	<p>Add new rule: <u>GRUZ-RX Mining activities</u> 1. <u>Activity status: Discretionary</u></p>
New rule	<p>Add new rule: <u>GRUZ-RX Emergency service facility</u> 1. <u>Activity status: Restricted discretionary</u> <u>Matters of discretion:</u></p> <ul style="list-style-type: none"> 1. <u>Whether the activity has an operational or functional need to locate in the General Rural Zone;</u> 2. <u>The effects on the character and amenity of the General Rural Zone;</u>

	<p>3. <u>Effects on the safe, effective, and efficient functioning of the transport network, site access, parking, servicing, and traffic generation; and</u></p> <p>4. <u>Potential reverse sensitivity effects and any measures to avoid or mitigate those effects.</u></p>
New rule	<p>Add new rule: <u>GRUZ-RX Educational Facility</u> 1. <u>Activity Status: Restricted discretionary</u> <u>Note: This does not apply to childcare home businesses (refer Home business).</u> <u>Matters of discretion:</u> 1. <u>The effects on the character and amenity of the General Rural Zone;</u> 2. <u>Scale, design, layout and setbacks;</u> 3. <u>Onsite landscaping and amenity;</u> 4. <u>Adverse effects on the safe, efficient and effective operation of the road network;</u> 5. <u>Potential reverse sensitivity effects and any measures to avoid or mitigate those effects.</u></p>

Overview of Submissions Received on New Provision Requests

148. There were 11 submitters who sought additional activities are managed in the General Rural Zone. This includes activities that submitters consider need to be better provided for, and activities that could have adverse effects that are contrary to the zone.

Content and Evaluation of Submissions Received on New Provision Requests

Submissions on Mining Activities

149. Royal Forest and Bird Protection Society of New Zealand Inc (S258.181) has raised concern that mining activities are not specifically identified in the rule framework and may currently come under Rule GRUZ-R12 (quarrying activities). The submitter has sought that a separate discretionary activity rule for mining activities is inserted. The submitter has also sought policy direction to recognise that mining may not be appropriate where it has adverse effects on indigenous fauna habitat. Wairarapa Federated Farmers (FS81.063) and Fulton Hogan Limited (FS89.008) oppose this submission and seek that it is disallowed. Both submitters have inferred that the rule primarily relates to quarrying activities and not mining activities.

Evaluation of Mining Activities

150. Mining activities were not identified as specific issue or need to provide for in the Wairarapa during the plan review phase. That said, I agree with Royal Forest and Bird Protection Society of New Zealand Inc (S258.181) that the activity does need to be captured by the rule framework. As inferred by Wairarapa Federated Farmers (FS81.063) and Fulton Hogan Limited (FS89.008), mining activities differ from quarrying activities – while both are extractive industries, quarrying primarily relates to aggregate, whereas mining relates to any other mineral. The rule framework does not include any specific rule that relates to mining, which on the face of it would imply it would fall to the 'catch-all' rule in GRUZ-R19. However, I note that the definition of primary production references mining and would at the least anticipate the extraction activities. Based on this, those mining activities would be a permitted activity under GRUZ-R5. While mining activities can have a functional or operational need to be located in the General Rural Zone, their effects need to be appropriately assessed and managed. I agree with Royal Forest and Bird Protection Society of New Zealand Inc (S258.181) that this would be most effectively and efficiently managed by a discretionary activity status, as that activity status enables the full suite of positive and adverse effects to be assessed. I recommend that an additional rule is inserted for mining activities. I also recommend that an associated definition of mining is inserted that reflects the definition from the RMA. This will ensure the activity is clearly understood, including how it differs

from quarrying activities. I do not consider that any specific policy direction is required for mining activities and that the existing suite of policies provide appropriate direction for assessment of any mining proposal. As noted, mining is not an activity that is specifically anticipated in the Wairarapa and therefore specific direction would indicate otherwise.

Mining

has the same meaning as in section 2 of the RMA and Crown Minerals Act 1991:

means to take, win, or extract, by whatever means—

c. A mineral existing in its natural state in land; or

d. A chemical substance from a mineral existing in its natural state in land; and

Includes—

d. The injection of petroleum into an underground gas storage facility; and

e. The extraction of petroleum from an underground gas storage facility; but

Does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)

Submissions on Rural Airstrips

151. Aircraft Owners and Pilots Association NZ (S131.001) and Penelope Jane Bargh (S143.001) have sought that a new provision is inserted to provide for non-commercial rural airstrips as a permitted activity. Jack Cameron (S74.002) has similarly sought that the policy is amended to insert provision in the General Rural Zone for non-commercial rural airstrips not associated with primary production/agricultural aviation. Both submissions were opposed by Aviation Industry Association and NZ Helicopter Association (FS48.020), (FS48.017), (FS48.021) who seeks the submission point is disallowed.

Evaluation of Rural Airstrips

152. I understand that the submissions relate to airstrips for recreational aviation. Currently there is no specific rule relating to this in the General Rural Zone and the activity would need to comply with the associated noise rules contained within the Noise chapter. While this activity may have similar adverse effects to agricultural aviation, which is specifically provided for, there is not the same functional or operational need to be undertaken in the General Rural Zone. In addition, this activity could conflict with the character and amenity values of the General Rural Zone depending on the frequency and location. I consider that the current framework is appropriate.

Submissions on Emergency Service Facilities and Educational Facilities

153. Fire and Emergency New Zealand (S172.094) requested a new rule be inserted to make 'emergency service facilities' a Permitted activity in the General Rural Zone. The submitter notes that new fire stations may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. Fire and Emergency New Zealand is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. The submitter considers that provisions within the district plan are therefore the best way to facilitate the development of any new fire stations within the district as development progresses.
154. Ministry of Education Te Tāhuhu o Te Mātauranga (S245.060) have requested a new restricted discretionary rule for educational facilities. The proposed rule is shown below. The submitter considers that educational facilities should be enabled in this zone as educational facilities are considered essential social infrastructure. Submitter considers that the proposed rule will allow the submitter to better service the social and economic wellbeing within the rural areas of the district. Matters of discretion should be limited to matters of relevance.

GRUZ-RX Educational Facility

1. Activity Status: Restricted Discretionary Activity

Note: This does not apply to childcare home businesses (refer Home business).

Matters of discretion:

1. The effects on the streetscape and amenity;
2. Scale, design, layout and setbacks
3. Onsite landscaping and amenity
4. Adverse effects on the safe, efficient and effective operation of the road network
5. Potential reverse sensitivity effects on rural production activities and any proposed mitigation

Evaluation of Emergency Service Facilities and Educational Facilities

155. The current framework does not expressly provide for emergency service facilities, and they would fall to the 'catch all' discretionary activity rule. While I agree that the activity does need to be provided for, I question whether a permitted status is necessary or appropriate. There are adverse effects associated with the activity that need to be managed, including ensuring it maintains the character and amenity values of the General Rural Zone. I consider it is reasonable (and appropriate) to require a consenting process to allow consideration of those effects. I note that a similar issue was raised in the General Residential Zone for Hearing Stream 2 and, after considering further evidence from the Submitter¹⁴, the reporting officer has recommended a restricted discretionary activity rule for emergency service facilities¹⁵. I consider that a similar rule can provide for emergency service facilities in the GRUZ, while managing the relevant adverse effects. I recommend this additional rule similar to the rule recommended for the General Residential Zone, with amendments to focus on effects on the GRUZ.
156. I agree with Ministry of Education Te Tāhuhu o Te Mātauranga (S245.060) and the reasons for providing for educational facilities as a restricted discretionary activity. I recommend that the submission is accepted, and the new rule is inserted, subject to amending matter of discretion (1) to refer to the "character and amenity of the General Rural Zone". I also recommend amendments to matter of discretion (5) to align with the policy direction.

Submissions on Artificial Crop Protection

157. Horticulture New Zealand (S221.136) have sought a new rule to permit artificial crop protection structures. The proposed rule is shown below. The submitter considers it is necessary to enable these structures, which may be required for crop protection, particularly with future climate change pressures.

GRUZ-RX Artificial Crop Protection Structures and Crop Protection Structures

1. Activity Status: **Permitted**

The establishment of a new, or expansion of an existing artificial crop protection structure or crop support structure.

Where:

- a. The height of the structure does not exceed 6m; and
Either:
- b. Green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council; or
- c. the structure is setback 3m from the boundary.

2. Activity status: Restricted Discretionary

Where compliance with GRUZ-RX (1) is not achieved.

¹⁴ Statement of Evidence of Paul William McGimpsey on behalf of Fire and Emergency New Zealand dated 12 August 2024.

¹⁵ See Page 17 of the Hearing Introduction Summary Statement for the General Residential Zone in Hearing Stream 2.

Matters of discretion:

1. Assessment of the potential glare on neighbouring properties (or road users) from the colour of the cloth.

Evaluation of Artificial Crop Protection

158. While I understand that crop protection structures may be required for horticulture activities, I would question the necessity of this rule as it would seem to already be provided for by the existing permitted rules, specifically GRUZ-R1. It would be useful to understand what parts of GRUZ-R1 would not be met. I would support enabling this activity, but I consider that this may be best undertaken by including an appropriate exclusion in the relevant standards, e.g. setbacks.

Submissions on Greenhouses

159. Horticulture New Zealand (S221.147) has sought that greenhouses are provided for as a permitted activity for any structure up to 15m in height and have sought an associated definition for 'greenhouses'. In their submission, Horticulture New Zealand have raised that greenhouses are essential to ensure efficient growing systems that are well-suited for climate adaptation are appropriately enabled.

RLZ-RX Greenhouses

1. Activity Status: Permitted

Greenhouse Means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excluding artificial crop protection structures.

Evaluation of Greenhouses

160. While I agree that greenhouses are an appropriate land use and are directly compatible with the General Rural Zone, I do not consider that additional provisions are required and consider that they are already sufficiently enabled by the proposed provisions. I consider that the land use component of greenhouses falls within the broad definition of "primary production". The associated structures would need to comply with the structure standards of the General Rural Zone, but those standards would generally enable a structure of up to 12m in height with unlimited site coverage (subject to setbacks). While 12m is less than the maximum height indicated by Horticulture New Zealand, I do not consider there is sufficient evidence that greenhouses up to this scale need to be enabled.

Submissions on Eco-village Activities

161. Scott Summerfield and Ross Lynch (S225.008) sought that there is an additional discretionary rule for 'eco-village activities' with defined standards. The submitter considers that the proposed district plan needs to provide a more accessible pathway for other shared community living that does not require subdivision or individual ownership models. Responses to housing crisis and need to support access of young people and families to safe, comfortable homes that meet their needs and facilitate community, connection to land and nature, and shouldn't be limited to an urban paradigm.

Evaluation of Eco-village Activities

162. While 'eco-villages' or communal living are not specifically provided by the rules of the General Rural Zone, I note that they would currently have a discretionary status under GRUZ-R19. As this already aligns with the submitter's relief, I do not consider that any further changes are required.

Submissions on Hospitality and other secondary commercial businesses associated with Primary Production

163. Scott Summerfield and Ross Lynch (S225.009) has sought that a new controlled activity rule is inserted for any 'hospitality and other secondary commercial businesses associated with primary production'. Submitter considers that the district plan should provide for hospitality and other secondary commercial businesses associated with primary production are provided for as a controlled activity, subject to appropriate controls. This might be providing for cellar doors, café, and restaurant options, in addition to rural produce and other rural home business options.

Evaluation of Hospitality and other secondary commercial businesses associated with Primary Production

164. The activity described is somewhat common in the Wairarapa, particularly near Martinborough. The Operative District Plan has identified those activities as a discretionary activity. The PDP has sought to enable small scale retail activities via the rural produce retail rule (GRUZ-R11) but has retained the existing approach for any other commercial and hospitality activities. There are effects associated with those activities that can impact the character and amenity values of the GRUZ. I do not consider that there is a need to further enable this activity and note that a controlled activity status would mean that there is an inability to decline consent despite whether or not it aligns with the purpose and character of the GRUZ. I do not recommend an additional rule is inserted.

Submissions on 36 Kitchener Street

165. Dan Riddiford (S268.001) has sought that the provisions of the GRUZ are amended to enable the future development of 36 Kitchener Street in Martinborough. The submitter opposes the provisions that would currently limit the future development of the church, shed, and land owned by the Catholic Church.

Evaluation of 36 Kitchener Street

166. Depending on the future land use at the site, the provisions of the GRUZ are likely to impact any substantive changes to the site. I would need to further understand what future development is anticipated, but it would need to align with the purpose and character of the GRUZ to be enabled. If it is unlikely to meet this, an alternative consideration might be whether it is zoned appropriately, which would require further evaluation and would be best considered through Hearing Stream 13 (rezone requests). Regardless, I consider that further understanding on the future development of the site is required to assess this submission.

Submissions on Pine Plantations

167. Audrey Sebire (S257.005) has sought that new provisions are included to manage and limit pine plantation forestry. Submitter considers that pine plantations affect the visual character of the rural environment and create adverse effects associated with monoculture.

Evaluation of Pine Plantations

168. The Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 provides a national set of regulations that apply to plantation forestry. Those regulations were introduced to provide a consistent nationwide framework for plantation forestry. There are only specific circumstances in which a District Plan can impose a more stringent rule than the National Environmental Standard¹⁶. Those circumstances include:

- In order to give effect to the National Policy Statement for Freshwater Management or the New Zealand Coastal Policy Statement

¹⁶ As outlined in Section 6 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

- In order to protect an outstanding natural feature and landscape or significant natural area
- To manage effects on unique or sensitive environments
- To manage afforestation activity.

169. The PDP has sought to apply stringency for plantation forestry in the Coastal Environment, outstanding natural feature and landscapes, and significant natural areas. Those provisions are included in the associated chapters¹⁷. While the GRUZ could include rules relating to afforestation, there would need to be an evidence base that further stringency is required than what is provided in the National Environmental Standard. In addition, this would require further analysis of the costs and benefits. Based on the information available, I do not consider that there is evidence that stringency needs to be applied.

Submissions on Rural Contractor Depots

170. Rural Contractors New Zealand Incorporated (S237.010) have sought that rural contractor depots are specifically provided for in the GRUZ. The submitter considers that the current rule framework would anticipate contractor depot as a form of rural industry, which has a discretionary status. The submitter considers that this would be unreasonably restrictive and has suggested a new rule that would permit the activity up to a certain scale. A consequential additional definition has also been sought by Rural Contractors New Zealand Incorporated (S237.001) for 'rural contractor depot'.

GRUZ-RX Rural Contractor Depots

1. Activity Status: Permitted

Where:

- Compliance is achieved with:
 - GRUZ-S1;
 - GRUZ-S2;
 - GRUZ-S3(a), (c), (d) and (e).
 - GRUZ-S7; and
 - GRUZ-S8.
- The rural contractor depot (including associated vehicle access, parking and manoeuvring areas) must not be located within 50m of any side or rear boundary and within 100m of any existing residential unit on another property.
- The gross floor of any rural contractor depot building does not exceed 3000m²; and
- There are no more than 10 staff.

2. Activity Status: Restricted discretionary

Where:

- Compliance is not achieved with GRUZ-RX(1).

Matters of discretion:

- The effect of non-compliance with any relevant standard and the matters of discretion of any standard that is not met.

Rural contractor depot

The land and buildings used for the purpose of storing or maintaining machinery, equipment and associated goods and supplies associated with a rural contracting business that directly supports, services or is dependent on primary production.

171. Rural Contractors New Zealand Incorporated (S237.012) have also sought that the Standard GRUZ-S3 (setbacks) is amended to include a setback requirement of 100m for any residential unit from an existing rural contractor depot. The submitter considers that there is potential for reverse sensitivity and this setback will appropriately manage that effect.

¹⁷ Coastal Environment, Natural Features and Landscapes and Ecosystems and Indigenous Biodiversity.

Evaluation of Rural Contractor Depots

- 172. Currently a rural contractor depot would fall under the ‘rural industry’ rule (GRUZ-R16) of the GRUZ, which is a discretionary activity. As discussed in the section 32 report for the Rural topic, the rural industry rule was included as a ‘roll over’ from the operative plan as there was not identified to be any implementation issues associated with it. While I understand that there are existing rural contractor depots in the districts, I consider that further evidence is required to demonstrate that there is a need to specifically enable this activity.
- 173. With relation to the proposed setback from an existing rural contractor depot, while I agree that there are potential reverse sensitivity effects, again I consider that further evidence of the issue and that the proposed setback is justified.

Section 32AA Evaluation

Effectiveness and Efficiency

- 174. The addition of rules for mining activities, emergency service facilities, and educational facilities will ensure the activities are appropriately managed in the GRUZ, which aligns with the objectives of the GRUZ – specifically GRUZ-O1, GRUZ-O2 and GRUZ-O4. It will also provide greater clarity to PDP users as to the status of those activities.
- 175. The changes will increase the overall effectiveness and efficiency of the Plan and will better achieve the outcomes sought as stated in the Rural Environment objectives in the Strategic Direction chapter, the RPS, and the National Planning Standards.

Costs / Benefits

- 176. There are no material differences to the benefits and costs for the recommended amendments as what has previously been considered.

Risk of Acting or Not Acting

- 177. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

- 178. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

7.5 Key Issue 3: GRUZ Definitions

Recommended changes to GRUZ Definitions

Provision(s)	Officer Recommendation(s)
Definitions	
Primary production	Retain as notified.
Farm quarry	Retain as notified.
Highly Productive Land	Amend as follows: As shown in planning maps and h As the same meaning as in the National Policy Statement for Highly Productive Land (as set out below):

	means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).
Seasonal worker accommodation	Amend as follows: Means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a primary production activity, and rural industry <u>or post-harvest facility</u> .
Rural produce retail	Amend as follows: Means the use of land and/or buildings on, or within which, rural produce grown or produced <u>by the same operation on-site</u> , and products manufactured <u>by them from it</u> , are offered for sale. This includes the further processing of products manufactured <u>by the same operation on site</u> .

Overview of Submissions Received on GRUZ Definitions

179. A total of 18 original submissions (53 submission points) and 14 further submissions (40 further submission points) were received on GRUZ definitions.

180. Submissions on GRUZ definitions came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
S22	NZ Agricultural Aviation Association	S47	Rangitāne o Wairarapa	S72	Aviation New Zealand - New Zealand Helicopter Association
S81	Genesis Energy Ltd	S122	Fulton Hogan Limited	S152	AdamsonShaw Ltd
S182	Aggregate and Quarry Association	S187	New Zealand Frost Fans	S208	Ballance Agri-Nutrients
S214	Federated Farmers of New Zealand	S221	Horticulture New Zealand	S229	New Zealand Pork Industry Board
S233	Scott Anstis	S237	Rural Contractors New Zealand Incorporated	S238	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited
S239	East Leigh Limited	S247	Enviro NZ Services Ltd	S258	Royal Forest and Bird Protection Society of New Zealand Inc

181. Further submissions on GRUZ definitions came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
FS13	Horticulture New Zealand	FS22	NZ Pork	FS29	NZ Agricultural Aviation Association
FS48	Aviation Industry Association for NZ Helicopter Association	FS67	Meridian Energy Limited	FS78	Holly Hill
FS80	AdamsonShaw Ltd	FS81	Wairarapa Federated Farmers	FS87	Rangitāne o Wairarapa Incorporated
FS89	Fulton Hogan Limited	FS95	Te Tini o Ngāti Kahukuraawhitia Trust	FS102	Gavin Grey
FS105	Ian Gunn	FS109	East Leigh Limited		

182. There were 13 definitions relating to the GRUZ that were supported and submitters sought that they are retained as notified. Those definitions and the associated submissions were:

Definition	Original Submission	Further Submission(s)
Agricultural Aviation	NZ Agricultural Aviation Association (S22.001), Ballance Agri-Nutrients (S208.001)	Horticulture New Zealand (FS13.007), Aviation Industry Association for NZ Helicopter Association (FS48.002), NZ Agricultural Aviation Association (FS29.008)
Conservation activities	NZ Agricultural Aviation Association (S22.002), Federated Farmers of New Zealand (S214.002)	Aviation Industry Association for NZ Helicopter Association (FS48.003)
Primary production	NZ Agricultural Aviation Association (S22.003), Fulton Hogan (S122.001), Aggregate and Quarry Association (S182.007), Ballance Agri-Nutrients (S208.002), Horticulture New Zealand (S221.020)	Aviation Industry Association for NZ Helicopter Association (FS48.004)
Rural Airstrip	NZ Agricultural Aviation Association (S22.004), Ballance Agri-Nutrients (S208.003), Federated Farmers of New Zealand (S214.002)	Horticulture New Zealand (FS13.008), Aviation Industry Association for NZ Helicopter Association (FS48.005), NZ Agricultural Aviation Association (FS29.009)
Highly productive land	New Zealand Frost Fans (S187.003), Horticulture New Zealand (S221.008)	
Quarrying Activity	Fulton Hogan Limited (S122.002)	
Land based primary production	New Zealand Frost Fans (S187.004), Horticulture New Zealand (S221.12)	
Productive capacity	New Zealand Frost Fans (S187.006), New Zealand Pork Industry Board (S229.004)	
Farm quarry	Federated Farmers of New Zealand (S214.002)	

Seasonal worker accommodation	Federated Farmers of New Zealand (S214.002)	
Intensive primary production	Horticulture New Zealand (S221.09), New Zealand Pork Industry Board (S229.002)	
Intensive indoor primary production	Horticulture New Zealand (S221.010)	
Intensive outdoor primary production	Horticulture New Zealand (S221.011)	
Shelterbelts and small woodlots	Horticulture New Zealand (S221.028)	

Content and Evaluation of Submissions Received in relation to GRUZ definitions

Submissions on Primary Production Definition

183. Rangitāne o Wairarapa (S47.032) have sought that the definition of 'primary production' is amended to remove the reference to quarrying. The submitter considers that it would be more consistent with the approach taken to the rules to exclude it from the definition. This submission was supported by Te Tini o Ngāti Kahukuraawhitia Trust (FS95.103) and Ian Gunn (FS105.035) and opposed by Fulton Hogan Limited (FS89.005) who considers that this change would be inconsistent with the National Planning Standards.

Evaluation on Primary Production Definition

184. While I acknowledge that quarrying activities have been managed separately to other primary production activities in the provisions of the GRUZ, I note that this is a definition derived from the National Planning Standards and agree with Fulton Hogan Limited (FS89.005) that it would be inconsistent with the National Planning Standards to amend the definition.

Submissions on Farm Quarry Definition

185. Genesis Energy Ltd (S81.001) has sought that the definition of 'farm quarry' is amended to include renewable electricity generation activities as shown below. The submitter considers that this definition should be extended to include the extraction of minerals taken for other on-farm uses, such as use ancillary to farming, horticulture, and development of renewable generation activities where the mineral extracted is only used within the site of extraction. This submission is supported by Meridian Energy Limited (FS67.129) and opposed by Fulton Hogan Limited (FS89.003) who considers that the change could significantly expand the scale of the activity.

Farm quarry

Means the extraction of minerals taken for use ancillary to farming and horticulture or for renewable electricity generation activities where the minerals are, and only used within the property of extraction. It includes the extraction of material for farm and forestry tracks, accessways, and hardstand areas on the property of origin. It does not include the exportation or removal of extracted material (including any aggregate) from the property or origin or retail or other sales of such material.

Evaluation of Farm Quarry Definition

186. This definition is associated with Policy GRUZ-P5 and Rule GRUZ-R12 of the GRUZ, which seek to enable and permit farm quarries. I agree with Fulton Hogan Limited (FS89.003) that this could significantly expand the scale of the activity depending on the nature of the renewable electricity generation activities. I also do not consider that there is a need to further enable these quarrying activities associated with renewable electricity generation activities and note that where a quarry is required for a renewable electricity generation activity it is likely to require additional resource consent applications. I consider it is reasonable for the quarrying activity to be considered in the bundle of activities sought.

Submissions on Highly Productive Land Definition

187. Shaun Draper (S63.002), Michelle Hight (S180.001), Summerset Group Holdings Limited, and East Leigh Limited (S239.047) have raised general concern over the extent of highly productive land identified throughout the districts and the impacts this causes to land use and development. Submitters have either sought that the extent is reduced generally across the districts or reduced to exclude specific properties.
188. AdamsonShaw Ltd (S152.001), Aggregate and Quarry Association (S182.009), Scott Anstis (S233.001) and East Leigh Limited (S239.004) oppose the definition of 'highly productive land' and have sought that the definition is either deleted or amended.
189. AdamsonShaw Ltd, Scott Anstis and East Leigh Limited consider that the definition is internally inconsistent in that what is shown in the planning maps can differ from what is defined as highly productive land. The submitter has sought that the definition is either deleted or the reference to the planning maps is removed from the definition. This point was supported by Gavin Grey (FS102.001) and East Leigh Limited (FS109.001).
190. Aggregate and Quarry Association consider that the definition is narrowly focused on the NPS-HPL direction and fails to account for other productive characteristics. The submitter specifically references high value aggregate deposits. The submitter has also suggested mapping rock and aggregate in the districts to protect it from inappropriate use and development. This submission is opposed by Rangitāne o Wairarapa Incorporated (FS87.006) and Te Tini o Ngāti Kahukuraawhitia Trust (FS95.008).

Evaluation of Highly Productive Land Definition

191. With relation to the extent of highly productive land throughout the Wairarapa, I note that this extent is directed by the NPS-HPL and currently reflects the regional scale land use capability classes (LUC) 1 – 3 land. A recent Environment Court case¹⁸ has confirmed that this regional scale mapping must be relied upon, despite whether more site-specific information exists that may further clarify the land use capability. There is limited discretion to modify the extent of highly productive land within the Wairarapa until it has been mapped by the Regional Councils and included in a Regional Policy Statement.
192. The definition of highly productive land in the PDP is shown below, which directly references the NPS-HPL meaning. The definition also makes reference to the extent shown in the planning maps.

Highly Productive Land

As shown in planning maps and has the same meaning as in the National Policy Statement for Highly Productive Land (as set out below):

means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).

193. I agree with AdamsonShaw Ltd (S152.001), Scott Anstis (S233.001), and East Leigh Limited (S239.004) that there is a risk of the planning maps being inconsistent with the meaning provided in the NPS-HPL. While this may be a helpful reference for plan users, I recommend that it should be removed from the definition to avoid any potential conflict or confusion. I note that planning webmap viewer may continue to indicate the extent to assist plan users.
194. With regard to Aggregate and Quarry Association (S182.006), I acknowledge that the definition and approach to highly productive land is focused on the direction of the NPS-HPL. While I agree that rock and aggregate supplies can also be of high value, this was not identified as a specific issue in the Wairarapa during the plan review phase and there is currently no specific higher

¹⁸ *Blue Grass Limited and other v Dunedin City Council*, NZEnvC 83, April 2024

order planning direction for the District Councils to map and protect it. I note that Method 52 of the Wellington Regional Policy Statement requires the Regional Council to identify the region's significant mineral resources, which seeks to give effect to Policy 60 (utilising the region's mineral resources). This exercise is yet to be undertaken. I consider that it would be inconsistent with the RPS direction and inefficient for the PDP to identify and map those resources ahead of the Regional Council implementing Method 52.

Submissions on Seasonal Worker Accommodation Definition

195. Horticulture New Zealand (S221.025) has sought that the definition of 'seasonal worker accommodation' is amended to refer to a post-harvest facility. The submitter notes that seasonal workers also work at post-harvest facilities such as packhouses to prepare produce for market. Work in packhouses follows the same seasonal patterns as other horticultural labour based on when produce is harvested.

Seasonal worker accommodation

Means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a primary production activity, ~~and~~ rural industry or post-harvest facility.

196. New Zealand Pork Industry Board (S229.005) has sought that the definition of 'seasonal worker accommodation' removes the reference to 'seasonal' in the term and the reference to 'short-term' in the meaning. The submitter considers that the definition needs to also allow for year-round worker accommodation.

Evaluation of Seasonal Worker Accommodation Definition

197. I agree with Horticulture New Zealand and recommend that the change is made to the definition as requested for the reasons given by the submitter.
198. In relation to New Zealand Pork Industry Board (S229.005), I understand that the submitter is referring to longer term accommodation for farm workers, which is typically provided through additional residential units on the properties. The seasonal worker accommodation definition and associated rule is not intending to capture this type of residential use and rather that would be managed through the number of residential units. I consider that it would be inconsistent with that approach to broaden this definition.

Submissions on Agricultural Aviation Definition

199. Federated Farmers of New Zealand (S214.004) have sought the definition of 'agricultural aviation' is amended as shown below. The submitter considers that aviation is used in primary production for a variety of reasons including stock management, crop monitoring, aerial spraying, etc. Aviation is also used for ancillary activities to primary production, such as transporting fencing equipment to remote places on the farm for example. The submitter requests the definition refer to ancillary activities to primary production in the definition for 'Agricultural aviation'.

Agricultural Aviation

Means intermittent operation of an aircraft ~~from a rural airstrip or helicopter landing area for:~~
• primary production, ~~biosecurity, or conservation activities~~ including stock management, lifting of fencing materials, pest control, the application of fertiliser, agrichemicals, vertebrate toxic agents, frost management and associated refuelling- and other activities ancillary to primary production; and
• Biosecurity activities; and
• Conservation activities.

Evaluation of Agricultural Aviation Definition

200. While I agree that agricultural aviation can encompass a range of activities, I consider that 'activities ancillary to primary production' is too broad. I also consider that the definition needs to refer to the rural airstrip or helicopter landing area, as the District Plan can only manage the

activity as it relates to take off and landing. Once aircraft are in the air, they are subject to Civil Aviation Authority rules.

201. I note that this definition has been derived from feedback from a leading industry group during feedback on the Draft District Plan and aligns with the meaning adopted in other district plans. If this definition has been commonly adopted, it can be anticipated that it encompasses the appropriate activities. Based on this, I do not consider further changes are necessary.

Submissions on Definition of Land with highly productive characteristics

202. New Zealand Frost Fans (S187.008) has sought that a new definition is inserted for 'land with highly productive characteristics' as shown below. The submitter considers that this definition will support the associated direction for the Martinborough Soils Overlay in Policy GRUZ-P7 of the GRUZ and ensures it aligns with the matters set out in clause 3.4(3) of the NPS-HPL. This submission is opposed by Meridian Energy Limited (FS67.134) and East Leigh Limited (FS109.003).

Land with highly productive characteristics

Land with highly productive characteristics means land that has or has the potential to be highly productive for land based primary production with its combination of the following characteristics:

- a. Soil type, and
- b. Physical characteristics of the land and soil, and
- c. Climate.

Evaluation of Definition of Land with highly productive characteristics

203. While this additional definition may further support GRUZ-P7, I note that the term differs in that GRUZ-P7 references "unique soil and climatic characteristics suitable for high value crops.". I also note that the terminology is primarily used in this policy and to include the definition sought may confuse plan users about how it is applied elsewhere, including in relation to highly productive land or land that contains valuable minerals.

Submissions on Ancillary Rural Earthworks Definition

204. Federated Farmers (S214.003) and Horticulture New Zealand (S221.001) have sought a new definition of 'ancillary rural earthworks'. Federated Farmers consider that activities ancillary to primary production, which support primary production, should not have to apply for resource consent. Horticulture New Zealand consider that the definition will enable the day-to-day earthworks required for primary production and will support associated rules, including GRUZ-R5. Both submitters have provided suggested definitions, which are shown below with Federated Farmers' definition shown first.

Ancillary rural earthworks

Means:

- any earthworks or disturbance of soil associated with cultivation, land preparation (including the establishment of sediment and erosion control measures), for planting and growing operations of crops and pasture;
- the harvesting of agricultural and horticultural crops (farming) and forests (forestry); and planting trees, removing trees and horticultural root ripping;
- the maintenance and construction of facilities typically associated with farming and forestry activities. This includes (but is not limited to): farm/forestry tracks, roads, vehicle manoeuvring areas and landings, stock marshalling yards, stock races, silage pits, offal pits, farm effluent ponds, feeding pads, digging post holes, fencing and sediment control measures, drilling bores, the installation and maintenance of services such as water pipes and troughs, off-stream farm water storage dams, hard stand areas for stock, fertiliser storage pads, airstrips and helipads; and –

- Farm quarries where quarry winnings are only used within the farm quarry.

Ancillary rural earthworks

Means the disturbance of soil, earth or substrate land surfaces ancillary to primary production that includes:

- Land preparation and cultivation (including establishment of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops (farming)
- Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993

Evaluation of Ancillary Rural Earthworks Definition

205. While I generally agree with the submitter's relief, I note that there is currently no restriction on ancillary rural earthworks in the GRUZ. Where the land use activity is enabled, so too are the associated earthworks. Based on this, I do not consider the definition is necessary.

Submissions on Rural Produce Retail Definition

206. Horticulture New Zealand Limited (S221.024) has sought changes to the definition of 'rural produce retail' as shown below. The submitter states that the word 'operation' would be more appropriate than 'site'. Growers may have multiple sites where they grow (meaning land with different certificates of title). These sites could be in close proximity to each other but produce from multiple land parcels are brought together to be sold in one place.

Rural produce retail

Means the use of land and/or buildings on, or within which, rural produce grown or produced by the same operation on-site, and products manufactured by them from it, are offered for sale. This includes the further processing of products manufactured by the same operation on-site.

Evaluation of Rural Produce Retail Definition

207. I agree with Horticulture New Zealand and consider that the proposed changes will ensure further clarity to plan users. I recommend that the changes are made as proposed by the submitter.

Section 32AA Evaluation

Effectiveness and Efficiency

208. The recommended changes to the definitions of 'highly productive land', 'seasonal worker accommodation', and 'rural produce retail' ensure the definitions do not contain any potential internal conflicts and ensure that the definition appropriately captures the industry understood meaning.

Costs / Benefits

209. There are no changes to the costs and benefits as assessed in the section 32 report.

Risk of Acting or Not Acting

210. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

211. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

7.6 Key Issue 4: GRUZ Objectives

Recommended changes to GRUZ Objectives

Provision(s)	Officer Recommendation(s)
Objectives	
GRUZ-O1 Purpose of the General Rural Zone	Retain as notified.
GRUZ-O2 Rural Character	<p>Amend as follows: The predominant character of the General Rural Zone are maintained and enhanced, which include:</p> <ul style="list-style-type: none"> a. areas of viticulture, <u>horticulture</u>, crops, pasture, forestry (indigenous and plantation), and the presence of a large number of farmed animals; b. sparsely developed landscape with open space between <i>buildings</i> that are predominantly used for agricultural, pastoral and horticultural activities (e.g. barns and sheds), low density rural living (e.g. farmhouses, <i>seasonal worker accommodation</i>, and a small degree of rural lifestyle), and community activities (e.g. rural halls, domains, and <u>schools educational facilities</u>); c. a range of noises, smells, light overspill, and traffic, often on a cyclic and seasonal basis, generated from the production, manufacture, processing and/or transportation of raw materials <u>predominately</u> derived from <i>primary production</i> and <i>ancillary activities</i>; d. interspersed <u>existing rural industries, y facilities associated with the use of the land for intensive primary production, quarrying activities</u>, and cleanfills; and e. the presence of <u>rural infrastructure, renewable electricity generation activities</u>, including rural roads, state highways, the National Grid and the on-site disposal of wastewater, and a general lack of urban <i>infrastructure</i>, such as street lighting, solid fences, and footpaths.
GRUZ-O3 Provision for primary production	Retain as notified
GRUZ-O4 Enable compatible activities	<p>Amend as follows: GRUZ-O3 Enable cCompatible activities <i>Primary production</i> activities are enabled, and other activities that have a <i>functional need</i> or <i>operational need</i> to be located within the General Rural Zone are <u>enabled provided for</u> where they are not incompatible with <i>primary production</i> activities.</p>
GRUZ-O5 Reverse sensitivity	Retain as notified
GRUZ-O6 Rural Lifestyle	Amend as follows:

	<p>a. Rural lifestyle subdivision and development is managed in a way that avoids additional further fragmentation of productive land and its productive capacity or potential.</p> <p>b. Opportunities for rural lifestyle subdivision and development in appropriate locations within the General Rural Zone is provided for, insofar as GRUZ-O6(a) is met.</p>
GRUZ-O7 Protection of highly productive land and other land with special characteristics	<p>Amend as follows:</p> <p>Land in the General Rural Zone is Rrecognised and protected from inappropriate subdivision, use and development where:</p> <p>a. It is <i>highly productive land</i>; and</p> <p>b. It is land that utilises the finite combination of climate and soil characteristics which make it suitable for high value crops including viticulture, orchards, and olives.</p>

Overview of Submissions Received on GRUZ Objectives

212. This section covers submissions on the following objectives, which set the overall purpose and direction for the General Rural Zone:

- GRUZ-O1 Purpose of the General Rural Zone
- GRUZ-O2 Rural character
- GRUZ-O3 Provision for primary production
- GRUZ-O4 Enable compatible activities
- GRUZ-O5 Reverse sensitivity
- GRUZ-O6 Rural Lifestyle
- GRUZ-O7 Protection of highly productive land and other land with special characteristics
- One request for a new objective.

213. This section primarily focuses on submissions where a submitter has made specific comment on an objective or sought specific change.

214. A total of 76 submission points and 11 further submissions points were received on the objectives for this topic. Those submissions were received from NZ Agricultural Aviation Association (S22), Aburn Popova Trust (S48), Dan Kellow (S70), Genesis Energy Ltd (S81), Dublin Street Wines Ltd (S82), Greater Wellington Regional Council (S94), Fulton Hogan Limited (S122), Wairarapa Winegrowers' Association Inc (S136), E McGruddy (S144), Fire and Emergency New Zealand (S172), Ballance Agri-Nutrients (S208), Māori Trustee (S212), Federated Farmers of New Zealand (214), Transpower New Zealand Limited (S218), Horticulture New Zealand (S221), Jack Wass (S222), New Zealand Pork Industry Board (S229), Rural Contractors New Zealand Incorporated (S237), Ministry of Education Te Tāhuhu o Te Mātauranga (S245), Enviro NZ Services Ltd (S247), Radio New Zealand Limited (S288), Scott Summerfield and Ross Lynch (FS49), Wairarapa Federated Farmers (FS81), Te Tini o Ngāti Kahukuraawhitia Trust (FS95), and East Leigh Limited (FS109).

Content and Evaluation of Submissions Received on General Rural Zone Objectives

GRUZ-O1 Purpose of the General Rural Zone

215. NZ Agricultural Aviation Association (S22.012), Dan Kellow (S70.007), Fulton Hogan Limited (S122.051), Fire and Emergency New Zealand (S172.086), Ballance Agri-Nutrients (S208.009), Māori Trustee (S212.067), Transpower New Zealand Limited (S218.082), Horticulture New Zealand (S229.121), New Zealand Pork Industry Board (S229.026), Rural Contractors New Zealand Incorporated (S237.002), Ministry of Education Te Tāhuhu o Te Mātauranga (S245.035), and Radio New Zealand Limited (S288.038) support Objective GRUZ-O1 and sought that it is retained as notified.

216. Greater Wellington Regional Council (S94.193) supported the objective but sought that references to 'primary production' are replaced with 'land-based primary production on highly productive land', which they contend would better give effect to the NPS-HPL.

The General Rural Zone is used primarily for *land based primary production on highly productive land*, activities that support *primary production*, and other activities that have a *functional need or operational need* to be located within the General Rural Zone.

217. East Leigh Limited (FS109.014) have further submitted to this submission point seeking it is disallowed on the basis that this would incorrectly imply that all land in the General Rural Zone is highly productive land.
218. Enviro NZ Services Ltd (S247.019) have raised that GRUZ-O1 places an onerous requirement on infrastructure to meet the requirements of 'functional need'. Wairarapa Federated Farmers (FS81.030) have further submitted to this submission point seeking it is disallowed on the basis that the objective appropriately prioritises primary production and that there remains sufficient provision for other activities, including infrastructure providers.

Evaluation of GRUZ-O1

219. With relation to Greater Wellington Regional Council (S94.193), I refer to my response provided in Paragraph 96. I agree with East Leigh Limited (FS109.014) that the proposed changes would unduly narrow the scope of the objective.
220. In response to Enviro NZ Services Ltd (S247.019), I note that the current objective states "*functional need or operational need*", which is disjunctive. I would consider that removing functional need would further limit the requirements of the objective, which is contrary to the relief sought.
221. I do not recommend any changes to Objective GRUZ-O1.

GRUZ-O2 Rural Character

222. Aburn Popova Trust (S48.004), Dan Kellow (S70.008), Fulton Hogan Limited (S122.052), Māori Trustee (S212.241), and Transpower New Zealand Limited (S218.083) support Objective GRUZ-O2 and sought that it is retained as notified.
223. Genesis Energy Limited (S81.036) has sought that renewable electricity generation activities are recognised in the objective. The submitter considers that given the likelihood that large-scale renewable electricity generation activities would be located within the General Rural Zone and the need for such activities in future, renewable electricity generation activities should be explicitly recognised as a likely feature of the General Rural Zone. Objective GRUZ-O2 should be amended to include such activities alongside the other activities identified as shown below.

The predominant character of the General Rural Zone are maintained and enhanced, which include:...

e. the presence of *renewable electricity generation activities*, *rural infrastructure*, including rural roads, state highways, *and* the National Grid and....

224. Wairarapa Federated Farmers (FS81.035) further submitted to the submission point and sought that it is disallowed. This is on the basis that the National Policy Statement for Renewable Electricity Generation still requires that environmental effects are managed, including rural character.
225. Greater Wellington Regional Council (S94.194) have sought that references to 'primary production' are replaced with 'land-based primary production on highly productive land' which would better give effect to the NPS-HPL.
226. Horticulture New Zealand (S221.122) support the objective but have sought changes to recognise horticulture as a form of primary production that is anticipated as shown below.

The predominant character of the General Rural Zone are maintained and enhanced, which include:

- a. areas of viticulture, horticulture, crops, pasture, forestry (indigenous and plantation), and the presence of a large number of farmed animals;...

227. Rural Contractors New Zealand Incorporated (S237.003) have sought that the reference to 'rural industries' in clause (d) is broadened to include new rural industries, and not just those that currently exist. The submitter has also sought that the same clause does not require those rural industries to be directly associated with intensive primary production, quarrying activities, or cleanfills. The submitter notes that there is a broader range of rural industries that are not captured. They seek the objective be amended as shown below.

The predominant character of the General Rural Zone are maintained and enhanced, which include:...

- d. interspersed existing rural industry, ~~facilities associated with the use of the land for intensive primary production, quarrying activities, and cleanfills~~; and...

228. Ministry of Education Te Tāhuhu o Te Mātauranga (S245.059) support the objective but seek that the reference to 'schools' should be replaced with 'educational facilities'. The latter is a defined term in the National Planning Standards.

229. New Zealand Pork Industry Board (S229.027) have sought that "intensive primary production" is recognised in clause (a) rather than (d), and that seasonal worker accommodation is amended to worker accommodation. The submitter consider that intensive primary production should be treated the same as other primary production activities and considers that "seasonal" does not provide for longer term accommodation for farm workers. They seek the objective be amended as shown below:

The predominant character of the General Rural Zone are maintained and enhanced, which include:

- a. areas of viticulture, crops, pasture, forestry (indigenous and plantation), intensive primary production, and the presence of a large number of farmed animals;
- b. sparsely developed landscape with open space between *buildings* that are predominantly used for agricultural, pastoral and horticultural activities (e.g. barns and sheds), low density rural living (e.g. farmhouses, ~~seasonal worker accommodation~~, and a small degree of rural lifestyle), and community activities (e.g. rural halls, domains, and schools);
- c. a range of noises, smells, light overspill, and traffic, often on a cyclic and seasonal basis, generated from the production, manufacture, processing and/or transportation of raw materials derived from *primary production and ancillary activities*;
- d. interspersed existing *rural industry* facilities associated with the use of the land for ~~intensive primary production, quarrying activities, and cleanfills~~; and
- e. the presence of rural *infrastructure*, including rural roads, state highways, the National Grid; and
- f. the on-site disposal of wastewater, and a general lack of urban *infrastructure*, such as street lighting, solid fences, and footpaths.

230. Enviro NZ Limited (S146.020) have sought that 'predominately' is inserted in clause (c) with reference to "transportation of raw materials predominately derived from...". This amendment acknowledges that not all noise effects are derived from primary production activities.

The predominant character of the General Rural Zone are maintained and enhanced, which include:...

- c. a range of noises, smells, light overspill, and traffic, often on a cyclic and seasonal basis, generated from the production, manufacture, processing and/or transportation of raw materials predominately derived from *primary production and ancillary activities*;

231. Jack Wass (S222.003) has raised concern over the blunt approach applied to rural lifestyle and has opposed the Objective. The submitter has sought that the objective is amended to provide

for a more flexible and discretionary approach. This was supported by Scott Summerfield and Ross Lynch (FS49.001).

Evaluation of GRUZ-O2

232. As discussed in Paragraph 121, I agree that renewable electricity generation activities need to be recognised as being part of rural character. I recommended changes to the clause (e) consistent with the changes provided in the Joint Witness Statement prepared for Hearing Stream 1¹⁹.
233. In response to Greater Wellington Regional Council (S94.194), I refer to my response provided in Paragraphs 94 to 102.
234. I agree with Horticulture New Zealand (S221.122) that horticulture should also be recognised in the direction and recommend that 'horticulture' is added to clause (a).
235. In response to Rural Contractors New Zealand Incorporated (S237.003), I agree that all rural industries should be recognised and that it should not be fixed to those that are existing. Rural character in the context of this objective is future-focused and needs to reasonably anticipate future development. I recommend that the changes sought to clause (d) are allowed²⁰. I consider that this continues to reflect the intent of the direction that those other activities are anticipated, albeit interspersed throughout the zone.
236. I agree with Ministry of Education Te Tāhuhu o Te Mātauranga (S245.059) that it is appropriate to use consistent and defined terms throughout the PDP. Accordingly, I recommend that the reference to 'school' is replaced with 'educational facility'.
237. In relation to New Zealand Pork Industry Board (S229.027), I consider that reference to intensive primary production is appropriately captured in clause (d) rather than clause (a). I note that clause (a) is intended to capture typical primary production activities expected in the Wairarapa. While intensive primary production activities may be anticipated, they are not a predominant feature of the rural character. Clause (d) appropriately describes their presence as 'interspersed'. In relation to the other requested change, I do not consider that the reference to seasonal worker accommodation should be amended to broaden to permanent worker accommodation. There is an existing definition for seasonal worker accommodation, which appropriately accounts for accommodating short term labour requirements. Neither this definition, nor the associated rule is intended to capture more permanent accommodation. It is intended that permanent accommodation is provided for through the number of residential dwellings permitted.
238. I agree with Enviro NZ Limited (S146.020) and the reasons they have provided for the change. I recommend the change sought to clause (c) is allowed.
239. In response to Jack Wass (S222.003), I refer my response to the general submission point in Paragraphs 83 to 91.

GRUZ-O3 Provision for primary production

240. Greater Wellington Regional Council (S94.195), Fulton Hogan Limited (S122.053), Māori Trustee (S212.242), Horticulture New Zealand (S221.123) and New Zealand Pork Industry Board (S229.028) support Objective GRUZ-O3 and sought that it is retained as notified.
241. Federated Farmers of New Zealand (S214.100) has sought various changes to the objective as shown below. The changes are sought to ensure the objective gives effect to the National Policy Statement for Highly Productive Land.

¹⁹ Refer to [Joint Witness Statement](#) for Strategic Direction Objectives Topic, dated 28 August 2024.

²⁰ I recommend that reference to rural industry is amended to 'rural industries' to indicate this is a plural.

The productive capacity of highly productive land and resources of the General Rural Zone is supported through enabling a range of *primary production* oriented and ~~resource dependent~~ activities that depend on the highly productive land resource, and avoiding activities that constrain productive capacity of highly productive land.

242. Te Tini o Ngāti Kahukuraawhitia Trust (FS95.205) has further submitted to this submission point and sought that it is disallowed on the basis that this would constrain tangata whenua ability to kaitiakitanga and is inconsistent with Section 7(a) of the RMA.

Evaluation of GRUZ-O3

243. In response to Federated Farmers of New Zealand (S214.100), I refer to my response provided in Paragraphs 94 - 102 I consider that the proposed changes will limit the direction and its intent, which would not more appropriately achieve the purpose of the RMA. I do not recommend any changes to GRUZ-O3.

GRUZ-O4 Enable compatible activities

244. Fulton Hogan Limited (S122.054), Māori Trustee (S212.243), New Zealand Pork Industry Board (S229.029), Rural Contractors New Zealand Incorporated (S237.004) and Radio New Zealand Limited (S288.039) support Objective GRUZ-O4 and seek that it is retained as notified.
245. Genesis Energy Ltd (S81.037) and Transpower (S218.084) have sought changes to the objective to remove any hierarchy and require that both primary production activities and other activities that have a functional or operational need are enabled. Both submitters raised that the objective inappropriately gives priority to primary production over other activities that have an operational or functional need to be located in the General Rural Zone. The submitters considered that the same priority should be given to the National Grid and renewable electricity generation activities.

Primary production activities ~~are enabled~~, and other activities that have a *functional need* or *operational need* to be located within the General Rural Zone are enabled ~~where they are not incompatible with primary production activities.~~

246. Wairarapa Federated Farmers (FS81.036) further submitted to submission point S81.037 seeking it is disallowed on the basis that the requested changes could allow for activities that are incompatible with primary production. Horticulture New Zealand (FS13.067) further submitted to submission point S218.084 seeking that the relief is disallowed for similar reasons as Federated Farmers.
247. Greater Wellington Regional Council (S94.196) have sought changes to the objective to give effect to the National Policy Statement for Highly Productive Land. The submitter noted that primary production is not synonymous with land-based primary production; the latter is reliant on the soil resource of the land, which has different implications for the productive capacity of land. In order to give full effect to the NPS-HPL, they request this objective should be amended to align with the wording in clause 3.12(1)(a) of the NPS-HPL as shown below.

Primary production activities are enabled, highly productive land is prioritised for use in land-based primary production and other activities that have a *functional need* or *operational need* to be located within the General Rural Zone are enabled where they are not incompatible with *primary production* or land-based primary production activities.

248. Horticulture New Zealand (S221.124) have sought changes to the objective to alter the active verb used in relation to other activities that have a functional or operation need. They have sought that it is altered from 'enable' to 'provide for' which would be more consistent with the direction provided through GRUZ-P1.

Primary production activities are enabled, and other activities that have a *functional need* or *operational need* to be located within the General Rural Zone are enabled provided for where they are not incompatible with *primary production* activities.

249. Enviro NZ Services Ltd (S247.021) have sought that reference to functional need is removed from the objective on the basis that it would be too onerous to meet in many circumstances.

Evaluation of GRUZ-O4

250. In response to Genesis Energy Ltd (S81.037) and Transpower (S218.084), I acknowledge that there is an inferred hierarchy in the policy direction, but note that this is intended, and it aligns with the description of the 'General Rural Zone' from the National Planning Standards:

Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

251. I consider that it is appropriate to only enable those other activities that have a functional or operational need where they are not incompatible with primary production. I do not recommend that this is altered.
252. With response to Greater Wellington Regional Council (S94.196), I refer to my response provided in Paragraphs 94 to 102. I do not consider the changes are necessary and consider that the changes would confuse the direction, which is focused on compatible activities throughout the zone and not the protection of highly productive land.
253. With regard to Horticulture New Zealand (S221.124) I agree that 'provide for' would more accurately reflect the direction contained in the rest of the chapter. The term 'enable' implies that it is allowed without limitation/restriction, whereas 'provide for' is does not infer the same level of authority and is typically used where an activity is intended to be allowed subject to certain requirements. I consider that 'provide for' more accurately reflects the direction as there is a limitation in that it is only allowed where it is not incompatible with primary production activities.
254. In response to Enviro NZ Services Ltd (S247.021), I note that the current objective states "functional need or operational need" which is disjunctive. I would consider that removing functional need would further limit the requirements of the objective, which is contrary to the relief sought.

GRUZ-O5 Reverse sensitivity

255. Greater Wellington Regional Council (S94.197), Fulton Hogan Limited (S122.055), Ballance Agri-Nutrients (S208.010), Māori Trustee (S212.144), Federated Farmers of New Zealand (S214.101), New Zealand Pork Industry Board (S229.030), Rural Contractors New Zealand Incorporated (S237.005), and Radio New Zealand Limited (S288.040) support Objective GRUZ-O5 and seek that it is retained as notified.
256. Genesis Energy Ltd (S81.038) have sought changes to the Objective as shown below to specifically recognise existing renewable electricity generation activities in the reverse sensitivity direction.

Sensitive activities are designed and located to avoid or mitigate reverse sensitivity effects and incompatibility with *primary production*, existing renewable electricity generation activities, other land uses activities and key transport corridors in the General Rural Zone.

257. Horticulture NZ (S221.125) have in part opposed the objective and sought that the objective is replaced with the wording below. Horticulture NZ have noted that sensitive activities should not be located within the General Rural Zone unless there is a functional need for them to locate there.

Potential for reverse sensitivity effects on primary production activities is avoided by ensuring that sensitive activities do not inappropriately locate in the General Rural Zone. If they have a functional need to locate in the zone, potential reverse sensitivity effects are mitigated. ~~Sensitive activities are designed and located to avoid or mitigate reverse sensitivity effects and~~

~~incompatibility with primary production, other land uses activities and key transport corridors in the General Rural Zone.~~

258. Ministry of Education (FS96.002) has further submitted to this submission point and sought that it is disallowed on the basis that it would impose unreasonably onerous requirements and would not enable educational facilities in the rural environment.
259. Enviro NZ Services Limited (S247.022) supports the objective but has sought changes as shown below to strengthen the direction.

Sensitive activities are **restricted through** designed and locat**ioned** to avoid or mitigate reverse sensitivity effects and incompatibility with *primary production*, other land uses activities and key transport corridors in the General Rural Zone.

Evaluation of GRUZ-O5

260. In response to Genesis Energy Ltd (S81.038), I consider that the objective would already anticipate existing renewable electricity generation activities through “other land uses”. Further, there is specific direction for managing reverse sensitivity from renewable electricity generation in the Energy chapter²¹, which applies district wide.
261. In response to Horticulture NZ (S221.125), I am not convinced that there is an issue presently with the existing objective. The concern raised seems to relate more to the risk of enabling incompatible activities that do not have a functional or operational need to be located in the General Rural Zone. This objective principally relates to managing reverse sensitivity effects, and not the compatibility of an activity. The latter is already covered by Objective GRUZ-O1. The sensitive activities that GRUZ-O5 seeks to manage are only those that have a functional or operational need to be located in the General Rural Zone. I do not recommend any changes to GRUZ-O5.
262. I do not consider that the change suggested by Enviro NZ Services Limited (S247.022) is necessary. It is already implied through the objective that sensitive activities are restricted or limited by their design or location. In addition, the requested change would alter the objective from an outcome to a course of action.

GRUZ-O6 Rural Lifestyle

263. Māori Trustee (S212.245) and New Zealand Pork Industry Board (S229.031) support Objective GRUZ-O6 and seek that it is retained as notified.
264. Federated Farmers (S214.102), Dan Kellow (S70.009) and GWRC (S94.198) sought that ‘highly’ is inserted in front of ‘productive land’ in clause (a) of the objective to better give effect to the NPS-HPL. Federated Farmers also sought that ‘productive potential’ is amended to ‘productive capacity’.

a. Rural lifestyle subdivision and development is managed in a way that avoids additional fragmentation of **highly** productive land and its productive **capacity potential**...

265. Te Tini o Ngāti Kahukuraawhitia Trust (FS95.207) has further submitted to Federated Farmers submission and sought that it is disallowed on the basis that this would constrain tangata whenua ability to kaitiakitanga and is inconsistent with Section 7(a) of the RMA.
266. E McGruddy (S144.011) has sought changes to clause (b) of the objective as shown below. The submitter considers that this will better reflect the ‘alternative approach’ as described in Paragraph 80.

²¹ ENG-P5

... Opportunities for rural lifestyle subdivision and development in appropriate existing locations within the General Rural Zone is enabled provided for, insofar as GRUZ-O6(a) is met.

267. Horticulture New Zealand (S221.126) have opposed the objective on the basis that any rural lifestyle should be directed to the Rural Lifestyle Zone, which would be more consistent with the National Planning Standards. Horticulture New Zealand have sought that the Objective is amended as shown below.

Rural lifestyle development avoids fragmentation of highly productive land and reverse sensitivity effects on primary production activities.

- a. Rural lifestyle subdivision and development is managed in a way that avoids additional fragmentation of productive land and its productive potential.
- b. Opportunities for rural lifestyle subdivision and development in appropriate locations within the General Rural Zone is provided for, insofar as GRUZ-O6(a) is met.

268. Jack Wass (S222.003) has raised concern over the blunt approach applied to rural lifestyle and has opposed the objective. The submitter has sought that the objective is amended to provide for a more flexible and discretionary approach.

Evaluation of GRUZ-O6

269. In response to Federated Farmers (S214.102), Dan Kellow (S70.009) and GWRC (S94.198), I refer to my response provided in Paragraphs 94 to 102. This objective applies more broadly than highly productive land and rather to all rural land. I do not consider the change is appropriate and consider that it would limit the direction.

270. In response to E McGruddy (S144.011), I refer to my response to the general submission point in Paragraphs 83 to 91. With relation to the specific changes, this would be inconsistent with the overall approach. I do not recommend any change to Objective GRUZ-O6.

271. While I agree with Horticulture New Zealand (S221.126) that it would be more consistent to direct rural lifestyle development to the Rural Lifestyle Zone, I refer back to the section 32 report for the Rural topic, which details the impracticalities associated with identifying a Rural Lifestyle Zone across all of the districts. There has been no spatial application of the Rural Lifestyle Zone proposed in South Wairarapa and Carterton due to constraints associated with identifying a contiguous area. In the absence of a rural lifestyle zone in these two districts, I consider that it is appropriate to provide for lifestyle development in appropriate locations as directed through GRUZ-O6. I also note that the National Planning Standards description of General Rural Zone anticipates a range of activities, which may include rural lifestyle development. I do not recommend any changes to the objective in response to this submission.

272. In response to Jack Wass (S222.003), I refer my response to the general submission point in Paragraphs 83 to 91.

GRUZ-O7 Protection of highly productive land and other land with special characteristics

273. Aburn Popova Trust (S48.005), Greater Wellington Regional Council (S94.199), Wairarapa Winegrowers' Association Inc (S136.004), Māori Trustee (S212.246) and Horticulture New Zealand (S221.127) support Objective GRUZ-O7 and seek that it is retained as notified.

274. NZ Pork Industry Board (S229.032) has sought that the direction is amended as shown below and notes that the direction should state the aim of protection more explicitly.

Recognise and protect from inappropriate subdivision, use and development:

- a. highly productive land; and
- b. land that utilises the finite combination of climate and soil characteristics which make it suitable for high value crops including viticulture, orchards and olives.

Evaluation of GRUZ-07

275. I agree with NZ Pork Industry Board (S229.032) that the objective needs to clarify what those values are being protected from. In addition to clarifying what the protection is from, I recommend further changes to ensure the objective more clearly reads as an outcome.

New Objective GRUZ-OX Productive capacity on highly productive land

276. Greater Wellington Regional Council (S94.200) have sought a new objective as shown below. The submitter considers a new objective is required in addition to GRUZ-07 to give full effect to the NPS-HPL, specifically clause 3.12(1)(b).

GRUZ-OX Productive capacity of highly productive land

Opportunities that maintain or increase the productive capacity of highly productive land are enabled, but only where those opportunities are not inconsistent with:

- a. any matter of national importance under section 6 of the Act; or
- b. any environmental outcomes identified in accordance with the NPS-FM 2020.

Evaluation of New Objective

277. I refer to my response provided in Paragraph 99. I do not consider that this objective is necessary or appropriate. If this objective was to be inserted into the PDP, it would be better placed as a strategic direction objective as it should apply more broadly than just the General Rural Zone.

Section 32AA Evaluation

Effectiveness and Efficiency

278. The recommended changes to GRUZ-O2, GRUZ-O4, GRUZ-O6, and GRUZ-O7 clarify the intended scope of the direction, provide greater clarity, ensure that Strategic Direction Objectives are better given effect to, and ensure consistency with the National Planning Standards.

Costs / Benefits

279. The recommended changes will result in better effects outcomes within the zones and will improve Plan useability.
280. The recommended changes set out above will increase the overall effectiveness and efficiency of the Plan by better articulating the outcomes sought in the General Rural Zone and ensure consistency with the Rural Environment strategic direction objectives.

Risk of Acting or Not Acting

281. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

282. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

7.7 Key Issue 5: GRUZ Policies

Recommended changes to the GRUZ Policies

Policies	
GRUZ-P1 Compatible activities	Retain as notified
GRUZ-P2 Incompatible activities	Retain as notified
GRUZ-P3 Rural character	<p>Amend as follows: Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by:</p> <ol style="list-style-type: none"> a. enabling and promoting openness and predominance of vegetation; b. enabling and promoting a productive working landscape; c. enabling primary production and ancillary activities; d. <u>managing the location, scale and effects of other activities that have a functional or operational need to be located in the General Rural Zone;</u> e. providing for varying forms, scale, and separation of <i>structures</i> associated with primary production activities; f. managing the density and location of residential development; g. ensuring allotments can be self-serviced; h. retaining a clear delineation and contrast between the Wairarapa's rural areas and urban areas; and i. avoiding, remedying, or mitigating reverse sensitivity effects.
GRUZ-P4 Avoid inappropriate subdivision	<p>Amend as follows: Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:</p> <ol style="list-style-type: none"> a. limiting small lot subdivision within the General Rural Zone to <u>only areas where the soil resource is fragmented, is not located on any highly productive land, and there is limited productive potential and</u> where it does not compromise the use of land for primary production activities; and b. recognising-avoiding the cumulative effects associated with small lot subdivision on the <u>productive capacity</u> productive use and potential within the General Rural Zone.
GRUZ-P5 Quarrying activities	<p>Amend as follows: <u>Recognise the local and regional benefits of aggregate extraction in the Wairarapa, and M</u>manage quarrying activities within the General Rural Zone by:</p> <ol style="list-style-type: none"> a. enabling farm quarries; and b. providing for other quarrying activities where it can be demonstrated that: <ol style="list-style-type: none"> i. the siting and scale of buildings, structures, machinery, stored material, quarried areas, cut faces, and visual screening maintains the character and amenity values of the General Rural Zone; ii. adverse effects to established sensitive activities will be avoided; iii. there are measures to minimise any adverse noise, vibration, traffic, and lighting effects beyond the

	<p>boundary, including through the use of setbacks, where appropriate;</p> <p>iv. there are measures to mitigate any adverse effects on character and amenity values of the General Rural Zone from the movement of vehicles;</p> <p>v. it avoids or mitigates any adverse effects on the health and wellbeing of surface waterbodies and their margins; and</p> <p>vi. it internalises adverse effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting-; and</p> <p>vii. <u>where the quarrying activity is located over highly productive land, it is consistent with GRUZ-P9.</u></p>
GRUZ-P6 Reverse sensitivity	<p>Amend as follows:</p> <p><u>a.</u> Avoid or mitigate the potential for <i>reverse sensitivity</i> effects by:</p> <p><u>a-i.</u> avoiding the establishment of any new sensitive activity near existing <i>intensive primary production, primary production activities, waste management facilities-landfills, cleanfills, quarrying activities,</i> and <i>rural industry</i> in circumstances where the new sensitive activity may compromise the operation of the existing activities;</p> <p><u>b-ii.</u> managing potential reverse sensitivity effects caused by the establishment of new <i>sensitive activities</i> near other <i>primary production</i> activities, including through the use of setbacks and separation distances;</p> <p><u>b.</u> <u>Managing effects to existing sensitive activities and reducing the risk for reverse sensitivity effects by:</u></p> <p><u>c-i.</u> ensuring adequate separation distances between existing sensitive activities and new <i>intensive primary production</i> activities, <i>quarrying activities, landfills, cleanfills,</i> and <i>rural industry;</i> and</p> <p><u>d-ii.</u> avoiding <i>quarry, landfill, cleanfill-area,</i> and mining activities in proximity to urban areas where the amenity values of urban environments would be diminished.</p>
GRUZ-P7 Martinborough Soils Overlay	Retain as notified
GRUZ-P8 Activities within the Martinborough Soils Overlay	<p>Amend as follows:</p> <p>Manage subdivision, use, and development within the Martinborough Soils Overlay to protect the finite land resource, by:</p> <p>a. enabling and promoting primary production activities, in particular viticulture and horticulture;</p> <p>b. providing for the activities that are directly associated with primary production activities including viticulture and horticulture by:...</p>
GRUZ-P9 Highly productive land	Retain as notified
GRUZ-P10 Relocatable buildings	Retain as notified

Overview of Submissions Received on GRUZ Policies

283. This section covers submissions on the following policies, which set out how to achieve the objectives of the General Rural Zone:

- GRUZ-P1 Compatible activities
- GRUZ-P2 Incompatible activities
- GRUZ-P3 Rural character
- GRUZ-P4 Avoid inappropriate subdivision
- GRUZ-P5 Quarrying activities
- GRUZ-P6 Reverse sensitivity

- GRUZ-P7 Martinborough Soils Overlay
- GRUZ-P8 Activities within the Martinborough Soils Overlay
- GRUZ-P9 Highly productive land
- GRUZ-P10 Relocatable buildings
- Two requests for new policies.

284. A total of 94 submission points and 28 further submission points were received on the policies for this topic. Those submissions were received from NZ Agricultural Aviation Association (S22), Rangitāne o Wairarapa (S47 / FS87), Aburn Popova Trust (S48), Dan Kellow (S70), Jack Cameron (S74), Genesis Energy Ltd (S81 / FS74), Greater Wellington Regional Council (S94 / FS90), Fulton Hogan Limited (S122 / FS89), Lynly Selby-Neal and Angus Laird (S125), Wairarapa Winegrowers' Association Inc (S136), E McGruddy (S144), Te Tini o Ngāti Kahukuraawhitia (S154), Fire and Emergency New Zealand (S172), Aggregate and Quarry Association (S182), Ballance Agri-Nutrients (S208), Māori Trustee (S212), Federated Farmers of New Zealand (S214), Transpower New Zealand Limited (S218), Horticulture New Zealand (S221 / FS13), Jack Wass (S222), Helios Energy Ltd (S223), New Zealand Pork Industry Board (S229 / FS22), Rural Contractors New Zealand Incorporated (S237), Ministry of Education Te Tāhuhu o Te Mātauranga (S245), Enviro NZ Services Ltd (S247), Masterton, Carterton, and South Wairarapa District Councils (S251), New Zealand Heavy Haulage Association Inc (S252), Scott Summerfield and Ross Lynch (S255), Radio New Zealand Limited (S288), Aviation Industry Association for NZ Helicopter Association (FS48), Te Tini o Ngāti Kahukuraawhitia Trust (FS95), Ian Gunn (FS105), Wairarapa Federated Farmers (FS81), Te Tini o Ngāti Kahukuraawhitia Trust (FS95), and Holly Holl (FS78).

Content and Evaluation of Submissions Received on General Rural Zone Objectives

GRUZ-P1 Compatible activities

285. Dan Kellow (S70.010), Fulton Hogan Limited (S122.056), Fire and Emergency New Zealand (S172.087), Māori Trustee (S212.247), New Zealand Pork Industry Board (S229.033), Rural Contractors New Zealand Incorporated (S236,006), Ministry of Education Te Tāhuhu o Te Mātauranga (S245.036), and Radio New Zealand Limited (S288.041) support Policy GRUZ-P1 and seek that it is retained as notified.

286. Ballance Agri-Nutrients (S208.011), Federated Farmers of New Zealand (S214.103) and Horticulture New Zealand (S221.128) all sought changes to clause (a) of the policy to specifically recognise associated ancillary activities to primary production. NZ Agricultural Aviation Association (S22.013) similarly requested that ancillary activities are recognised but sought that this is reflected in clause (b). Both requested changes are shown below.

a. Enable primary production activities and ancillary activities that are compatible with the purpose, character, and amenity values of the General Rural Zone...

b. Provide for ancillary activities to primary production and other activities that have a functional need or operational need to be located in the General Rural Zone that are not incompatible with primary production...

287. In their submission Federated Farmers of New Zealand (S214.103) also sought changes to the policy as shown below. The submitter considers that the changes better reflect the direction of the NPS-HPL.

- Enable primary production activities and ancillary activities that are compatible with productive capacity of Highly Productive Land ~~the purpose, character, and amenity values of the General Rural Zone.~~
- Provide for other activities that have a functional need or operational need to be located in the General Rural Zone that are not incompatible with primary production.
- ~~Provide for~~ Allow, where appropriate rural lifestyle development in appropriate locations ~~where GRUZ-P1(a) and GRUZ-P1(b) are enabled or provided for.~~

288. Fulton Hogan Limited (FS89.012) have further submitted in opposition to Federated Farmers' submission and have requested it is disallowed as the proposed changes would significantly narrow the direction.
289. Te Tini o Ngāti Kahukuraawhitia Trust (FS95.208) has further submitted to Federated Farmers submission and sought that it is disallowed on the basis that this would constrain tangata whenua ability to kaitiakitanga and is inconsistent with Section 7(a) of the RMA.
290. Horticulture New Zealand (S221.128) has sought further changes to the policy as shown below. The submitter considers that rural lifestyle should be directed to a rural lifestyle zone, which would be more consistent with the National Planning Standards.
- a. Enable primary production activities and associated ancillary activities that are compatible with the purpose, character, and amenity values of the General Rural Zone.
 - b. Provide for other activities that have a functional need or operational need to be located in the General Rural Zone that are not incompatible with primary production and the character of the General Rural Zone.
 - c. Provide for rural lifestyle development in rural lifestyle zones. appropriate locations where GRUZ-P1(a) and GRUZ-P1(b) are enabled or provided for.
291. Genesis Energy Limited (S81.039) sought that renewable electricity generation activities are recognised in clause (b). The submitter raised concern that renewable electricity generation activities will be considered secondary to "primary production" activities. They consider that the phrase "that are not incompatible with primary production" should not apply to renewable electricity generation activities and that "provide for" should be changed to "enable" with respect to these activities to recognise and provide for renewable electricity generation activities that presently exist and occur within the General Rural Zone.
- b. Enable renewable electricity generation activities and ~~Provide for~~ other activities that have a functional need or operational need to be located in the General Rural Zone that are not incompatible with primary production...
292. Greater Wellington Regional Council (S94.202) have sought that the clause (a) of the policy reference 'land-based primary production' in addition to 'primary production'. The submitter considers that this would be more in line with the NPS-HPL.
293. E McGruddy (S144.011) has sought changes to clause (c) of the policy as shown below. The submitter considers that this will better reflect the 'alternative approach' as described in the in Paragraph 80.
- a. ~~Provide for~~ Enable rural lifestyle development in appropriate locations where GRUZ-P1(a) and GRUZ-P1(b) are enabled or provided for.
294. Transpower New Zealand Limited (S218.085) has sought changes to the policy to recognise and enable nationally significant infrastructure. While the submitter generally supports Policy GRUZ-P1, they raise concern that the policy inappropriately gives priority to primary production over other activities that have a functional or operational need for their location in the General Rural Zone. The submitter considers that, insofar as the policy is relevant to the National Grid, the NPSET clearly establishes the importance and national significance of the National Grid such that the National Grid should be subject to (at least) the same priority in the General Rural Zone.
- b. Enable the operation, maintenance, upgrading and development of nationally significant infrastructure that has a functional need or operational need to be located in the General Rural Zone;
 - c. Provide for other activities that have a functional need or operational need to be located in the General Rural Zone that are not incompatible with primary production;

295. Scott Summerfield and Ross Lynch (S255.001) have requested that GRUZ-P1 is amended to provide for development and cohesion of rural communities. The submitter raised concern that the provisions make it harder for people to live and work in the rural zone and the provisions need to provide for rural communities, which include smaller lot holders and lifestyle property owners.

Evaluation of GRUZ-P1

296. Various submitters have requested that 'ancillary activities' are recognised in the policy. How it is suggested to be recognised differed between submitters – specifically which verb to associate the direction with, either being to 'provide for' or 'enable'.

297. An 'ancillary activity' is a defined term in the National Planning Standards as meaning:

means an activity that supports and is subsidiary to a primary activity.

298. In the context of how this applies to primary production, it's worth first considering the definition of primary production, which is:

means:

- a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
- b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
- c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
- d. excludes further processing of those commodities into a different product.*

299. This definition already clarifies that the ancillary activities of any initial processing of commodities and any land and buildings used for the production are covered by the definition. Based on this, an ancillary activity to primary production could include the following (but not limited to):

- Any further processing of commodities not otherwise provided for by the definition of primary production
- Rural produce retail
- Rural industries.

300. Overall, I agree that there should be specific recognition of ancillary activities to primary production. In terms of how this is recognised, I consider that this should be associated with the direction seeking to "provide for" rather than "enable". I note that this direction aligns with the relevant rules, e.g. enable is permitted with no restriction. Based on this, I recommend that NZ Agricultural Aviation Association (S22.013) requested changes are accepted.

301. In response to Federated Farmers of New Zealand (S214.103) and Greater Wellington Regional Council (S94.202), I refer to my response provided in Paragraphs 94 to 102. I consider that the requested changes are not appropriate and would narrow the direction.

302. In response to Horticulture New Zealand (S221.128), I refer to my response to the similar submission point in Paragraph 271.

303. Genesis Energy Limited (S81.039) and Transpower New Zealand Limited (S218.085) have requested changes to specifically recognise and enable renewable electricity generation activities and the national grid. I consider that appropriate direction is already provided for both of those activities through the Energy and Infrastructure chapters, which are integrated and district wide. Regardless, I consider that both activities are appropriately provided for by clause (b).

304. In response to E McGruddy (S144.011) and Scott Summerfield and Ross Lynch (S255.001), I refer to my response provided in Paragraphs 83 to 91. I consider that the changes to the policy

would conflict with the overall approach and are inconsistent with Strategic Direction objective RE-O5.

GRUZ-P2 Incompatible activities

305. Māori Trustee (S212.248), Horticulture New Zealand (S221.129), New Zealand Pork Industry Board (S229.034) and Radio New Zealand Limited (S288.042) support Policy GRUZ-P2 and seek that it is retained as notified.

306. Dan Kellow (S70.011) has requested an amendment to clause (b) to clarify that the fragmentation relates to productive land and not all land. Submitter considers that the change is required to ensure the focus is on avoiding fragmentation of productive land and not smaller non-productive blocks of land.

b. will result in fragmentation of **productive** land and the productive potential of land; or...

307. Fulton Hogan Limited (S122.057) seeks deletion of the reference to productive potential of land in clause (b). The submitter considers the phrasing of GRUZ-P3 creates confusion by seeking to control an activity (subdivision, use and development) by using positive language relating to other activities (e.g. enabling primary production).

b. will result in fragmentation of land ~~and the productive potential of land~~; or...

308. Jack Wass (S222.004) has raised concern over the blunt approach taken to the direction of the General Rural Zone to rural lifestyle and considers that the provisions need to provide a greater ability for rural lifestyle where it does not compromise productive land.

309. Helios Energy Ltd (S223.003) has sought changes to clause (a) of the policy to exempt activities that have a functional or operational need to be located in the General Rural Zone. The submitter believes that it would be useful to iterate in this policy that there are activities that do not necessarily fit the absolute purpose, character, and amenity values of the General Rural Zone but do have a functional or operational need to be in the zone, e.g. solar farms, wind farms, electricity transmission and distribution. The submitter contends this additional wording would be useful to also provide a linkage to Objective GRUZ-O4 Enable compatible activities, which also identifies that 'other activities that have a functional need or operational need to be located within the General Rural Zone are enabled'.

Avoid activities and development that:

a. are incompatible with the purpose, character, and amenity of the General Rural Zone **unless the activity has a functional need or operational need to be located in the General Rural Zone**;...

310. Rural Contractors New Zealand Incorporated (S237.007) has sought that clause (c) is amended to reference "other activities that have a functional or operational need to be located within the General Rural Zone" as examples of the permitted activities.

Evaluation of GRUZ-P2

311. Both Dan Kellow (S70.011) and Fulton Hogan Limited (S122.057) have questioned the direction in clause (b). While different relief is sought, it seems that both submitters are raising a similar point that the direction is unclear whether it applies to all land, or just land that has productive characteristics. I agree that the clause is unclear what it applies to. The issue identified in the section 32 report related to fragmentation of rural land generally and found that once the land is fragmented its productive potential is often limited, regardless of its soil characteristics. Based on this understanding, the intent of the direction is to account for all production land, regardless of whether it is highly productive. To better reflect this direction, I recommend that clause (a) is amended as shown below. This continues to reference land generally but relates this back to productive capacity, which is a defined term.

b. will result in fragmentation of land and ~~the its productive capacity potential of land~~; or...

312. In response to Helios Energy Ltd (S223.003), I note that the purpose of the General Rural Zone (GRUZ-O1) recognises activities that have a functional or operational need to be located in the General Rural Zone. In that respect, I do not consider the requested change is necessary. Further, I note that the change would imply that those activities could occur, despite being contrary to the character and amenity of the General Rural Zone.
313. In response to Rural Contractors New Zealand (S223.003), I note that the reference to primary production and ancillary activities in clause (c) is not an all-inclusive list and are examples. While the requested change would not impact the direction, I do not consider it would add any clarity.

GRUZ-P3 Rural Character

314. Māori Trustee (S212.249), Horticulture New Zealand (S221.130), New Zealand Pork Industry Board (S229.035) and Radio New Zealand Limited (S288.043) support Policy GRUZ-P3 and seek that it is retained as notified.
315. Genesis Energy Limited (S81.039) sought that renewable electricity generation activities are recognised as being part of rural character for the same reasons provided for the similar submission point to Objective GRUZ-O2 in Paragraph 223. Horticulture New Zealand (FS13.068) opposed this submission point and sought it is disallowed, as large scale renewable electricity generation activities would impact local food security and the local economy.

Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by: ...

- d. ~~Enabling renewable electricity generation activities and~~ providing for varying forms, scale, and separation of *structures* associated with primary production activities;...

316. Greater Wellington Regional Council (S94.203) sought changes to clause (c) to specifically recognise land-based primary production on highly productive land. The submitter considers this change will better reflect the NPS-HPL.
317. Fulton Hogan Limited (S122.058) opposes Policy GRUZ-P3 and considers that the wording creates confusion by seeking to control an activity. Submitter has sought that the policy is amended to describe how subdivision, use and development will occur, so it does not compromise the purpose, character, and amenity values of the General Rural Zone and achieves GRUZ-O2.
318. E McGruddy (S144.013) has sought changes to the policy as shown below. The submitter considers that this will better reflect the 'alternative approach' as described in Paragraph 80.

Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by:

- a. enabling and promoting openness and predominance of vegetation;
- b. enabling and promoting a productive working landscape;
- c. enabling primary production and ancillary activities;
- d. providing for varying forms, scale, and separation of *structures* associated with primary production activities;
- e. ~~managing the density and location of~~ enabling residential development within small lot subdivisions and restricting the development of new small lot subdivisions;
- f. ensuring allotments can be self-serviced;
- g. retaining ~~a clear delineation and contrast~~ smaller lots in per-urban areas a buffer between the Wairarapa's rural areas and urban areas; and
- h. avoiding, remedying, or mitigating reverse sensitivity effects.

319. Federated Farmers of New Zealand (S214.104) has requested changes as shown below. Submitter notes that the policy needs to reflect the National Policy Statement for Highly Productive Land. 'Promoting openness and predominance of vegetation' is unnecessarily constraining on productive use of Highly Productive Land and should not be a policy requirement.

The submitter contends there needs to be a strong emphasis on enabling primary production activities that rely on the Highly Productive Land resource, and a strong and direct emphasis on avoiding rural lifestyle development on such land. The requested changes are supported by Horticulture New Zealand (FS13.069).

Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by:

- a. enabling and promoting openness and predominance of vegetation;
- b. enabling and promoting a productive working landscape;
- c. enabling primary production and ancillary activities;
- d. providing for varying forms, scale, and separation of *structures* associated with primary production activities;
- e. ~~managing the density and location of~~ avoiding residential development that does not have a functional need to locate in the General Rural Zone;
- f. ensuring allotments can be self-serviced;
- g. retaining a clear delineation and contrast between the Wairarapa's rural areas and urban areas; and
- h. avoiding, remedying, or mitigating reverse sensitivity effects on primary production activities.

320. Te Tini o Ngāti Kahukuraawhitia Trust (FS95.209) has further submitted to this submission point and sought that it is disallowed on the basis that this would constrain tangata whenua ability to kaitiakitanga and is inconsistent with Section 7(a) of the RMA.
321. Enviro NZ Services Limited (S247.024) have requested changes to the policy as shown below. Submitter considers that the elements of rural character detailed in the policy do not include waste infrastructure as types of activities that have an operational need to be located in the rural environment. The submitter contends none of the policies give clear direction on these activities apart from the reverse sensitivity policy. The submitter is also concerned that only 'managing' residential development will lead to cumulative impacts on working rural land uses.

Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by: ...

- f. managing controlling the density and location of residential development; ...

Evaluation of GRUZ-P3

322. In response to Genesis Energy Limited (S81.039) I consider that provision for renewable electricity generation activities is already sufficiently provided through Objective GRUZ-O2 (see Paragraph 232) and the Energy chapter.
323. In response to Greater Wellington Regional Council (S94.194), I refer to my response provided in Paragraphs 94 to 102.
324. In relation to Fulton Hogan Limited (S122.058), it is not clear what the main concern is with the policy direction. The policy is seeking to provide direction on how to achieve the associated Objective (GRUZ-O2). While I accept that the direction is drafted using positive language (e.g. enable, provide for, etc.), I do not consider that this undermines meeting the objective. The active verbs used seek to align with the associated rule framework. At the hearing the submitter may wish to describe the concerns and/or put forward alternative wording.
325. In response to E McGruddy (S144.011) and Scott Summerfield and Ross Lynch (S255.001), I refer to my response provided in Paragraphs 83 to 91. I consider that the changes to the policy would conflict with the overall approach and are inconsistent with Strategic Direction objective RE-O5.
326. In response to Federated Farmers of New Zealand (S214.104), I note that the policy is focused on rural character and not productive capacity. In my view, the NPS-HPL does not directly apply and consideration of it should only be insofar as not conflicting with any direction that gives effect to the NPS-HPL. Openness and predominance of vegetation is a key characteristic of the

Wairarapa’s rural character as outlined in Objective GRUZ-O1. To remove clause (a) would limit the ability to provide for this characteristic. While the changes to clause (d) may be more aligned with the NPS-HPL, again, I note that this is not associated with rural character and rather productive capacity. Further this direction is already reflected through other policies²². With relation to the proposed change to clause (h), while primary production is likely to be the main activity that this direction relates to, it is intended to capture other activities, such as existing infrastructure.

327. With regard to Enviro NZ Services Limited (S247.024), I agree that the policy should recognise the other activities that have a functional or operational need to be located in the General Rural Zone. This would align with clause (d) and (e) of the associated objective (GRUZ-O2). I recommend that the additional clause suggested by Enviro NZ Services Limited (S247.024) is accepted, subject to also accounting for “functional or operational need”. In relation to the change proposed to (e) to replace ‘managing’ with ‘controlling’, I do not consider that this change would better manage cumulative effects. I consider that ‘managing’ is a broader term, which in the context of rules, can relate to several different rules depending on the circumstances. The term ‘controlling’ is narrower and if interpreted literally should mean a controlled activity rule framework.

GRUZ-P4 Avoid inappropriate subdivision

328. Greater Wellington Regional Council (S94.204), Māori Trustee (S212.250), and New Zealand Pork Industry Board (S229.036) support Policy GRUZ-P4 and seek that it is retained as notified.
329. Dan Kellow (S70.012) supports the policy but considers that this policy should be in the Subdivision Chapter given it directly addresses subdivision. Submitter has suggested changing the reference to ‘areas’ in clause (a) to ‘sites’ as it focuses on the characteristics of a specific site rather than an area, which is a broader term that ought to relate somewhere identified on the District Plan maps.
330. Fulton Hogan Limited (S94.204) have sought changes to clause (b) to reference primary production activities. The submitter supports the intention of the policy to avoid inappropriate activities within the General Rural Zone. However, the submitter would prefer to see defined terms used where possible to avoid interpretive issues for plan users. Wairarapa Federated Farmers (FS81.034) have in part opposed the submission point. They note that while they agree that defined terms should be used, they consider the proposed changes are inconsistent with the NPS-HPL. If defined terms are to be used, the submitter has suggested using ‘productive capacity’.

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:

- a. limiting small lot subdivision within the General Rural Zone to areas where there is limited productive potential and where it does not compromise the use of land for primary production activities; and
- b. recognising the cumulative effects associated with small lot subdivision on the ~~productive use and~~ potential within for the General Rural Zone to be utilised for primary production activities.

331. E McGruddy (S144.014) has sought changes to the Policy as shown below. The submitter considers that this will better reflect the ‘alternative approach’ as described in the in Paragraph 80.

GRUZ-P4 ~~Avoid~~ Discourage inappropriate subdivision

~~Avoid~~ Discourage subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:

²² GRUZ-P1, GRUZ-P2 and GRUZ-P9

- a. limiting small lot subdivision within the General Rural Zone to areas where there is limited productive potential and where it does not compromise the use of land for primary production activities; and
- b. recognising the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.

332. Masterton, Carterton, and South Wairarapa District Councils (S251.015) have sought changes to the policy to reflect the same direction of Policy SUB-P6 as shown below.

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:

- a. limiting small lot subdivision within the General Rural Zone to only areas where the soil resource is fragmented, is not located on any highly productive land, and there is limited productive potential and where it does not compromise the use of land for primary production activities; and
- b. ~~recognising~~ avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.

333. Federated Farmers of New Zealand (S214.105) have sought changes to the policy as shown below. Submitter considers that the changes better give effect to the NPS-HPL. This submission is supported in part by Horticulture New Zealand (FS13.070), which considers that the amendments will better enable primary production activities on highly productive land. Horticulture New Zealand also notes that productive orchards often occur on LUC IV or V soils as well as I-III, so land not classed as highly productive but used for productive purpose should also be protected from subdivision.

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to enabling productive use on highly productive land and the anticipated purpose, character, and amenity values of the zone, by:

- a. limiting small lot subdivision within the General Rural Zone to areas where there is limited productive potential and where is no highly productive land, or it does not compromise the use of land for primary production activities; and
- b. ~~recognising~~ avoiding the cumulative effects associated with small lot subdivision on the productive use and potential of highly productive land within the General Rural Zone.

334. Te Tini o Ngāti Kahukuraawhitia Trust (FS95.210) has further submitted to this submission point and sought that it is disallowed on the basis that this would constrain tangata whenua ability to kaitiakitanga and is inconsistent with Section 7(a) of the RMA.

335. Horticulture New Zealand (S221.131) support the direction of the policy but seek two additional clauses as shown below which better reflect the direction of the NPS-HPL.

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:

- a. limiting small lot subdivision within the General Rural Zone to areas where there is limited productive potential and where it does not compromise the use of land for primary production activities; and
- b. recognising the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.; and
- c. avoiding subdivision of highly productive land, fragmentation of primary production land, and reverse sensitivity effects on primary production activities; and
- d. seeking consistency with the purpose and character of the zone.

336. Jack Wass (S222.005) and Scott Summerfield and Ross Lynch (S255.007) have sought that the Policy is amended to provide a more flexible approach to smaller allotments less than 40ha. The

submitters consider that the current approach is overly conservative and fails to recognise existing smaller allotments.

Evaluation of GRUZ-P4

337. With relation to Dan Kellow (S70.012), I agree that this policy relates primarily to subdivision and therefore is better contained in the subdivision chapter. This policy reflects the same policy in the Subdivision chapter (SUB-P6) and remains in the General Rural Zone chapter primarily for visibility. Given the importance of this policy, I consider it is appropriate that it is also included in the General Rural Zone. In relation to the suggested change, I agree that 'sites' would infer more precision in the locations that it is to be provided, this term may fail to account for clusters which would be appropriate for lifestyle. As this policy also directs how rules are configured, I consider that 'areas' remains more appropriate. I also agree that this policy relates primarily to subdivision so should also remain in the Subdivision chapter.
338. In response to Fulton Hogan Limited (S94.204), I take their point that the direction in clause (b) may lack clarity by not using defined and well-understood terms. I agree with Federated Farmers (FS81.034) suggestion that the defined term 'productive capacity' should be referenced. This is a defined term from the NPS-HPL and encompasses both productive use and productive potential. To incorporate this, I recommend that the clause is amended as follows:

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:

- a. limiting small lot subdivision within the General Rural Zone to areas where there is limited productive potential and where it does not compromise the use of land for primary production activities; and
- b. recognising lot subdivision on ~~productive capacity~~ *productive capacity* the productive use and potential within the General Rural Zone.

339. In response to E McGruddy (S144.014), Jack Wass (S222.005) and Scott Summerfield and Ross Lynch (S255.007), I refer to my response provided in Paragraphs 83 to 91. I consider that changing the direction to enable smaller allotment subdivision would conflict with the overall approach and is inconsistent with Strategic Direction Objective RE-O5.
340. I agree with the proposed changes by Masterton, Carterton, and South Wairarapa District Councils (S251.015) and note that the intention is to reflect the same direction of SUB-P6. I recommended the proposed changes (subject to minor amendments) are accepted.
341. I agree in part with the changes requested by Federated Farmers of New Zealand (S214.105). The direction does need to integrate with the NPS-HPL direction, and the verb 'avoid' is more appropriate for clause (b). I consider that the changes already recommended will account for this. I do not consider that the other references to highly productive land are necessary.
342. In response to Horticulture New Zealand (S221.131), I consider that the changes recommended above account for integrating the NPS-HPL direction.

GRUZ-P5 Quarrying activities

343. Submissions relating to this policy have been discussed and considered in Paragraphs 122 to 140.

GRUZ-P6 Reverse Sensitivity

344. NZ Agricultural Aviation Association (S22.014), Ballance Agri-Nutrients (S208.012), Māori Trustee (S212.252), New Zealand Pork Industry Board (S229.037), Rural Contractors New Zealand Incorporated (S237.008), and Radio New Zealand Limited (S288.044) support Policy GRUZ-P6 and seek that it is retained as notified.

345. Genesis Energy Ltd (S81.041) has sought an amendment to clause (a) to recognise renewable electricity generation activities in the list of activities referenced. Submitter considers that the protection of existing renewable electricity generation activities from reverse sensitivity effects should be explicitly provided for in Policy GRUZ-P6.
346. Fulton Hogan Limited (S122.061) have sought that clause (c) and (d) are deleted. The submitter supports a policy addressing reverse sensitivity effects in rural zones, but notes Policy GRUZ-P6(b) and (c) relate to the direct effects of rural activities on sensitive activities, not reverse sensitivity effects.
347. Enviro NZ Services Ltd (S247.026) has sought changes to clause (c) to reference landfills, cleanfills, and waste management activities. The submitter notes that this policy leaves out the establishment of new waste management facilities and landfills, apart from avoiding their establishment in proximity to urban areas. The submitter notes an important control for managing the effects of any fill or waste management activity is separation distances.
348. Horticulture New Zealand (S221.132) have sought a change to clause (b) to clarify that setbacks and separation distances apply to sensitive activities. The submitter considers that avoiding establishment of new sensitive activities is the most appropriate mechanism for avoiding reverse sensitivity effects. The burden of preventing reverse sensitivity effects should be on the new sensitive use, not on existing users. This submission is supported by NZ Pork (FS22.013) and in part supported by Wairarapa Federated Farmers (FS81.048) insofar as it clarifies the direction.

Avoid or mitigate the potential for *reverse sensitivity* effects by:

- b. managing potential reverse sensitivity effects caused by the establishment of new *sensitive activities* near other *primary production* activities, including through the use of setbacks and separation distances **for the sensitive activity**; ...

349. Radio New Zealand Limited (S288.037) have sought changes to the policy to recognise network utilities in the activities referenced in clause (a) and (b).

Evaluation of GRUZ-P6

350. In relation to Genesis Energy Ltd (S81.041) and Radio New Zealand Limited (S288.037), I note that there is already direction for managing reverse sensitivity in the Energy and Infrastructure chapters, which apply district wide. To include reference to renewable electricity generation activities and network utilities in this policy may conflict with that direction.
351. I agree with Enviro NZ Services Ltd (S247.026) that landfills and cleanfills should be referenced in clause (c). With relation to waste management facilities, I note that this definition is broad and would include a range of facilities at differing scales, including recycling centres. I do not consider that there is evidence that reverse sensitivity needs to be managed in all those circumstances. I do not recommend that it is included in clause (c), and I recommend a consequential amendment to clause (a) to remove the reference to waste management facilities and replace with 'landfills and cleanfills'. I also recommend a consequential amendment to clause (d) to refer to 'cleanfills' rather than 'cleanfill area' to ensure consistency throughout the policy.
352. I agree with Fulton Hogan Limited (S122.061) that some of the direction of the policy does not relate directly to reverse sensitivity. Clause (d) relates largely to the interface effects between the rural and urban environment. Clause (c) similarly has a focus on managing effects on sensitive activities. While not directly relating to reverse sensitivity, I do consider that both clauses assist in reducing the risk for reverse sensitivity by ensuring activities are appropriately set back to avoid future conflicts. To ensure that the direction is clear, I recommend that the policy is amended to clarify that clause (c) and (d) relate to managing effects on existing sensitive activities and reducing the risk for reverse sensitivity.

a. Avoid or mitigate the potential for *reverse sensitivity* effects by:

- a-i.** avoiding the establishment of any new sensitive activity near existing *intensive primary production, primary production activities, waste management facilities, quarrying*

activities, and rural industry in circumstances where the new sensitive activity may compromise the operation of the existing activities;

~~b.-ii.~~ managing potential reverse sensitivity effects caused by the establishment of new *sensitive activities* near other *primary production* activities, including through the use of setbacks and separation distances;

b. Managing effects to existing *sensitive activities* and reducing the risk for reverse sensitivity effects by:

~~e.-i.~~ ensuring adequate separation distances between existing sensitive activities and new *intensive primary production* activities, *quarrying activities*, and *rural industry*; and

~~e.-ii.~~ avoiding *quarry*, landfill, cleanfill area, and mining activities in proximity to urban areas where the amenity values of urban environments would be diminished.

353. With relation to Horticulture New Zealand (S221.132), while I agree that it needs to be clear that the direction for clause (b) applies to new sensitive activities, I do not consider that the proposed change is necessary. I consider that the clause is already clear that the setbacks and separation distances relate to the sensitive activity and not the existing primary production activities.

GRUZ-P7 Martinborough Soils Overlay

354. Wairarapa Winegrowers' Association Inc (S136.008), Māori Trustee (S212.253) and Horticulture New Zealand (S221.133) support Policy GRUZ-P7 and seek that it is retained as notified.
355. Lynly Selby-Neal and Angus Laird (S125.002) opposes the policy and seeks that it is amended to remove reference to 'buffer areas'. The submitter considers that there is an insufficient evidence base for identifying buffer areas, and that to identify those is outside of the Councils jurisdiction, as it is a regional function.

Evaluation of GRUZ-P7

356. In response to Lynly Selby-Neal and Angus Laird (S125.002), the evidence base for the Martinborough Soils Overlay is described in the section 32 report for the Rural topic. Buffer areas have been identified to avoid fragmentation and reverse sensitivity effects. The District Councils have jurisdiction in accordance with Section 31(1)(a) RMA to establish and implement objectives, policies, and methods to manage the effects of use, development, or protection of land and associated natural and physical resources of the district. The Martinborough Soils Overlay also relates to a relevant matter in Part 2 of the Resource Management Act – Section 7(g). Overall, I consider that this information is an appropriate evidence base, and the Councils have jurisdiction to identify and protect the land.

GRUZ-P8 Activities within the Martinborough Soils Overlay

357. Aburn Popova Trust (S48.010), Wairarapa Winegrowers' Association Inc (S136.009), and Māori Trustee (S212.254) support Policy GRUZ-P8 and seek that it is retained as notified.
358. Horticulture New Zealand (S221.134) support the policy, but seek that horticulture is also recognised in the policy. The submitter notes that horticulture is similar to viticulture and similarly high value.

Evaluation of GRUZ-P8

359. I agree that horticulture (specifically orchards) provide similarly high value characteristics and should be recognised in the policy. I recommend that changes sought by Horticulture New Zealand (S221.134) are accepted.

GRUZ-P9 Highly productive land

360. Dan Kellow (S70.013), Greater Wellington Regional Council (S94.206), Māori Trustee (S212.255), Horticulture New Zealand (S221.135) and New Zealand Pork Industry Board (S229.038) support Policy GRUZ-P9 and seek that it is retained as notified.

361. Genesis Energy Ltd (S81.042) has sought that the policy is amended to “except as provided for or otherwise exempted in...”. The submitter considers that this would more appropriately address clause 3.10 that exempts certain activities.
362. Fulton Hogan Limited (S122.062) opposes in part the policy and seeks that it is amended as shown below. This will clarify that any reference to aggregate extraction in the NPS-HPL encompasses quarrying activities.

Avoid subdivision, use and development of *highly productive land*, except as provided in the National Policy Statement for Highly Productive Land.
When applying Clause 3.9(2)(j)(iv) of the National Policy Statement for Highly Productive Land, any reference to 'aggregate extraction' is to be interpreted as being a reference to Quarrying Activity.

Evaluation

363. While I acknowledge that clause 3.10 exempts certain activities, I note that the current wording “except as provided in..” is consistent with how the policies of the NPS-HPL read, which intend to capture clause 3.10, specifically Policies 6 and 7. If there was identified to be an implementation issue with this wording, I would consider amending as suggested by Genesis Energy Ltd (S81.042). However, I am not aware of any implementation or interpretation issue with this wording and therefore do not recommend any change.
364. With relation to Fulton Hogan Limited (S122.062) requested amendment, it seems that this is primarily intending to manage an interpretation issue by effectively inserting an advice note. Notwithstanding the appropriateness of including this advice note, I consider that aggregate extraction forms only a part of quarrying activities and the proposed advice note may imply that all associated activities are included. If the NPS-HPL has incorrectly only captured part of the activity, this will need to be clarified in the NPS-HPL rather than in a local planning document.

GRUZ-P10 Relocatable buildings

365. Māori Trustee (S212.256) supports Policy GRUZ-P10 and seeks that it is retained as notified.
366. New Zealand Heavy Haulage Association Inc (S252.018) have sought that the policy is amended to:
- delete reference to performance bonds
 - recognise the positive effects of relocated buildings
 - maintain and enhance the amenity values of areas in relation to relocatable buildings.
367. The submitter generally supports the policy direction but considers that performance bonds are not necessary or appropriate and considers that the policy direction needs to recognise positive effects of relocated buildings.

Evaluation of GRUZ-P10

368. The performance bond is intended to address the issue that relocated buildings can be unsightly and detract from the visual amenity of an area if they are left unfinished, particularly for long periods of time. The performance bond enables Councils to undertake remedial works, such as exterior repair and reinstatement work, if necessary. This issue was the subject of an Environment Court decision, and it is therefore considered appropriate that the PDP includes a performance bond to ensure any issues can be remedied if they arise. I consider that the performance bond remains appropriate and necessary. In relation to the other changes to the policy, I do not consider that this is necessary. If there is any direction that relates to the benefits of relocatable buildings, this would be best placed in the Strategic Direction chapter. To include this direction in the General Rural Zone would imply that it is of specific importance to this zone, which it is not.

New Policy Requests

369. Greater Wellington Regional Council (S94.207) have sought a new policy to specifically reference clause 3.11(a) and (b) of the NPS-HPL. The submitter considers that this will ensure that full effect can be given to the NPS-HPL.

GRUZ-PX Existing activities on highly productive land

Enable the maintenance, operation, or upgrade of any existing activities on highly productive land and minimise any loss of highly productive land from those activities.

370. Horticulture New Zealand (S221.174) have requested a new policy as shown below to direct any lifestyle subdivision to the rural lifestyle zone. The submitter considers that this would be more in line with the National Planning Standards.

GRUZ-PX Rural Lifestyle

1. Rural lifestyle subdivision and development is directed to the Rural Lifestyle zones.
2. Rural lifestyle is avoided on highly productive land.

Evaluation of New Policy Requests

371. In relation to Greater Wellington Regional Council (S94.207) I refer to my response to this request in Paragraph 96. I do not consider this policy is necessary nor appropriate.
372. With regard to Horticulture New Zealand (S221.174) I refer to my response to the similar submission point for GRUZ-O6 in Paragraph 271. The proposed policy would conflict with the overall approach taken to rural lifestyle subdivision.

Section 32AA Evaluation

Effectiveness and Efficiency

373. The recommended changes to GRUZ-P3, GRUZ-P4, GRUZ-P5, GRUZ-P6, and GRUZ-P7 clarify the intent scope of the direction, provide greater clarity, and ensure that the objectives of the GRUZ are better given effect to.

Costs / Benefits

374. The recommended changes will result in better effects outcomes within the zones and will improve Plan useability.
375. The changes will increase the overall effectiveness and efficiency of the Plan and will better achieve the outcomes sought through the objectives of the GRUZ.

Risk of Acting or Not Acting

376. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

377. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

7.8 Key Issue 6: GRUZ Rules

Recommended changes to GRUZ Rules

Provision(s)	Officer Recommendation(s)
Rules	
GRUZ-R1 Buildings and structures, including construction, additions, and alterations	Retain as notified.
GRUZ-R2 Demolition or removal of buildings and structures	Retain as notified
GRUZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)	Retain as notified
GRUZ-R4 Seasonal worker accommodation	Retain as notified
GRUZ-R5 Primary production (excluding quarrying activities, intensive primary production, and rural industry)	Retain as notified
GRUZ-R6 Agricultural aviation	Retain as notified
GRUZ-R7 Residential visitor accommodation (excluding visitor accommodation)	Retain as notified
GRUZ-R8 Residential activities	Retain as notified
GRUZ-R9 Intensive primary production	Retain as notified
GRUZ-R10 Conservation activities	Retain as notified
GRUZ-R11 Rural Produce Retail	Retain as notified
GRUZ-R12 Quarrying activities	<p>Amend as follows:</p> <p>...</p> <p>2. Activity status: Restricted discretionary</p> <p>Where: ...</p> <p>Matters of discretion: ...</p> <p><u>10. Loss of highly productive land.</u></p>
GRUZ-R13 Papakāinga	Retain as notified
GRUZ-R14 Motorising outdoor recreation activities	<p>Amend as follows:</p> <p>1. Activity status: Discretionary Restricted discretionary</p> <p>Matters of discretion:</p> <p>1. Hours of operation.</p> <p>2. Frequency of the activity.</p> <p>3. Level and frequency of the noise generated.</p>

	<p>4. Effects on the safe, effective, and efficient functioning of the transport network, site access, parking, servicing, and traffic generation, including safety for pedestrians, cyclists, and other road users.</p> <p>5. Location of the activity, including whether it is appropriately located in the General Rural Zone</p>
GRUZ-R15 Visitor accommodation (excluding residential visitor accommodation)	Retain as notified
GRUZ-R16 Rural industry	Retain as notified
GRUZ-R17 Commercial boarding of cats, dogs, and other domestic pets	Retain as notified
GRUZ-R18 Commercial and industrial activities not otherwise provided for	Retain as notified
GRUZ-R19 Any activity not otherwise listed in this chapter	Retain as notified

Overview of Submissions Received on GRUZ Rules

378. This section covers submissions relating to the following rules of the GRUZ chapter:

- GRUZ-R1 Buildings and structures, including construction, additions, and alterations
- GRUZ-R2 Demolition or removal of buildings and structures
- GRUZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)
- GRUZ-R4 Seasonal worker accommodation
- GRUZ-R5 Primary production (excluding quarrying activities, intensive primary production, and rural industry)
- GRUZ-R6 Agricultural aviation
- GRUZ-R7 Residential visitor accommodation (excluding visitor accommodation)
- GRUZ-R8 Residential activities
- GRUZ-R9 Intensive primary production
- GRUZ-R10 Conservation activities
- GRUZ-R11 Rural Produce Retail
- GRUZ-R12 Quarrying activities
- GRUZ-R13 Papakāinga
- GRUZ-R14 Motorising outdoor recreation activities
- GRUZ-R15 Visitor accommodation (excluding residential visitor accommodation)
- GRUZ-R16 Rural industry
- GRUZ-R17 Commercial boarding of cats, dogs, and other domestic pets
- GRUZ-R18 Commercial and industrial activities not otherwise provided for
- GRUZ-R19 Any activity not otherwise listed in this chapter.

379. This section primarily focuses on submissions that relate to the existing rules. Any new requests for new rules are covered under Key Issue 2.

380. A total of 78 submission points and 21 further submissions points were received on the objectives for this topic. Those submissions were received from NZ Agricultural Aviation Association (S22), James Richardson (S34), Aburn Popova Trust (S48), Jack Cameron (S74), Greater Wellington Regional Council (S94) and (FS90), Fulton Hogan Limited (S122) and (FS89), Wairarapa Winegrowers' Association Inc (S136), Fire and Emergency New Zealand (S172), Aggregate and Quarry Association (S182.003), Ballance Agri-Nutrients (S208), Māori Trustee (S212), Federated Farmers of New Zealand (214), Nigel & Philippa Broom (S219), Horticulture New Zealand (S221), New Zealand Pork Industry Board (S229), Rural Contractors New Zealand Incorporated (S237),

Ministry of Education Te Tāhuhu o Te Mātauranga (S245), Enviro NZ Services Ltd (S247), Scott Summerfield and Ross Lynch (S255), Audrey Sebire (S257), Royal Forest and Bird Society of New Zealand (S258), Aviation Industry Association for NZ Helicopter Association (FS48), Wairarapa Federated Farmers (FS81), and Te Tini o Ngāti Kahukuraawhitia Trust (FS95).

Content and Evaluation of Submissions Received on General Rural Zone Rules

GRUZ-R1 Buildings and structures, including construction, additions, and alterations

381. Fire and Emergency New Zealand (S172.088), Māori Trustee (S212.257) and Rural Contractors New Zealand Incorporated (S237.009) support Rule GRUZ-R1 and seek that it is retained as notified.
382. New Zealand Pork Industry Board (S229.039) has sought that the rule is amended to apply the minimum setback for residential units to buildings and structures associated with sensitive activities. The submitter considers that the minimum setback set out in GRUZ-S3(2) for residential units should apply to all buildings and structures associated with sensitive activities (not just residential units).

Evaluation of GRUZ-R1

383. In response to New Zealand Pork Industry Board (S229.039), I note that the current permitted rule already references the setback standard (GRUZ-S3). I have responded to the request to change the setback standard in Key Issue 7 (Paragraph 457).

GRUZ-R2 Demolition or removal of buildings and structures

384. Māori Trustee (S212.258) support Rule GRUZ-R2 and seek the rule is retained as notified.

GRUZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)

385. Fire and Emergency New Zealand (S172.089) and Māori Trustee (S212.259) support Rule GRUZ-R3 and seek it is retained as notified.

GRUZ-R4 Seasonal Worker Accommodation

386. Māori Trustee (S212.260) supports Rule GRUZ-R4 and seeks that it is retained as notified.
387. Fire and Emergency New Zealand (S172.093) supports the rule but seeks an to require compliance with performance standard GRUZ-S7 (on-site services). Submitter notes that it is vital that any buildings to be used for accommodation purposes are appropriately serviced with a suitable water supply for firefighting purposes. Without a suitable firefighting water supply or installation of a sprinkler system, an unacceptable risk is posed to residents of the buildings.
388. Horticulture New Zealand (S221.137) have sought changes to the rule as shown below. The submitter considers that workers accommodation provisions should apply to all primary production activities, not just land-based primary production. Submitter considers that there should not be a limit on the number of buildings on a site, and rather should be based on the number of workers it accommodates. The submitter notes that seasonal worker accommodation is already tightly regulated by national rules to provide for the wellbeing of workers. The submitter contends more rules are not needed in the district plan to achieve this. Submitter considers that seasonal worker accommodation is a supporting activity for primary production and allowed by clause 3.9(2)(a) of the NPS-HPL.

GRUZ-R4 Seasonal worker accommodation

1. Activity status: **Permitted**

Where:

a. Compliance is achieved with:

1. GRUZ-S1;
2. GRUZ-S2; and
3. GRUZ-S3; and

- b. Is used primarily to meet labour requirements for ~~land-based~~ *primary production*;
- c. Comprise of communal kitchen and eating area and separate sleeping and ablution facilities;
- d. The accommodation provides for no more than 12 workers; and
- e. Compliance is achieved with the Code of Practice for Able Bodied Seasonal Workers, published by the Department of Building and Housing 2008.
- f. There is no more than one seasonal worker accommodation building per site;
- g. The gross floor area of the seasonal worker accommodation building is no more than 150m²;
- h. The seasonal worker accommodation building is not located on highly productive land or the Martinborough Soils Overlay.

2. Activity status: **Controlled**

Where:

- a. Compliance is achieved with GRUZ-R4(1)(a)-(d), and
- ~~b. Compliance is not achieved with GRUZ-R4(1)(e).~~

~~Matters of control:~~

- ~~1. The siting and location of the seasonal worker accommodation building; and~~
- ~~2. Measures to avoid and minimise any potential loss of highly productive land.~~

3. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with GRUZ-R4(1)-~~or GRUZ-R4(2).~~

Matters of discretion:

1. The effect of non-compliance with any relevant standard and the matters of discretion of any standard that is not met.
2. Number of workers accommodation required to enable the *land based primary production* activity.
3. The effect of the intensity and scale of the activity.
4. The *building* design, siting, form, and external appearance is compatible with the General Rural Zone.
5. Potential methods to avoid, remedy, or mitigate the effects on existing activities including the provision of screening, landscaping and methods for noise control.
6. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

389. New Zealand Pork Industry Board (S229.040) have sought that the rule is amended to apply to all worker accommodation, not just seasonal. The submitter considers that this rule needs to also account for farms that have workers accommodation year-round.

Evaluation of GRUZ-R4

390. I agree with Fire and Emergency New Zealand (S172.093) and recommend that GRUZ-R4(1) is amended to also require compliance with GRUZ-S7.
391. With relation to Horticulture New Zealand (S221.137), there are several changes sought for different reasons. Beginning with the change to clause (1)(b), I question what specifically 'land-based primary production' would limit in the context of seasonal worker accommodation. The main difference between this term and the broader term 'primary production' is that the latter also encompasses any secondary processing of produce. As I understand it, seasonal worker accommodation is principally required for picking/harvesting and initial processing. Based on this, using 'land based primary production' is appropriate. I would consider changing this if the submitter was to provide further evidence that it is overly limiting.
392. In relation to limiting seasonal worker accommodation over highly productive land, I acknowledge that the activity would likely meet clause 3.9(2)(a) of the NPS-HPL being a supporting activity. However, I consider it is reasonable (and necessary) to require limitations on the scale of the activity, whether that be through permitted activity conditions or applying a controlled activity status. I consider that the proposed changes would allow for seasonal worker accommodation over highly productive land to an extent and nature that is inconsistent with the NPS-HPL. Further, I consider that the changes would allow for an extent and nature that is contrary to the General Rural Zone purpose and character – specifically, the changes would allow any number of units to be established with the only limitation being the number of workers (12).
393. I acknowledge that there is also a national code of practice²³ that relates to seasonal worker accommodation. However, I understand that this code of practice relates largely to the Building Act and rather than managing the effects of this land use, which GRUZ-R4 specifically relates to. I do not consider it is necessary to reference this code of practice and note that this would need to be a document incorporated by reference into the District Plan, which would require a specific consultation process in accordance with clause 30 of Schedule 1 of the Resource Management Act 1991.
394. Overall, I do not agree with the changes proposed by Horticulture New Zealand (S221.137). However, the submitter may wish to elaborate at the hearing that the permitted rule should not be limited to 'land-based primary production' and/or alternative changes to provide for worker accommodation over highly productive land as a permitted activity subject to appropriate limitations.
395. With regard to New Zealand Pork Industry Board (S229.040), I do not consider that the rule should be broadened to all worker accommodation. There is an existing definition for seasonal worker accommodation that appropriately accounts for accommodating short term labour requirements. Neither this definition, nor the associated rule, is intended to capture more permanent accommodation. It is intended that permanent accommodation is provided through the number of residential dwellings permitted – this is also proportionate to the size of the property to capture dwellings used for long term worker accommodation.

GRUZ-R5 Primary production (excluding quarrying activities, intensive primary production, and rural industry)

396. Māori Trustee (S212.261), Horticulture New Zealand (S221.138) and New Zealand Pork Industry Board (S229.041) support Rule GRUZ-R5 and seek that it is retained as notified.

²³ <https://www.westernbay.govt.nz/repository/libraries/id:25p4fe6mo17q9stw0v5w/hierarchy/property-rates-building/district-plan/District%20Plan%20Supporting%20Documents/Code%20of%20Practice%20for%20Seasonal%20Worker%20Accommodation%20referred%20to%20in%20Section%2022%20of%20the%20District%20Plan.pdf>

GRUZ-R6 Agricultural Aviation

397. NZ Agricultural Aviation Association (S22.015), Ballance Agri-Nutrients (S208.013), Māori Trustee (S212.262), Federated Farmers of New Zealand (S214.106) and Horticulture New Zealand (S221.139) support Rule GRUZ-R6 and seek that it is retained as notified.
398. Jack Cameron (S74.002) has sought that the rule is amended to provide for non-commercial rural airstrips not associated with primary production/agricultural aviation in the zone. This submission is opposed by Aviation Industry Association for NZ Helicopter Association (FS48.020) who seeks the submission point is disallowed.

Evaluation of GRUZ-R6

399. In relation to Jack Cameron (S74.002), it seems that the submission is relating to recreational airstrips. Currently this type of airstrip (land use activity) is not anticipated by the rule or any other rule in the General Rural Zone, and the activity would need to comply with the associated noise rules contained with the Noise chapter. I consider that this framework is appropriate and note that to further enable this could conflict with the character and amenity values of the General Rural Zone.

GRUZ-R7 Residential visitor accommodation (excluding visitor accommodation)

400. Fire and Emergency New Zealand (S172.090) and Māori Trustee (S212.263) support Rule GRUZ-R7 and seek that it is retained as notified.
401. Horticulture New Zealand (S221.140) seek that the rule is deleted in its entirety as they consider a stay of 90 days is not 'visitor' accommodation and rather a residential activity. Horticulture New Zealand (S221.021) has also sought that the associated definition of 'residential visitor accommodation' is deleted.
402. New Zealand Pork Industry Board (S229.042) have similarly requested that the permitted rule is removed and either the activity is managed as a discretionary activity under the existing GRUZ-R15, or the current rule is amended to a restricted discretionary activity. The submitter considers that visitor accommodation, even on a small scale, is a sensitive activity that could cause reverse sensitivity effects on established intensive primary production operations. The suitability of any site in the General Rural Zone for visitor accommodation should be assessed via a consenting approach.

Evaluation of GRUZ-R7

403. I note that the intent of this rule is to enable residential visitor accommodation such as 'Airbnb' or 'Book-a-Bach', which have similar effects to residential activities. To remove this rule would make any visitor accommodation, including residential visitor accommodation, a discretionary activity under Rule GRUZ-R15. As residential visitor accommodation is a common land use activity, particularly near the settlements, this would likely result in a high number of resource consents. I do not consider that the costs of requiring resource consent would be proportionate to the nature of the activity and the benefits of protecting primary production. While New Zealand Pork Industry Board (S229.042) have inferred that the activity will create reverse sensitivity issues, I would need to see further evidence of this to justify requiring consent in all circumstances. I do not recommend any change to the current rule.

GRUZ-R8 Residential activities

404. James Richardson (S34.001), Aburn Popova Trust (S48.011), Wairarapa Winegrowers' Association Inc (S136.012), Fire and Emergency New Zealand (S172.091), Māori Trustee (S212.264), and Horticulture New Zealand (S221.141) support Rule GRUZ-R8 and seek that it is retained as notified.
405. Greater Wellington Regional Council (S94.208) have sought changes to GRUZ-R8(1)(b) to require that any residential units directly support land-based primary production. The submitter

considers that this change would be more in line with the NPS-HPL and notes that clause 3.9(2)(a) specifies that residential activities must be supporting activities.

406. Audrey Sebire (S257.004) has sought a dwelling size associated with rural lifestyle is limited to 180m². The submitter considers that this would better distinguish between rural lifestyle use and smaller farm blocks.

Evaluation of GRUZ-R8

407. In relation to Greater Wellington Regional Council (S94.208), I agree that it would be more in line with the NPS-HPL to specify that residential units must support a land-based primary production activity. However, I question whether this is necessary as the provision already only allows for one primary residential unit and one minor residential unit. I consider that it is reasonable to enable at least one residential unit on a parcel of land, regardless of whether it supports land-based primary production – the associated effects of this additional dwelling would also already be considered during the subdivision consent. There may be a question of the additional minor residential unit, but given it is limited by its scale and required to be in the immediate vicinity of the principal unit, any loss of highly productive land associated with this minor residential unit is likely to be negligible.
408. With regard to Audrey Sebire (S257.004), I do agree that managing the bulk of certain buildings would better keep with the character and purpose of the General Rural Zone. However, I consider that this is already appropriately managed through the setback and height limits of the zone. While this does not differentiate the associated land use, they do set out density requirements consistent with the zone.

GRUZ-R9 Intensive primary production

409. Māori Trustee (S212.265), Horticulture New Zealand (S221.142) and New Zealand Pork Industry Board (S229.043) support Rule GRUZ-R9 and seek that it is retained as notified.
410. Scott Summerfield and Ross Lynch (S255.002) have sought that the rule is amended to make intensive primary production a controlled activity (Inferred the submitter's reference to "intensive farming" relates to "intensive primary production"). The submitter considers that intensive farming should come with some applicable controls as a controlled activity. They contend it is redundant to have a culture that talks so actively of climate mitigation, biodiversity restoration, and regenerative agriculture to then have resource management instruments do not apply any kind of good practice around land management and the impact on soils, waterways, and other natural resources that are associated with intensive farming practices. New Zealand Pork Industry Board (FS22.014) opposes this submission and seeks it is disallowed on the basis that the permitted rule appropriately manages the scale and effects.

Evaluation of GRUZ-R9

411. I consider that the current rule and the associated standards appropriately manage intensive primary production activities. I note that this activity is anticipated in the purpose and character of the General Rural Zone. The concerns raised by the submitter would seem to be largely associated with discharges, which is a regional council function. If there are particular parts of the rule that the submitter has concern over that relate to the land use, they may wish to elaborate at the Hearing, and I will consider this further.

GRUZ-R10 Conservation activities

412. Māori Trustee (S212.266) support GRUZ-R10 and seek that it is retained as notified.
413. New Zealand Pork Industry Board (S229.044) oppose the permitted status of the rule and seek that it is amended to either discretionary or restricted discretionary. Submitter considers that the definition of 'conservation activities' is not clear and may enable a range of activities without any standards or controls.

Evaluation of GRUZ-R10

414. The rule is intended to capture the conservation activities land use and is specifically directed toward continuing to enable those activities over conservation estate or QEII covenants. While the land use is permitted, it is worth noting that any associated buildings and structures would still need to comply with other relevant rules and standards (specifically GRUZ-R1). The definition of 'conservation activities' in the PDP is:

Means the use of land or buildings for activities undertaken for the purposes of maintaining, protecting, and/or enhancing the natural, historic, and/or ecological values of a natural or historic resource. It may include activities which assist to enhance the public's appreciation and recreational enjoyment of the resource and includes planting, pest and weed control, and plant nurseries.

415. While the submitter has raised concern about this definition and the associated rule, I consider that the definition is clear and there is limited evidence that this could result in an activity that conflicts with the purpose and character of the General Rural Zone.

GRUZ-R11 Rural produce retail

416. Māori Trustee (S212.267) and Horticulture New Zealand (S221.143) support Rule GRUZ-R11 and seek that it is retained as notified.
417. Nigel and Philippa Broom (S219.001) have requested that the permitted rule is amended to include additional clauses relating to the scale of activities and number of visitors. Any activity not complying with these new clauses (i.e. exceeding number of visitors) should trigger a resource consent when activities exceed a certain scale (which is not governed by building number/size). The submitter considers that the amenity of existing residential activities in the GRUZ should not be eroded and raises concern over the associated effects that the activity can cause including noise, traffic, and reduced privacy.

Evaluation of GRUZ-R11

418. I agree that the scale of what is permitted needs to be appropriately managed to ensure that larger scale activities trigger the requirement for a resource consent to provide for a case-by-case assessment. The current rule limits the scale by the maximum ground floor area of 40m² and through the definition of 'rural produce retail', which limits the activity to only produce that is grown and produced on the same site. I consider that this appropriately permits smaller scale operations and manages larger scale operations, and I do not consider that further limitations are required.

GRUZ-R12 Quarrying activities

419. Consideration has been given to relevant submissions on GRUZ-R12 in Paragraphs 122 to 140.

GRUZ-R13 Papakāinga

420. Greater Wellington Regional Council (S94.210), Fire and Emergency New Zealand (S172.092) and Māori Trustee (S212.269) support Rule GRUZ-R13 and seek that it is retained as notified.

GRUZ-R14 Motorised outdoor recreation activities

421. Māori Trustee (S212.270) supports Rule GRUZ-R14 and seeks that it is retained as notified.
422. Scott Summerfield and Ross Lynch (S255.004) have requested that the rule is amended to make the activity non-complying. The submitter considers that this activity should be a non-complying activity within 2km of three or more dwellings given its impact on the quiet enjoyment of others in the area, or a discretionary activity if located away from dwellings with clearly defined standards in the Plan around hours of operation, frequency, noise, traffic, and location. They also comment it is a very specific activity to identify in the Plan, and non-sensical to allow this as restricted

discretionary ahead of other, less invasive, and less environmentally damaging activities that are treated as discretionary. They contend motorised outdoor recreation activities are in no way coherent with primary production as the purpose of the General Rural Zone.

Evaluation of GRUZ-R14

423. This rule is a 'roll-over' of the same rule that exists in the Operative District Plan. The section 32 report found that there had not been any implementation issues associated with this current rule and activity status. While this may be the case, I agree with Scott Summerfield and Ross Lynch (S255.004) that its activity status and the narrow matters of discretion imply that it is to be specifically provided for over other commercial activities. As I understand the background to this rule, the intent of the rule was to capture activities such as motorcross or offroad motorsport that occur on a regular or semi-regular basis. I am not aware of any current activities of this type in the Wairarapa and based on a review of the consent data, there have been no consents sought under the Operative District Plan Rule.
424. Motorised outdoor recreation activities can cause a range of adverse effects depending on the location, nature, and scale of the activity. Those effects can impact the rural character or conflict with primary production. I agree with Scott Summerfield and Ross Lynch (S255.004) that it would be more appropriately managed as discretionary activity to ensure all relevant effects are assessed. I recommend that the activity status is amended to discretionary.

GRUZ-R15 Visitor accommodation (excluding residential visitor accommodation)

425. Māori Trustee (S212.271), Horticulture New Zealand (S221.144) and New Zealand Pork Industry Board (S229.045) support Rule GRUZ-R15 and seek that it is retained as notified.
426. Wairarapa Winegrowers' Association Inc (S136.013) have requested that the rule is amended to make any visitor accommodation over the Martinborough Soils Overlay a non-complying activity. The submitter considers that visitor accommodation under GRUZ-R15 should not be established (as a discretionary activity) within the Martinborough Soils Overlay. The submitter considers that there would be many suitable sites elsewhere, including the General Rural Zone that not subject to the Martinborough Soils Overlay, which would be suitable for visitor accommodation.

Evaluation of GRUZ-R15

427. I agree with Wairarapa Winegrowers' Association Inc (S136.013) that visitor accommodation is unlikely to meet the purpose of the Martinborough Soils Overlay. However, I consider that the current activity status (discretionary) would allow for full consideration of the effects of the activity and whether it meets the purpose of the Martinborough Soils Overlay. I consider that further evidence would be required to elevate the activity status to non-complying – specifically that all visitor accommodation would directly conflict with the Martinborough Soils Overlay.

GRUZ-R16 Rural Industry

428. Māori Trustee (S212.272) and New Zealand Pork Industry Board (S229.046) support Rule GRUZ-R16 and seek it is retained as notified.
429. Fulton Hogan Limited (S122.065) and Horticulture New Zealand (S221.145) have opposed the rule and sought that there is provision for small scale rural industries as a permitted activity. Fulton Hogan Limited noted in their submission that rural industries are critical to supporting primary production activities such as quarrying. Fulton Hogan Limited has suggested a permitted activity rule within GRUZ-R16 as shown below. No specific changes have been provided by Horticulture New Zealand.

GRUZ-R16 Rural Industry

1. Activity Status: Permitted

Where:

- a. maximum of five staff shall work on the site at any one time;
- b. the manufacture, processing or production of goods involve initial or further processing of commodities derived from primary production;
- c. the maximum GFA occupied for the rural industry shall be 250m²;
- d. the maximum GFA occupied for the rural industry within a SASM shall be 150m²;
- e. the maximum land area occupied for the rural industry shall be 500m²;
- f. any retail sales area shall be set back a minimum of 10m from the site boundary;
- g. the retail sale of goods on the site is restricted to those manufactured, produced, or processed on the site;
- h. the maximum NFA or land area occupied for retail sales shall be 50m²; and
- i. any buildings, yard storage, or parking areas associated with the activity shall not be located within 60m of any residential unit, or other sensitive activity located on a site other than where the rural industry is occurring.

4-2. Activity Status: Discretionary

Where:

- a. Compliance is not achieved with GRUZ-R16(1).

Evaluation of GRUZ-R16

430. As discussed in the section 32 report for the Rural topic, the rural industry rule was included as a 'roll over' from the operative plan as there was not identified to be any implementation issues associated with it. I do agree that smaller scale rural industries that are not already covered by other rules could be better provided for. However, I do not necessarily consider that this should be by way of a permitted rule. Rural industries still need to be located and managed in a way that maintains the character of the General Rural Zone and does not conflict with other activities. If smaller scale rural industries are to be provided for, I consider that this should be either a controlled or restricted discretionary activity subject to the relevant parameters. That said, I consider that further evidence is required to demonstrate that there is a need for those smaller scale rural industries to be specifically provided for, noting that there have not been any previous implementation issues identified.

GRUZ-R17 Commercial boarding of cats, dogs, and other domestic pets

431. Māori Trustee (S212.273) supports Rule GRUZ-R17 and seeks that it is retained as notified.

GRUZ-R18 Commercial and industrial activities not otherwise provided for

432. Māori Trustee (S212.274), New Zealand Pork Industry Board (S229.047) and Enviro NZ Services Ltd (S247.027) support Rule GRUZ-R18 and seek that it is retained as notified. Horticulture New Zealand (S221.146) also supports the rule as notified but considers that rural industries should not attract the same activity status.

GRUZ-R19 Any activity not otherwise listed in this chapter

433. Māori Trustee (S212.25) supports Rule GRUZ-R19 and seeks that it is retained as notified.

Section 32AA Evaluation

Effectiveness and Efficiency

434. The recommended change to GRUZ-R12 and GRUZ-R14 better aligns with the objectives and policies of the GRUZ and will ensure that the adverse effects of those activities can be reasonably considered.

435. The changes will increase the overall effectiveness and efficiency of the Plan and will better achieve the outcomes sought as stated in the Rural Environment objectives in the Strategic Direction chapter, the RPS, and the National Planning Standards.

Costs / Benefits

436. There are no material differences to the benefits and costs for the recommended amendments as what has previously been considered.

Risk of Acting or Not Acting

437. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

438. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

7.9 Key Issue 7: GRUZ Standards

Recommended changes to GRUZ Standards

Provision(s)	Officer Recommendation(s)
Standards	
GRUZ-S1 Maximum height	<p>Amend as follows:</p> <ul style="list-style-type: none"> The maximum height of any building or structure shall be: <ul style="list-style-type: none"> b. 15m above ground level for any frost protection fan...
GRUZ-S2 Maximum height in relation to boundary	Retain as notified.
GRUZ-S3 Minimum setbacks	<p>Amend as follows:</p> <ol style="list-style-type: none"> <i>Buildings or structures</i> must not be located within: <ol style="list-style-type: none"> 10m of any front road boundary of sealed roads; b.-a. 10m of any other boundary; 25m of any front boundary of unsealed roads; d.-b. 25m of any <i>significant waterbody</i>; and e.-c. 10m of any <i>surface waterbody</i>. Residential units must also not be located within: <ol style="list-style-type: none"> 25m of any front boundary of unsealed roads; a.-b. 40 m of the edge of a plantation forest under separate ownership; b.-c. 300m of a boundary with untreated agricultural effluent disposal areas; e.-d. 300m of an effluent holding pond; and d.-e. 500m of an <i>intensive primary production activity</i> under separate ownership; and <u>f. 500 m of a landfill.</u> <p>Matters of discretion: <u>8. The extent to which the reduction in setback would impact the character and amenity values of the General Rural Zone.</u></p>

GRUZ-S4 Number of residential units	Retain as notified
GRUZ-S5 Intensive primary production	Retain as notified
GRUZ-S6 Transport requirements for rural produce retail	Retain as notified
GRUZ-S7 On-site services	Retain as notified
GRUZ-S8 Relocatable buildings	Retain as notified

Overview of Submissions Received on GRUZ Performance Standards

439. This section covers submissions relating to the following performance standards of the GRUZ chapter:

- GRUZ-S1 Maximum height
- GRUZ-S2 Maximum height in relation to boundary
- GRUZ-S3 Minimum setbacks
- GRUZ-S4 Number of residential units
- GRUZ-S5 Intensive primary production
- GRUZ-S6 Transport requirements for rural produce retail
- GRUZ-S8 Relocatable buildings.

440. No submissions were received for GRUZ-S7 (Transport requirements for rural produce retail).

441. A total of 29 submission points and nine further submissions points were received on the performance standards for this topic. Those submissions were received from Jan Jessep (S36) Aburn Popova Trust (S48), KiwiRail Holdings Limited (S79), Greater Wellington Regional Council (S94), Geoffrey Roberts (S117), Simon Casey (S139), Wairarapa Winegrowers' Association Inc (S136), E McGruddy (S144), NZ Transport Agency (S149), Fire and Emergency New Zealand (S181), Kath and David Tomlinson (S181), Federated Farmers of New Zealand (S214), Horticulture New Zealand (S221), Jack Wass (S222), Helios Energy Ltd (S223), New Zealand Pork Industry Board (S229), Rural Contractors New Zealand Incorporated (S237), Michael David Walters Hodder (S244), Enviro NZ Services Ltd (S247), New Zealand Heavy Haulage Association Inc (S252), Scott Summerfield and Ross Lynch (S255) and (FS49), Radio New Zealand Limited (S288), Rochelle McCarty (FS54), and Te Tini o Ngāti Kahukuraawhitia Trust (FS95).

Content and Evaluation of Submissions Received on General Rural Zone Objectives

GRUZ-S1 Maximum height

442. Horticulture New Zealand (S221.148) and New Zealand Pork Industry Board (S229.048) support Standard GRUZ-S1 and seek that it is retained as notified.

443. Radio New Zealand Limited (S288.045) supports the standard but seeks a change to matter of discretion (6) as shown below. The submitter notes that this wording is consistent with the wording used in the similar standard in the General Industrial Zone (GIZ-S1) and considers that this more specific wording is preferred. The submitter also considers that Radio New Zealand should be identified as an affected party where consent is required to ensure safety risks can be assessed.

~~6 Any potential electromagnetic effects caused by the structure where it within 1km of a radio transmission mast. Electromagnetic safety risks for any structure higher than 47m within 1000m of Radio New Zealand's facilities at Waingawa. RNZ should be considered an affected person for the purposes of assessing safety risks.~~

Evaluation of GRUZ-S1

444. While I agree that consistency should be maintained throughout the Plan and that more specific direction should be provided where necessary, I do not consider that the GIZ standard is directly transferable to the GRUZ. The current wording would allow a greater degree of consideration of potential effects, as it could apply to any structure (regardless of height) and to any transmission mast (including those that are constructed in future). In relation to requiring Radio New Zealand to be an affected party, I note that the RMA generally would only require an individual to be affected to an application where there is an adverse effect that is minor, or more than minor²⁴. I do not consider that there is evidence that Radio New Zealand will incur this degree of effect in every circumstance. Further, I note if consent is required, the matter of discretion would ensure the Council could consider adverse effects to Radio New Zealand and identify them as an affected party where appropriate.

GRUZ-S2 Height in relation to boundary

445. New Zealand Pork Industry Board (S229.049) support Standard GRUZ-S2 and seek that it is retained as notified.

GRUZ-S3 Minimum setbacks

446. KiwiRail Holdings Limited (S79.083) supports Standard GRUZ-S3 and seeks that it is retained as notified.

447. Jan Jessep (S36.001) and Horticulture New Zealand (S221.149) have raised that the current setback for buildings from a boundary is too small and have requested that it is increased to better align with the character of the General Rural Zone or to manage potential reverse sensitivity effects. Jan Jessep (S36.001) has suggested the boundary setback is increased to 25m. The submitter considers that the setback is necessary to ensure sufficient privacy from dwellings. This submission was supported by Richard Simpson (FS108.001). Horticulture New Zealand (S221.149) raised that a 10m setback is not sufficient to mitigate potential reverse sensitivity effects and sought that a larger setback is sought for residential activities where those effects are likely generated. A specific alternative setback was not suggested.

448. Michael David Walters Hodder (S244.002) considers that the building setback is too large and fails to account for the narrow nature of many properties in the Wairarapa that are larger than 4,500m². The submitter has requested that the boundary setback is amended to 5m for any property larger than 4,500m² that has a width of less than 150m.

449. Helios Energy Ltd (S223.004) and Horticulture New Zealand (S221.149) consider that the building setback from waterbodies is too onerous. Helios Energy Ltd has requested that the setback from surface waterbodies is amended from 10m to 5m. Horticulture New Zealand has requested that the setback from significant waterbodies is amended from 25m to 20m and that the setback from 'other surface waterbodies' only apply to waterbodies greater than 3m in width. New Zealand Pork Industry Board (S229.050) have also questioned the need for a setback from waterbodies, generally noting that there are already national policy instruments that include or manage setbacks.

450. Wairarapa Winegrowers' Association Inc (S136.014) have requested that an additional matter of discretion is added to the standard to specifically reference building setbacks. The submitter considers that this will ensure that there is an ability to manage any visual amenity and sensitivity

²⁴ Section 95E of the Resource Management Act 1991

effects associated with building on boundaries. The submitter specifically referenced seasonal worker accommodation in the Martinborough Soils Overlay and the potential effects of building prominence in the productive landscape.

451. Enviro NZ Services Ltd (S247.028) supports including setbacks to manage reverse sensitivity effects but considers that there needs to be setbacks from existing waste management activities. Enviro NZ Services Ltd have requested that landfills and waste management activities are referenced in clause (2)(d), which would require a 500m setback for any residential dwelling.
452. New Zealand Pork Industry Board (S229.050) have sought that the 25m setback from a front boundary of an unsealed road in clause (1)(c) is deleted and that the reference to 'residential units' in clause (2) is amended to 'sensitive activities'. The submitter considers that in a largely rural environment, this will unnecessarily affect the practical location of ancillary primary production buildings and structures to require the additional setback from the front boundary. Submitter also considers that the setback in clause (2) should apply to all sensitive activities, not just residential units.

Evaluation of GRUZ-S3

453. The building setback from boundaries is currently set at 10m. This setback applies to any building or structure. Residential units are required to meet further setbacks in clause (2), including a setback from certain activities where there is a greater risk for reverse sensitivity. The 10m setback is an increase from 5m in the Operative District Plan. The submitters' concern with the current boundary setback would seem to be primarily related to managing reverse sensitivity, particularly the setback of residential units. If the current setback does not appropriately account for reverse sensitivity, I would suggest including an additional subclause to clause (2) to apply specific boundary setbacks for residential units. I do however question whether an additional setback is necessary, noting that the provisions still need to allow a reasonable ability for a site to be developed. As inferred by Michael David Walters Hodder (S244.002), rural properties vary in size, and many can have narrow boundaries. At this stage, I do not consider there is evidence that the existing setback fails to account for this balance. However, I am open to hearing further evidence both to increase or decrease the setback.
454. With relation to the building setbacks from surface waterbodies (including significant waterbodies), I note that these setbacks have been set based on the direction in the Natural Character chapter – specifically NATC-P3, NATC-P4, and NATC-P5. The appropriateness of the setbacks should be considered under this topic (Hearing Steam 6). I note that both submitters have also questioned the definition of 'surface waterbody', which includes water races, and whether this is a district council function to manage those effects. This matter has already been considered during Hearing Stream 1.
455. I agree with Wairarapa Winegrowers' Association Inc (S136.014) that the matters of discretion need to allow an ability to consider whether the setback is appropriate for managing amenity and sensitivity effects. I consider that reverse sensitivity is already sufficiently managed under existing matter of discretion (7). In relation to rural amenity, I note that matter of discretion (1) does provide an ability to consider the building design, siting, and eternal appearance – but I agree that this may not allow for a broader consideration of the appropriateness of the setback itself. To account for this, I recommend that an additional matter of discretion is included as shown below.

8. the extent to which the reduction in setback would impact the character and amenity values of the General Rural Zone.

456. With regard to Enviro NZ Services Ltd (S247.028), I agree that landfills should be captured in clause (2)(d) and subject to a 500m setback as they are of a similar nature to intensive primary production with relation to potential reverse sensitivity (odour). In relation to waste management facilities generally, I consider that further evidence is required. I note that this would include waste transfer stations and recycling centres, which would be caught by this term and exist in multiple locations throughout the districts. There would need to be a further understanding of whether it is an issue, how this might impact residential development, and what specific activities the setback would apply to.

457. In response to New Zealand Pork Industry Board (S229.050), in principle I agree that all sensitive activities should be managed by way of setback, but I note that other sensitive activities are not specifically provided for as a permitted activity in the GRUZ and would require a consent process despite whether they meet the setback standard. Based on this, I do not consider that there is a need to change the reference to sensitive activities – in addition, this would not be as clear to plan users. With relation to 25m setback from the front boundary where it is an unsealed road, I agree that this is unduly restrictive to all buildings and structures. The intent of this provision is to manage amenity and human health effects associated with dust emissions – however, I note that this would largely relate to habitable buildings. To clarify this, I recommended that clause (1)(c) is moved to a new subclause of clause (2), which only relates to residential units. I also recommend consequential amendments to remove clause (1)(a) and to amend clause (1)(b) to remove the term ‘other’, which ensures it now applies to all boundaries. I have shown those proposed changes below.

1. *Buildings or structures* must not be located within:

- a. 10m of any front road boundary of sealed roads;
- ~~b-a.~~ 10m of any **other** boundary;
- c. 25m of any front boundary of unsealed roads;
- ~~d-b.~~ 25m of any *significant waterbody*; and
- ~~e-c.~~ 10m of any *surface waterbody*.

2. Residential units must also not be located within:

- a. 25m of any front boundary of unsealed roads;
- ~~a-b.~~ 40 m of the edge of a plantation forest under separate ownership;
- ~~b-c.~~ 300m of a boundary with untreated agricultural effluent disposal areas;
- ~~c-d.~~ 300m of an effluent holding pond; and
- ~~d-e.~~ 500m of an *intensive primary production activity* under separate ownership; **and**
- f. 500 m of any landfill.

GRUZ-S4 Number of residential units

458. Aburn Popova Trust (S48.012), Federated Farmers of New Zealand (S214.107), Horticulture New Zealand (S221.150), and New Zealand Pork Industry Board (S229.051) support Standard GRUZ-S4 and seek that it is retained as notified.
459. Greater Wellington Regional Council (S94.211) has sought that matter of discretion (1) of the standard is amended to also reference land-based primary production as shown below. The submitter considers that this will ensure that the NPS-HPL can be given effect to. Horticulture New Zealand (FS13.071) oppose this submission and seek that it is disallowed as land-based primary production is already captured in the broader term ‘primary production’.

Matters of discretion:

1. Whether it can be demonstrated that the residential unit(s) provides ancillary accommodation for landowners and/or workers involved with primary production **or land-based primary production** on sites over 40ha....

460. Simon Casey (S132.001) has sought that the standard is amended to delete the requirement for a minor residential unit to be located within 30m of the primary residential unit. The submitter considers the 30m distance rule can provide significant restriction and may not be practical on all sites. Factors such as topography, services, privacy, and access may limit available build areas. This submission is supported by Scott Summerfield and Ross Lynch (FS49.003) and Rochelle McCarty (FS54.002).
461. NZ Transport Agency (S149.047) have sought the standard is amended to include an additional standard that requires any properties less than 40ha used for rural lifestyle to be limited to one residential unit, and no minor residential unit. The submitter notes that enabling minor residential units on lifestyle blocks will result in further intensification and density, which is contrary to the objectives and policies of the zone. The submitter contends the requested change is more in line with the overall approach taken and the General Rural Zone’s purpose and character. Scott

Summerfield and Ross Lynch (FS49.002) opposes this submission and considers that there is no evidence that there should be further restrictions.

462. E McGruddy (S144.015) has sought changes to the standard as shown below which aligns with the 'alternative approach' described in Paragraph 80.

<p>1. For <i>sites</i> comprising less than 40-8 ha: a. one up to three residential unit per site subject to meeting the conditions set out in SUB-R4; and b. one minor residential unit per site, where the minor residential unit is located within 30m of the primary residential unit and has a gross floor area of no more than 80m².</p> <p>2. For <i>sites</i> comprising of 40-8 ha or more: a. two <i>residential units</i> per <i>site</i>; and b. one <i>minor residential unit</i> per <i>site</i>, where the <i>minor residential unit</i> is located within 30m of the primary <i>residential unit</i> and has a <i>gross floor area</i> of no more than 80m².</p>	<p>Matters of discretion <u>for sites of 8 ha or more:</u> (1) Whether it can be demonstrated that the <i>residential unit(s)</i> provides ancillary accommodation for landowners and/or workers involved with <i>primary production</i> on <i>sites over 40 ha</i>. (2) Whether the <i>residential unit(s)</i> have been designed to share a single vehicle access point and driveway. (3) The extent to which the <i>residential unit(s)</i> and vehicle access point design, siting, and external appearance adversely affects rural character and amenity. (4) <i>Site</i> topography and orientation and whether the <i>residential unit(s)</i> and vehicle access point can be more appropriately located to minimise adverse visual amenity effects. (5) Effect on nearby properties, including outlook and privacy. (6) Whether the <i>residential unit(s)</i> and the vehicle access point can be more appropriately located to maintain, enhance, or restore indigenous biodiversity values. (7) The ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design.</p>
<p>This standard does not apply to: 1. buildings used for seasonal worker accommodation.</p>	

463. Kath and David Tomlinson (S181.003) and Scott Summerfield and Ross Lynch (S255.005) have requested that the standard is amended to be consistent with the Operative District Plan. Submitters consider the proposed provisions are too limiting on smaller properties and considers that the current approach is better suited. These submissions are supported by Scott Summerfield and Ross Lynch (FS49.004) and Rochelle McCarty (FS54.008). Jack Wass (S222.006) has similarly sought that a more flexible approach is adopted for smaller allotments.

Evaluation of GRUZ-S4

464. In relation to the change sought by Greater Wellington Regional Council (S94.211), I agree with Horticulture New Zealand (FS13.071) that consideration of land-based primary production is already captured currently.
465. With relation to minor residential dwellings, I consider that it is appropriate to provide for them, but that it is necessary to include a distance requirement from the principal dwelling. This ensures that residential units are clustered and minimises associated impacts to rural character and productive capacity.
466. In response to E McGruddy (S144.015), I refer to my response provided to the general submission point in Paragraphs 83 to 91. The proposed changes would be contrary to Strategic Direction Objective RE-O5 and the objectives and policies of the General Rural Zone.
467. With regard to reverting the direction back to the Operative District Plan direction, I refer to my response provided in Paragraphs 83 to 91. The section 32 report for the Rural topic considered the 'status quo' as one of the options, but it was discounted as it was considered inefficient and ineffective based on the observed fragmentation of rural land.

GRUZ-S5 Intensive primary production

468. Horticulture New Zealand (S221.151) and New Zealand Pork Industry Board (S229.052) support Standard GRUZ-S5 seek that it is retained as notified.

GRUZ-S7 On-site services

469. Fire and Emergency New Zealand (S172.095) support Standard GRUZ-S7 and seek it is retained as notified.

GRUZ-S8 Relocatable buildings

470. Geoffrey Roberts (S117.001) seeks that the standard is amended to allow use and relocation of other buildings that were not previously designed and used as a residential dwelling. The submitter considers that provided performance measures are met, buildings should still be permitted to be relocated and used as residential dwellings regardless of prior use, such as churches, halls, and other public buildings. The submitter states there is no clear reason for this blanket prohibition, and it arbitrarily restricts the ability to recycle and repurpose buildings that may otherwise be demolished. This submission is supported by Rochelle McCarty (FS54.003).
471. New Zealand Heavy Haulage Association Inc (S252.001) generally supports the provisions for relocated buildings but seeks the deletion of reference to performance bonds through performance standard GRUZ-S8. The submitter considers a performance bond is not necessary as many councils manage adverse effects of relocatable buildings without them.

Evaluation of GRUZ-S8

472. In relation to Geoffrey Roberts (S117.001), I acknowledge that other buildings can be repurposed as residential units, however, I consider that it is reasonable to require a consent in those circumstances to ensure that the building is appropriate for its intended purpose and to account for any additional modifications required to make the building habitable. I note that this would differ substantively from what exists currently under the Operative District Plan.
473. With regard to New Zealand Heavy Haulage Association Inc (S252.001), I note that the performance bond is intended to address the issue that relocated buildings can be unsightly and detract from the visual amenity of an area if they are left unfinished, particularly for long periods of time. The performance bond enables Councils to undertake remedial works, such as exterior repair and reinstatement work, if necessary. This issue was the subject of an Environment Court decision, and it is therefore considered appropriate that the PDP includes a performance bond to ensure any issues can be remedied if they arise. I consider that the performance bond remains appropriate and necessary.

Section 32AA Evaluation

Effectiveness and Efficiency

474. The recommended changes to GRUZ-S3 improves the clarity of the standard and removes any duplication. The changes also ensure that there is an adequate setback for any residential units from landfills to manage potential reverse sensitivity.
475. The changes will increase the overall effectiveness and efficiency of the Plan and will better achieve the outcomes sought through the objectives and policies of the GRUZ – specifically GRUZ-O5 and GRUZ-P6.

Costs / Benefits

476. There are no material differences to the benefits and costs for the recommended amendments as what has previously been considered.

Risk of Acting or Not Acting

477. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

478. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

8 Part 2: Rural Lifestyle Zone

8.1 Overview of Submissions and Further Submissions Received

479. A total of 32 original submissions (68 submission points) and 19 further submissions (32 further submission points) were received on the Rural Lifestyle Zone. Submissions were generally supportive of the provisions. Where amendments were sought, they were to support specific outcomes in the zone, provide for particular activities, or change permitted levels of activities or standards.

480. Submissions on the Rural Lifestyle Zone came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
S34	James Richardson	S48	Aburn Popova Trust	S52	Audrey Rendle
S53	Martinborough Holdings Limited	S58	Hamish Qualtrough	S60	Simon Coffey
S61	Sally Whitehead	S63	Shaun Draper	S94	Greater Wellington Regional Council
S125	Lynly Selby-Neal and Angus Laird	S126	James Derek Gordon Milne	S129	Vern and Jocelyn Brasell
S136	Wairarapa Winegrowers' Association Inc	S148	Antilles Ltd	S149	NZ Transport Agency (NZTA)
S152	AdamsonShaw Ltd	S172	Fire and Emergency New Zealand	S180	Michelle Hight
S187	New Zealand Frost Fans	S192	James Wallace, Leslie Wallace and Rosemary Laffey	S205	Garry Daniell
S221	Horticulture New Zealand	S229	New Zealand Pork Industry Board	S233	Scott Anstis
S239	East Leigh Limited	S243	Alan Flynn	S244	Michael David Walters Hodder
S245	Ministry of Education Te Tāhuhu o Te Mātauranga	S252	New Zealand Heavy Haulage Association Inc	S258	Royal Forest and Bird Protection Society of New Zealand Inc
S260	Tony Garstang	S291	Ben Foreman		

481. Further submissions on the Rural Lifestyle Zone came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
FS12	Phillip Gareth Spilhaus	FS15	Porters Pinot Wines	FS17	Jane Burr
FS25	Mark and Margaret Benseman	FS28	Sarah Martin	FS36	Marilyn Parkin
FS40	Andrew Ryan	FS41	Isobel Ryan	FS60	John and Vivienne Phipps
FS62	Aburn Popova Trust	FS64	Collins Graham Brown	FS65	Jeannine Iwa Brown
FS69	Rudy van Baarle - Molesworth Homes	FS70	Canoe Wines Limited Partnership	FS89	Fulton Hogan Limited
FS97	Transpower New Zealand	FS102	Gavin Grey	FS103	Richard and Clare Toovey
FS105	Ian Gunn				

8.2 Officer Recommendations

482. A full list of submissions, further submissions, and officer recommendations on the submission points for the RLZ are contained in Appendix 3: Recommended Responses to Submissions and Further Submissions.

8.3 Key Issue 1: Appropriateness of Rural Lifestyle Zoning

Recommended changes to the RLZ Maps

Provision(s)	Officer Recommendation(s)
Planning Maps	
Rural Lifestyle Zone	Reduce the extent of the Rural Lifestyle Zone as shown in Appendix 8.

Overview of Submissions Received on the appropriateness of the Rural Lifestyle Zone

483. Greater Wellington Regional Council (S94), Adamson Shaw (S152), Scott Anstis (S233), and Alan Flynn (S243) raised general concerns over the Rural Lifestyle Zoning. These concerns included:

- Its consistency with the NPS-HPL and impact to highly productive land
- The feasibility to provide for on-site servicing to the allotments
- Risk of natural hazards
- Traffic effects.

Content and Evaluation of Submissions Received on the appropriateness of the Rural Lifestyle Zone

Submissions on On-site Servicing Feasibility

484. Adamson Shaw (S152.020) and Scott Anstis (S233.018) both raised concern over the feasibility for on-site stormwater and wastewater to be managed throughout the Rural Lifestyle Zone. The

submitters referenced that there are existing issues associated with stormwater and wastewater disposal in the general area. Both submitters suggested that reticulation may be an option via Milford Downs.

Evaluation of On-site Servicing Feasibility

485. To further understand the feasibility for onsite servicing, I sought advice from Alec Birch, Masterton District Council's Rural Road Engineer (**Appendix 5**). Mr Birch has a good understanding of the area subject to the Rural Lifestyle Zone through both his role and as a local resident. Mr Birch considers that while there are some site-specific constraints, there would remain a reasonable ability to provide for on-site servicing on each site. Based on this, I do not consider there is evidence that on-site servicing across the Rural Lifestyle Zone will be significantly constrained.
486. With relation to the suggestion that the Rural Lifestyle Zone is serviced by the reticulated network, I have confirmed with Masterton District Council that there is no intention in the short to medium term to extend the reticulated servicing. This is also reflected in the 2024 – 2034 Long Term Plan,²⁵ which does not include any project or funding for reticulated services to this area. While it may be feasible in the long term, subject to sufficient capacity in their future system, this would be a future decision and there is currently no budget or capacity for the system to be extended to service a Rural Lifestyle Zone.

Submissions on Natural Hazards

487. Alan Flynn (S243.002) opposed the zoning and raised that the land within the proposed zone is subject to natural hazards (fault lines and liquefaction risk) and receives a high volume of water seepage from Lansdowne Hill. The submitter has sought that the Rural Lifestyle Zone is removed and the same approach to rural lifestyle provided for in Carterton and South Wairarapa districts is taken for Masterton district.

Evaluation of Natural Hazards

488. Parts of the Rural Lifestyle Zone are subject to Fault Hazard Areas and Potential Liquefaction Risk. I have shown the extent of the zone impacted by those hazards in Figure 3.

25

<https://www.mstn.govt.nz/repository/libraries/id:2jr77ddv17q9sn6a3db/hierarchy/Documents/Consultations/Long%20Term%20Plan%202024/Other%20information/MDC%202024-34%20Long-Term%20Plan>

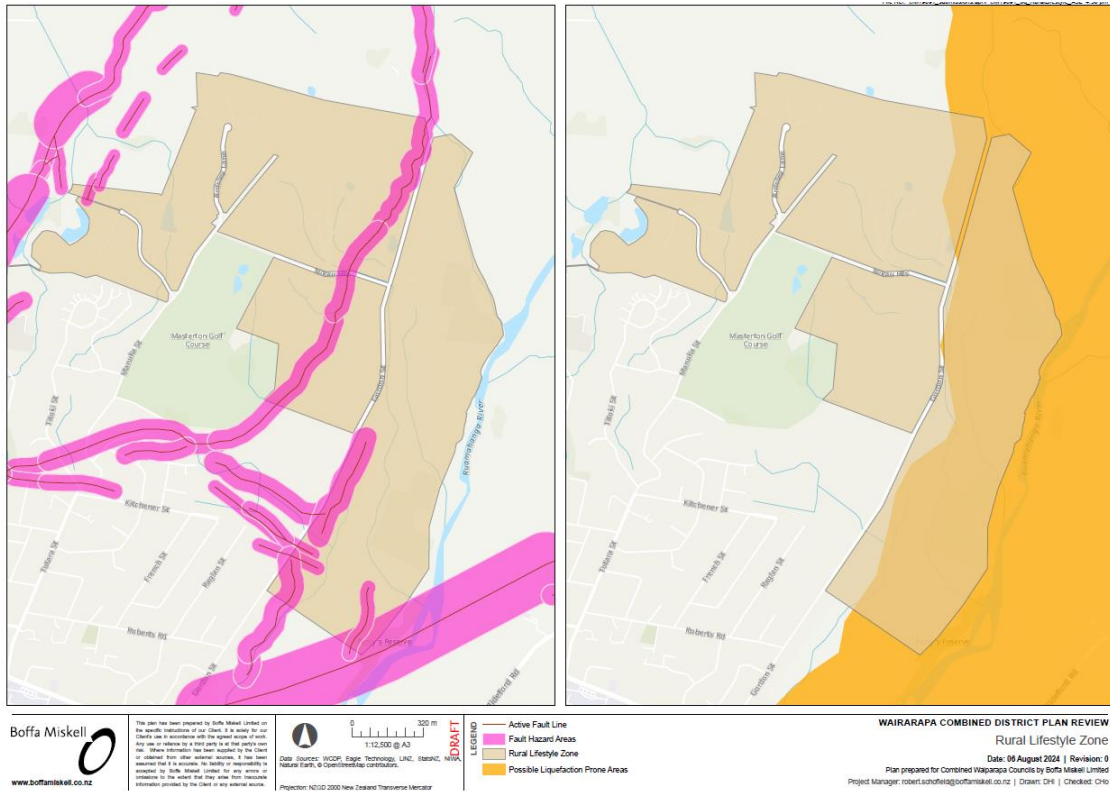


Figure 3: Fault Hazard Areas and Possible Liquefaction Prone Areas within the Rural Lifestyle Zone.

489. While the Potential Liquefaction Risk areas do cover several properties on the eastern side of Gordon Street, I note that this is a low-level hazard risk and the policy direction in the Natural Hazards chapter is that development is appropriate in these areas provided mitigation measures are adopted.
490. In relation to the Fault Hazard Areas, consideration was given to Fault Hazard Areas along with other Natural Hazards in the identification of the Rural Lifestyle Zone - this is detailed in Section 8.1 of the section 32 report for the Rural topic. Specific consideration was given to the potential impact that that Fault Hazard Areas may cause to the yield and ability for residential development in the Zone. **Figure 4** shows how the Fault Hazard Areas may impact potential developable yield in the Rural Lifestyle Zone. As shown, there remains an ability for reasonable lifestyle development within the Zone and the overall yield sufficiently accounts for long term demand. In addition to this, I note that there remains an ability to establish a building platform over the Fault Hazard Areas, subject to a more restrictive activity status, e.g. restricted discretionary as opposed to controlled.

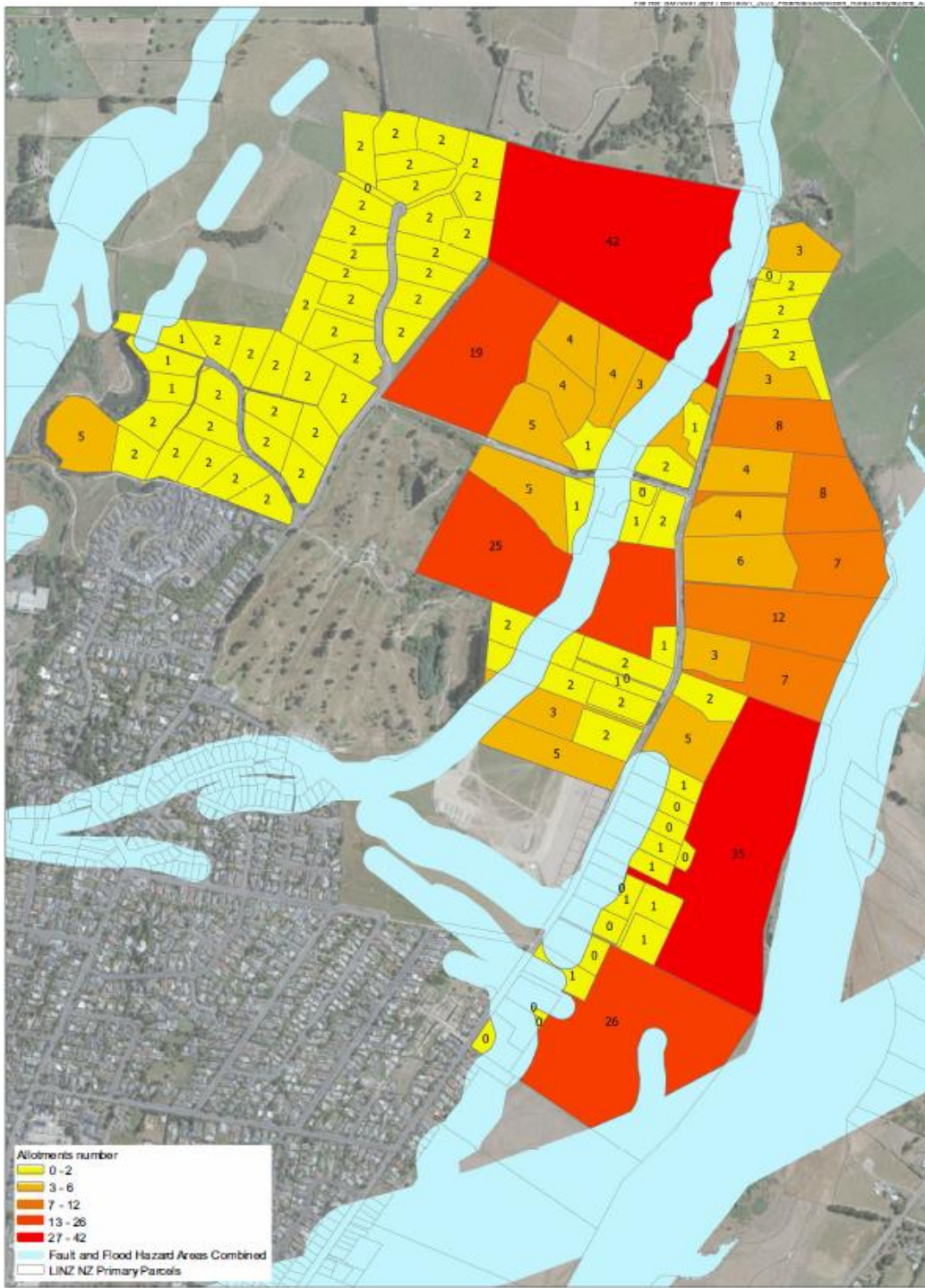


Figure 4: Potential subdivision yield in the Rural Subdivision Zone, discounting any land subject to a Natural Hazard.

491. With regard to the potential for water seepage, I understand that there can be localised surface ponding and runoff (see Paragraph 485); however, I do not consider that this will unduly restrict lifestyle development nor justify identifying an alternative area.
492. Overall, I consider that the Rural Lifestyle Zone has been appropriately situated and development will not be overly compromised by natural hazards or seepage. I do not recommend any changes to its spatial extent or location.

Submissions on Traffic

493. NZ Transport Agency (S149.048) generally supported the zoning but raised that it needs to restrict access from the Rural Lifestyle Zone to State Highway 2. The submitter suggested no access onto Fifth Street is supported with higher density living until road hierarchy and function of the current Interregional Collector corridor is altered to better accommodate additional traffic. Like the residential rezoned land south of Fifth Street, the NZ Transport Agency contends an investment in the corridor is required to provide additional capacity and a different road function to support ongoing development.

Evaluation of Traffic

494. While I agree that there are traffic effects that would need to be managed where there is increased access onto State Highway 2, I consider that there are sufficient controls through the subdivision and transport rule frameworks to manage those effects.

Submissions on National Policy Statement for Highly Productive Land

495. Greater Wellington Regional Council (S94.007) raised that a substantive portion of the Rural Lifestyle Zone is located over highly productive land as defined in the National Policy Statement for Highly Productive Land²⁶ (**NPS-HPL**). It was noted that the NPS-HPL direction requires avoidance of new rural lifestyle zoning, unless it can be demonstrated that clause 3.10 of the NPS-HPL can be met. The submitter considers that there is insufficient evidence provided in the section 32 evaluation that this clause is met. The submitter has sought that the Rural Lifestyle Zone is deleted, and any lifestyle is provided for through the same approach provided in the General Rural Zone. As evaluated in Part 1 of this report, several submitters (including submissions from Federated Farmers (S214.100), Horticulture New Zealand (S221.174) and Dan Kellow (S70.011)) raised that the PDP must give effect to the NPS-HPL in a general sense.

Evaluation of National Policy Statement for Highly Productive Land

496. As GWRC have noted, the Rural Lifestyle Zone is partially located over highly productive land as currently defined in the NPS-HPL. **Figure 5** below shows the spatial extent of the land that would be subject to the interim definition of highly productive land, based on GIS data from Landcare Research.

²⁶ Meaning described in Clause 3.5(7) of the National Policy Statement for Highly Productive Land.

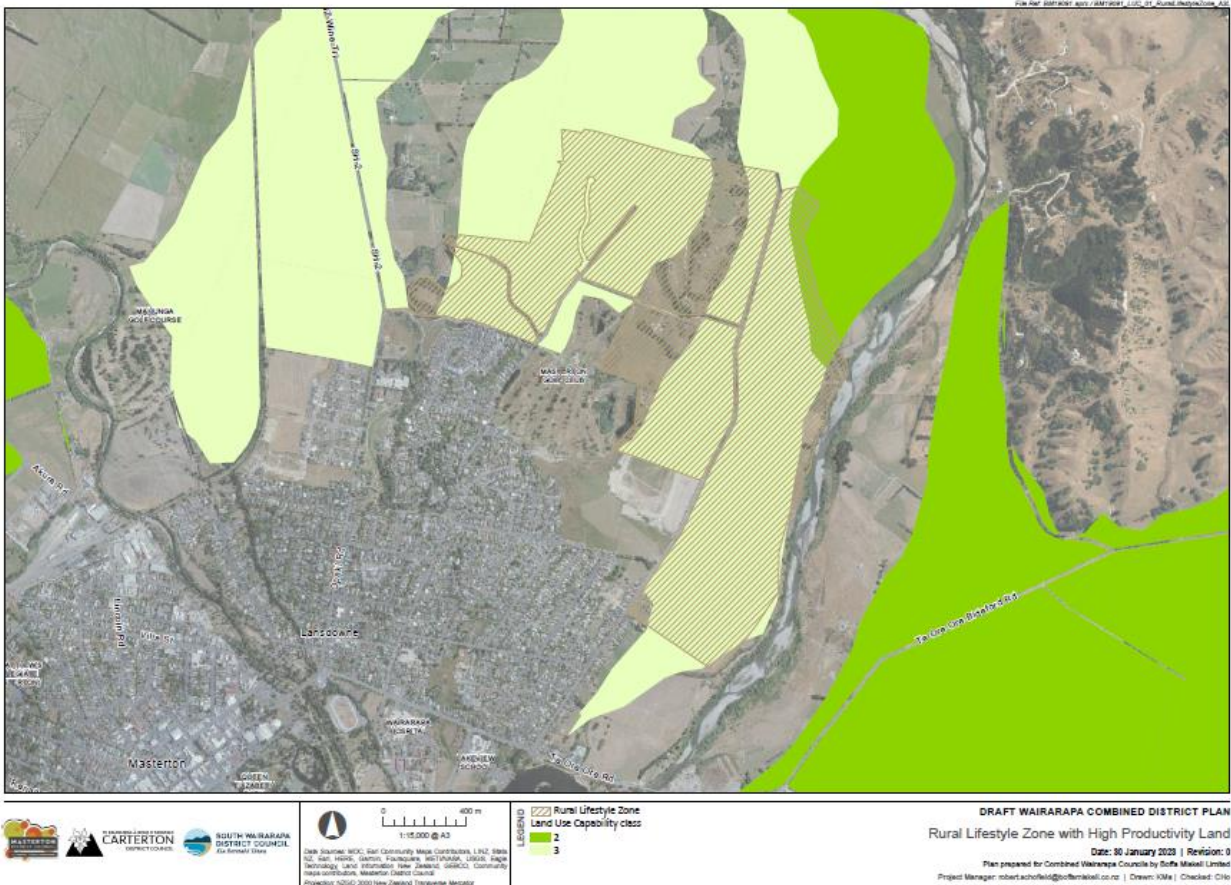


Figure 5: Extent of LUC 1, 2 and 3 land in proximity to the proposed Rural Lifestyle Zone.

497. The NPS-HPL directs²⁷ to avoid any rural lifestyle rezoning over highly productive land, except where otherwise provided for in the NPS. Clauses 3.7 and 3.10 of the NPS-HPL provide an exemption to Policy 6 where it can be demonstrated that the rezoning would not cause a permanent or long-term constraint to highly productive land. Those clauses are reproduced below.

<p>3.7 Avoiding rezoning of highly productive land for rural lifestyle</p> <p>(1) Territorial authorities must avoid rezoning of highly productive land as rural lifestyle, except as provided in clause 3.10</p>
<p>3.10 Exemption for highly productive land subject to permanent or long-term constraints</p> <p>(2) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:</p> <p>(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and</p> <p>(b) the subdivision, use, or development:</p> <ol style="list-style-type: none"> i. avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and ii. avoids the fragmentation of large and geographically cohesive areas of highly productive land; and iii. avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

²⁷ Policy 6

- (c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
- (3) In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):
 - (a) alternate forms of land-based primary production:
 - (b) improved land-management strategies:
 - (c) alternative production strategies:
 - (d) water efficiency or storage methods:
 - (e) reallocation or transfer of water and nutrient allocations:
 - (f) boundary adjustments (including amalgamations):
 - (g) lease arrangements.
- (4) Any evaluation under subclause (2) of reasonably practicable options:
 - (a) must not take into account the potential economic benefit of using the highly productive land for purposes other than land-based primary production; and
 - (b) must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and
 - (c) must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.
- (5) The size of a landholding in which the highly productive land occurs is not of itself a determinant of a permanent or long-term constraint.
- (6) In this clause:
 - landholding* has the meaning in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
 - long-term constraint* means a constraint that is likely to last for at least 30 years

498. The evaluation in the Rural topic section 32 report indicated that an assessment against clause 3.10 had been undertaken and the proposed rezoning met the requirements. This initial assessment was brief and relied primarily on the existing nature of the primary production values in this area.

499. I agree with Greater Wellington Regional Council that further assessment is required to confirm that the clause is met. In order to provide this assessment, AgFirst were commissioned and provided an assessment which is attached as **Appendix 4**. In their assessment, AgFirst have evaluated the land subject to the RLZ as notified against clause 3.7 and 3.10 of the NPS-HPL. Their assessment relied upon a combination of desktop information and site investigations into specific properties within the RLZ. A summary of this assessment is as follows:

- a. Of the 230ha of land that the RLZ is subject to, approximately 191 ha (83%) is Highly Productive Land based on the regional scale land use capability mapping (either LUC II or III). For the purposes of assessing against clause 3.7 and 3.10 of the NPS-HPL, this regional scale extent has been considered rather than more site-specific mapping of LUC, which aligns with recent case law²⁸.
- b. Based on an evaluation through both desktop information and site visits, it was determined that the highest and best productive land use is a mix of viticulture, arable, and horticulture (potatoes) based on the soil type and drainage characteristics.
- c. After assessing all land that is subject to highly productive land against clause 3.10 of the NPS-HPL, AgFirst consider that 114ha of the land that is classified as highly productive land meets the tests set out in clause 3.10 for the following reasons:
 - 1. The land is subject to non-reversible land fragmentation with limited opportunities for amalgamation with adjoining productive land holdings.

²⁸ *Blue Grass Limited and other v Dunedin City Council*, NZEnvC 83, April 2024

2. Based on the soils, climatic conditions, and the size of the allotments, there are no reasonably practicable options to continue land-based primary production in an economically viable manner, both now and in the long term.
 3. The area represents 88.21ha of 'effective' highly productive land,²⁹ which is not considered to have value for land-based primary production and represents a negligible loss of 0.25% of the districts available highly productive land.
 4. Based on an evaluation of the costs and benefits of allowing the subdivision, use and development, the environmental, social, cultural, and economic benefits outweigh the long-term environmental, social, cultural, and economic costs.
- d. AgFirst have found that the remaining 77ha (11 land parcels) of highly productive land do not meet clause 3.10 of the NPS-HPL for the following reasons:
1. There are land parcels of a sufficient scale and contain soil characteristics to support productive crops (viticulture or olives) that would provide for an economically viable productive use in the long term, subject to an initial capital investment.
 2. There is an ability for future amalgamation of adjoining properties, which would allow land holdings that are not presently of a sufficient scale for those productive land uses to become of that scale in the long term.
- e. Figure 6 shows the areas that meet clause 3.10 of the NPS-HPL in green and the areas that do not meet clause 3.10 are shown in red below.

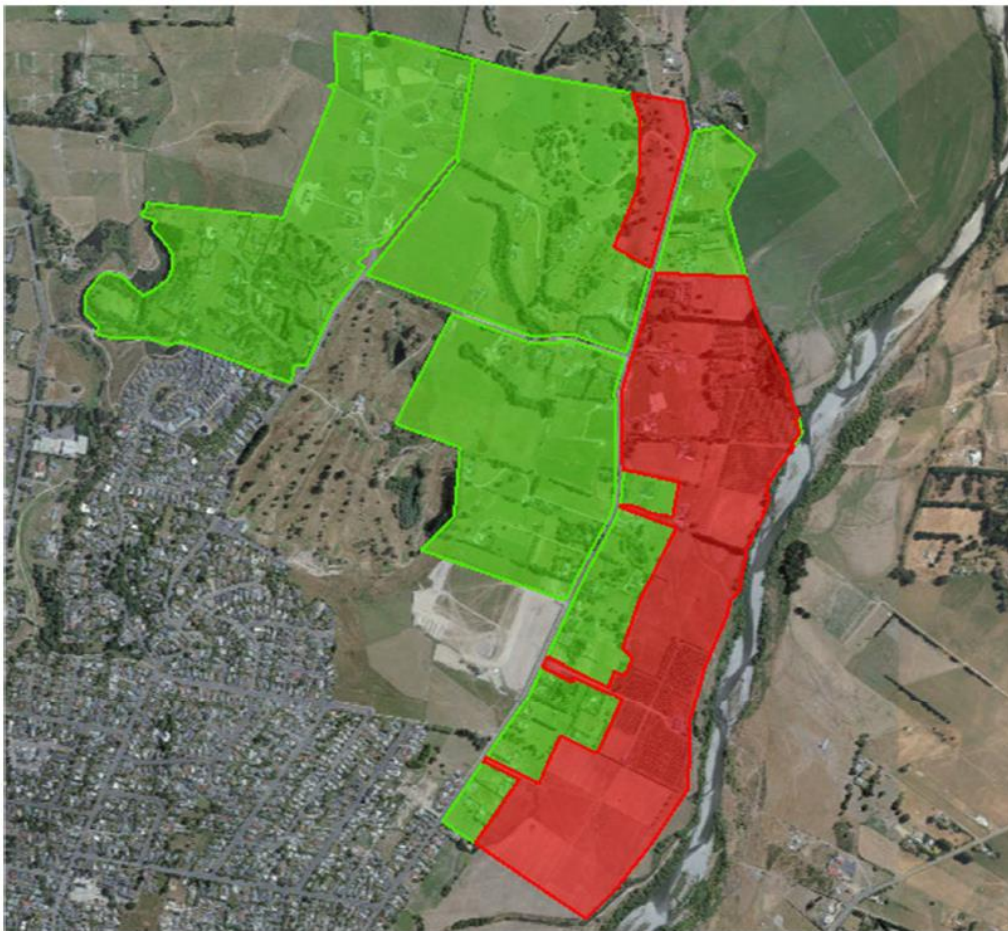


Figure 6: Land parcels with the proposed Rural Lifestyle Zone that meet (green) and do not meet (red) Clause 3.10 of the National Policy Statement for Highly Productive Land.

²⁹ By 'effective' this refers to land that is not otherwise covered by building footprints or other infrastructure.

500. Based on AgFirst's findings, I consider that changes are required to the spatial extent of the RLZ in order to meet the NPS-HPL direction. Namely, I recommend that the RLZ is reduced in its spatial extent to remove those properties shown in red in Figure 6. This change represents a reduction in the overall potential yield of the RLZ of approximately one third, from 381 potential allotments³⁰ to 259. I note that this falls short of the anticipated 10-year demand for rural dwellings for Masterton District, which is approximately 350 allotments if the RLZ was relied upon alone in achieving this demand.
501. Without offsetting this shortfall with additional land for rural lifestyle opportunities, I consider that there will be insufficient rural lifestyle opportunities enabled through the PDP in the Masterton District in order to meet Strategic Direction Objective RE-O5. I consider that there are three options to provide for those opportunities:
- Option 1: Rezoning requests within the Masterton District are accepted to offset the associated loss
 - Option 2: Further rural lifestyle subdivision is enabled in the General Rural Zone of the Masterton District
 - Option 3: The Council (MDC) undertake further investigation to identify additional land for rural lifestyle and prepare and notify a plan change.
502. The preference expressed from MDC is for rural lifestyle to be provided through a RLZ, which ensures that lifestyle development can be undertaken in a coordinated and consistent fashion, while minimising potential fragmentation to the Masterton District. If further lifestyle opportunities were to be provided in the GRUZ of the Masterton District, the logical rule to provide this option would be provided through SUB-R4, which currently allows for small allotment subdivision on properties that are less than 4ha in Carterton and South Wairarapa Districts, subject to certain conditions. Based on a review of the distribution of those properties in the Masterton District (see **Appendix 9**), applying this rule would result in additional sporadic development that could occur throughout the district, including in parts of the district that are isolated from service centres. Based on this, the preference expressed by MDC is for either option 1 or 3. Option 1 is considered further in Key Issue 2 below. If insufficient opportunities are enabled after implementing Option 1, Option 3 would become necessary.

Section 32AA Evaluation

Effectiveness and Efficiency

503. The reduction to the RLZ more appropriately achieves the Strategic Direction Objectives (RE-O3 and RE-O5) and the PDP and the NPS-HPL. In particular, I consider that the change to the extent ensures:
- a. That the zoning is consistent with Strategic Direction Objective RE-O3 by ensuring that highly productive land is protected from inappropriate subdivision, use, and development
 - b. That the zoning is consistent with RE-O5 by only allowing for opportunities for rural lifestyle in locations that do not otherwise conflict with primary production and/or the protection of the productive capacity of land, and
 - c. That the zoning is consistent with policy 6, clause 3.8, and clause 3.10 of the NPS-HPL.

Costs / Benefits

504. Given the importance of protecting productive land as directed through the Strategic Direction Objectives and the NPS-HPL, the benefits of reducing the RLZ outweigh any associated costs (reduction in lifestyle opportunities).

³⁰ This yield excludes any allotments that would be constrained by natural hazards.

Risk of Acting or Not Acting

505. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

506. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

8.4 Key Issue 2: Submissions Seeking Rural Lifestyle Rezoning

Recommended changes to the RLZ Maps

Provision(s)	Officer Recommendation(s)
Planning Maps	
Rural Lifestyle Zone	No further changes recommended.

Content and Evaluation of Submissions Received relating to requests to rezone land to RLZ

507. Michael David Walters Hodder (S244.004) supported the extent of the RLZ and sought that it is retained as notified. Nine submitters have sought that their property is rezoned from General Rural Zone to Rural Lifestyle Zone. The submissions were from the following individuals: Hamish Qualtrough (S58.001), Audrey Rendle (S52.001), Simon Coffey (S60.001), Sally Whitehead (S61.001), James Wallace, Leslie Wallace and Rosemary Laffey (S192.001), and Garry Daniell (S205.001).

508. Various further submissions were received on the rezoning submission points.

Evaluation of Rezoning Requests

509. An assessment of the rezoning requests has been provided in **Appendix 6**. For this assessment, I have considered the rezone requests against criteria to identify the appropriateness of rezoning. I have explained the criteria in more detail in the table below, which is based on the same criteria used for identifying the Rural Lifestyle Zone as described in Section 8.1 of the section 32 report for the Rural topic.

Criteria	Description
Capacity for future demand	Strategic Objective RE-O5 requires opportunities for rural lifestyle be provided for in appropriate locations. In order to meet this, sufficient rural dwellings must be provided to meet the future demand. Based on growth projections ³¹ , there is demand for up to 35 rural dwellings per annum – or 350 throughout the duration of the District Plan (10-years). With a reduction to the RLZ as discussed in Paragraph 500, there would be a shortfall of approximately 91 allotments if the RLZ is relied upon alone in meeting the further rural dwelling demand. A key consideration for the rezone requests is the ability for the rezoning to positively contribute to meeting the realised future demand – which can be measured by conservatively enabling further growth opportunities.
Impact to primary production	The degree to which zoning would avoid or appropriately minimise: 1. fragmentation of land 2. loss of productive capacity, and 3. reverse sensitivity. In assessing this criterion, I have sought specific advice from AgFirst Consulting.

³¹ Statistics New Zealand (2022) Population Projections – medium scenario for Masterton

Loss of Highly Productive Land	The NPS-HPL applies where land is identified as highly productive land, which requires consideration against clause 3.10. In assessing this criterion, I have sought specific advice from AgFirst Consulting.
Size and location	<p>There are three components to the size and location of the proposed rezoning that need to be considered:</p> <p>Contiguous land Rezoning small pockets of lifestyle can further fragment the rural environment and result in loss of rural character. Rural lifestyle rezoning should ensure that continuous land is subject to the zoning to ensure coherent and integrated development, and to minimise conflicts with other land uses, namely primary production.</p> <p>Proximity to service centres Rural lifestyle remains dependent on services that are typically provided in urban areas such as educational facilities, emergency service facilities, and employment opportunities. It therefore must be located in proximity of an urban area or settlement.</p> <p>Positively integrates the urban / rural boundary Rural lifestyle zoning should strategically integrate with urban and rural intersect to provide a transition. It can contribute positively by framing the urban boundary and avoiding sprawl and uncoordinated urban growth. Conversely, it can limit future urban expansion opportunities.</p>
Constraints to development	Land to be zoned for lifestyle must be reasonably developable with an ability to provide on-site servicing for water, wastewater, and stormwater. Consideration must be given to any constraints to this, including topography, natural hazards, ground conditions and other planning overlays.
Traffic and roading	Consideration of impacts that lifestyle development cause to traffic and roading. Consideration needs to be given to the existing roading and access for future lifestyle development. This includes determining whether the existing local roads provide sufficient capacity for future development, and the impact that the development may cause to the safe and efficient functioning of the transport network. In assessing this criterion, I have sought specific advice from the Council's Roothing team where necessary.

510. Based on my evaluation of that criteria, I do not consider there is sufficient evidence to support any of the rezone requests. I have provided a summary of each of the requests below, along with the criteria that I do not consider has been met.
511. Hamish Qualtrough (S58.01) has sought that their property at 75 Evans Road is rezoned to RLZ and provided various reasons for the rezoning, including the lack of productive capacity that already exists on the property, that the surrounding land use is already lifestyle, and the rezoning will provide suitable housing opportunities.
512. While the land would appear to have limited productive capacity, I consider that its location and size do not make it appropriate for rural lifestyle zoning. Namely, it is isolated from the remainder of the RLZ and only provides for a small pocket of lifestyle development. This would result in an inconsistent development pattern. I consider that if lifestyle development was proposed on this property, it would be best considered via a subdivision consent process rather than a rezoning. For those reasons, I do not support the rezone request.
513. Audrey Rendle (S52.001) has sought their property and those that immediately adjoin are rezoned to RLZ (52 Chamberlain Road, 66 Chamberlain Road, 78 Chamberlain Road, 114 Chamberlain Road). The submitter's main reason provided for the proposed rezone request is that the existing land use better aligns with the purpose and character of the Rural Lifestyle Zone as opposed to the General Rural Zone. Phillip Gareth Spilhaus (FS12.002) and Richard and Clare Toovey (FS103.002) further submitted in opposition and sought the rezone request is disallowed.

514. The land is located over highly productive land and therefore the rezoning is subject to the NPS-HPL. Based on a desktop review by AgFirst, there is not sufficient evidence that clause 3.10 of the NPS-HPL would be met to provide for this rezoning. In addition to this, I consider that the size and location do not make it appropriate for rezoning – this land is separated from the remainder of the RLZ, and its location may impact future urban growth opportunities. For those reasons, I do not support the rezone request.
515. Simon Coffey (S60.001) and Sally Whitehead (S61.001) sought the rezoning of properties located at Boundary Road, Donald's Road, and the lower portion of Ngaumutawa Road to RLZ. The submitters referenced that the predominant usage of the land is presently rural lifestyle. The submitters have noted that the size of the existing lots makes commercial farming or other commercial agricultural usage uneconomic, and the lots are highly suited for rural lifestyle use.
516. The land is located over highly productive land and therefore the rezoning is subject to the NPS-HPL. Based on a desktop review by AgFirst, there is not sufficient evidence that clause 3.10 of the NPS-HPL would be met to provide for this rezoning. In addition to this, I consider that the location does not make it appropriate for rezoning as it would compromise future urban growth opportunities in this area. For those reasons, I do not support the rezone request.
517. James Wallace, Leslie Wallace, and Rosemary Laffey (S192.001) have sought their property located at 254 State Highway 2 be rezoned to RLZ. The submitter has sought a combination of General Residential and Rural Lifestyle zoning over the site (see Figure 7), but has noted that if the land is not suitable for Residential, that they seek the full site to be zoned Rural Lifestyle. The submitter considers that the proposed rezoning is the most efficient use of the site. The elevated area to the west, which is visible from surrounding land, would be developed at a scale which would not detract from the current openness of the site. The area proposed to be zoned General Residential is flat, and therefore difficult to see from the surrounding area (noting the Ardsey Lane and proposed Rural Lifestyle zone would have views across the top of that zone towards the Tararua Range). Due to the scale of the site, there is sufficient land available for servicing. The submitter noted that they intend to provide supporting technical evidence at the hearing for LUC classification of the site, transport, infrastructure, urban design, hazards, and heritage.³²

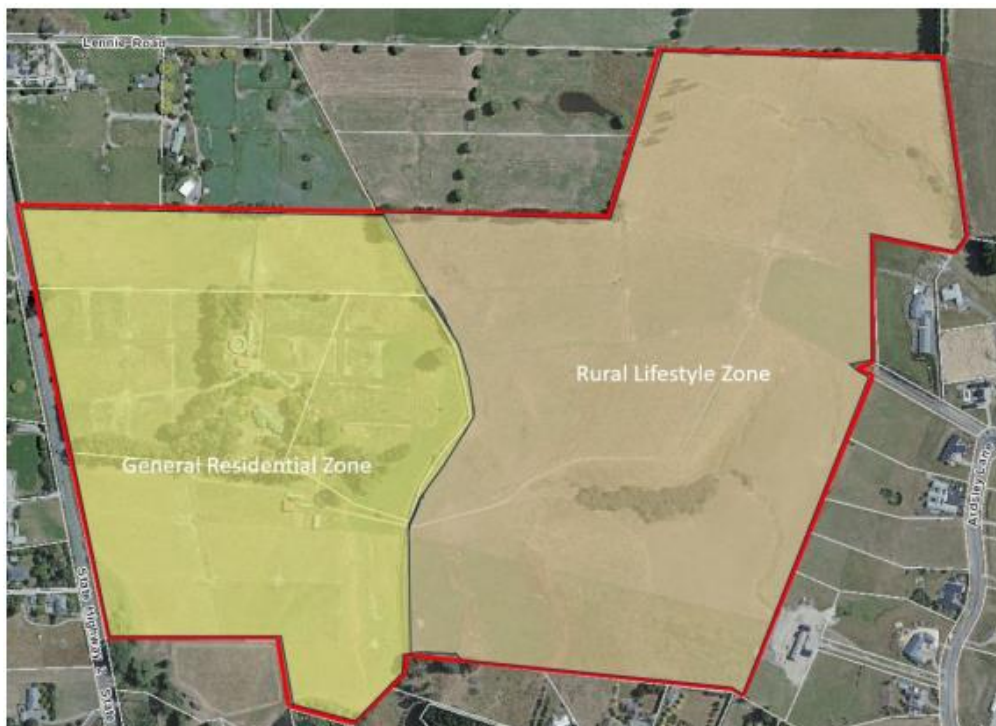


Figure 7: Preferred rezoning as requested in the original submission.

³² These matters also relate rezoning of part of the site to General Residential.

518. I note that the rezoning request to Residential will be considered separately during Hearing Stream 13. For the purposes of assessing this submission, I will consider both scenarios of rezoning to RLZ to the preferred part of the site, or the full extent of the site.
519. The land is located over highly productive land and therefore the rezoning is subject to the NPS-HPL. In addition, parts of the land are subject to a Fault Hazard and the State Highway Noise boundary. A surface waterbody also flows through the property. Based on advice from AgFirst, while there is highly productive land located throughout the property (67% of the property), they consider that it is likely that clause 3.10 of the NPS-HPL would be met due to the nature of the soils and the inability to amalgamate with an adjacent productive unit. In addition to this, the property would meet several of the other preferred criteria and is contiguous with the remainder of the RLZ. However, the property poses traffic and roading constraints. If direct access to the State Highway was required, this could result in a high risk to the safety and efficiency of the transport network. The Council's Infrastructure Team have also provided comment on the feasibility of all allotments requiring access onto the existing local roads (e.g. avoiding direct access to State Highway 2). Based on their desktop assessment, the existing roads would not have sufficient capacity and it is unclear whether the roads could be reasonably upgraded to account for this future capacity. The Council's Infrastructure Team also raised concerns regarding on-site servicing. These concerns relate to whether it would be feasible for on-site servicing to be provided due to some of the site constraints (slope and flooding) and the potential for increased stormwater inflows into the surface water body that flows through the site, which in turn could exacerbate flooding that is known to occur at the southern end of the property. For those reasons, I do not support the rezone request. I acknowledge that the submitter has stated that they will provide further technical assessment for LUC classification, transport, infrastructure, hazards, and heritage to support the rezoning. Should further evidence be provided that further clarifies those matters I have raised, I may reconsider my position.
520. Garry Daniell (S204.001) has sought rezoning of his property located at 125 Te Ore Ore Road to RLZ. The submitter notes that the site was previously identified for rural lifestyle in the Draft District Plan and questions why it was removed. The submitter considered that the site is appropriate for rural lifestyle and meets the criteria indicated in the section 32 evaluation. The submitter has acknowledged that there are hazards identified in the Proposed District Plan throughout the site, specifically a Fault Hazard Area and a Flood Hazard Area. However, has provided further information to suggest that the hazards are not present and that there is an ability for the site to be reasonably developed. The submitter has acknowledged that parts of the site are within highly productive land and are subject to the NPS-HPL. However, the submitter has noted that this only impacts part of the site, and this is not inconsistent with other parts of the Rural Lifestyle Zone are also located over highly productive land. In addition to this, the highly productive land on the site is LUC 3, which the submitters notes has been indicated by the Government to be removed as highly productive.
521. The land is located over highly productive land and therefore the rezoning is subject to the NPS-HPL. The land is also subject to natural hazards, namely fault and flood hazards. The property meets several of the criteria given its location and proximity to the remainder of the RLZ and was previously identified as RLZ in the Draft District Plan. Based on AgFirst's desktop review, while the property may currently be constrained for an economically viable productive use, there is an ability to amalgamate with adjoining properties to the north. This does not support that the property is subject to a long term (30 years) constraint in accordance with clause 3.10 of the NPS-HPL. In addition to this, the site is constrained by natural hazards that would significantly reduce the potential lifestyle development that is enabled. While the submitter has challenged the status of those hazards, I do not consider there is sufficient evidence that the property could be reasonably developed into rural lifestyle, including providing for on-site servicing. For those reasons, I do not support the rezone request. The submitter has indicated that further evidence will be provided in relation to both the NPS-HPL and the natural hazards. Should further evidence be provided that further clarifies those matters, I may reconsider my position.
522. Overall, based on the evidence available to me, I do not consider that any of the rezoning requests should be accepted at this stage. As discussed in Paragraphs 500 to 502, the recommended reduction to the RLZ will mean that there is insufficient lifestyle opportunities provided in Masterton District to meet the long term demand. With this shortfall remaining, I

consider that Option 3 (as described above) will be necessary in order to provide for long term lifestyle demand. This will require the Council to undertake further investigations to identify land suitable for RLZ that meets the criteria I have described in Paragraph 509. As there is not scope through this Proposed District Plan to undertake this investigation and identify any additional land now, this will need to be subject to a separate RMA Schedule 1 Process (plan change). I do however acknowledge that this is based on the information currently available to me. If further evidence may be provided by submitters seeking rezoning that the criteria would be met, this may result in sufficient opportunities provided through the PDP.

Section 32AA Evaluation

Effectiveness and Efficiency

523. There are no suggested changes from what has already been assessed in the section 32 report for the PDP. Based on the evaluation of the rezone requests, there is insufficient evidence that any of the properties would meet the identified criteria.

Costs / Benefits

524. There are no changes to the costs and benefits previous assessed in the section 32 report for the PDP. While there would be inherent benefits associated with the rezone requests associated with providing further lifestyle opportunities, they are outweighed by the costs associated with the rezoning – namely loss of productive capacity and inability for allotments to be serviced.

Risk of Acting or Not Acting

525. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

526. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

8.5 Key Issue 3: New Provision Requests to the Rural Lifestyle Zone

Recommended changes to the RLZ Chapter

Provision(s)	Officer Recommendation(s)
Rules	
New rule – Mining activities	<p>Insert new rule: <u>RLZ-RX Mining activities</u></p> <p>1. <u>Activity status: Non-complying.</u></p>

Overview of Submissions Received for New Provisions to the Rural Lifestyle Zone

527. Horticulture New Zealand (S221), Forest and Bird (S258), Tony Garstang (S260), New Zealand Heavy Haulage Association Inc (S252), and Ministry of Education Te Tāhuhu o Te Mātauranga (S245) sought new provisions in the Rural Lifestyle Zone. One further submission was received from Fulton Hogan (FS89) in relation to submission point (S258). The submissions sought new provisions in relation to the following:

- Biodiversity and rivers
- Greenhouses
- Mining activities

- Educational facilities
- Emergency service facilities.

Content and Evaluation of Submissions Received for New Provisions and General Matters to the Rural Lifestyle Zone

Submissions on Biodiversity / River Protection

528. Forest and Bird (S258.167) have requested that the Rural Lifestyle Zone be amended to ensure provisions recognise the importance of indigenous biodiversity to the character of the zone. Ian Gunn (FS105.158) has further submitted to this submission point in support and has sought that the submission point is accepted.
529. Tony Garstang (S260.032) has requested that provisions are inserted into the Rural Lifestyle Zone to protect rivers. The submitter has raised that there is insufficient awa protection and has referenced degradation of the Ngaumutawa area due to industrial land use near freshwater bodies.

Evaluation of Biodiversity / River Protection

530. Relevant provisions relating to biodiversity are provided through the Ecosystems and Indigenous Biodiversity Chapter. This chapter applies district wide. I consider that direction for indigenous biodiversity is appropriately provided through the Ecosystems and Indigenous Biodiversity Chapter and do not consider any changes are required to integrate.
531. In relation to protection of rivers, this is similarly managed through district-wide provisions in the Natural Character chapter. In addition, I note that the current provisions require setbacks from rivers of 5 metres or 25 metres where the water body is listed as a Significant Waterbody through Performance Standard RLZ-S3. I consider that this appropriately manages adverse effects of land use to rivers and do not consider that further provisions are required.

Submissions on Greenhouses

532. Horticulture New Zealand (S221.160) has sought that greenhouses are provided for as a permitted activity for any structure up to 15m in height and have sought an associated definition for 'greenhouses'. In their submission, Horticulture New Zealand have raised that greenhouses are essential to ensure that efficient growing systems that are well-suited for climate adaptation are appropriately enabled.

RLZ-RX Greenhouses

1. Activity Status: Permitted

Greenhouse Means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excluding artificial crop protection structures.

Evaluation of Greenhouses

533. While I agree that greenhouses are an appropriate land use and are compatible with the Rural Lifestyle Zone, I do not consider that additional provisions are required, and they are already sufficiently enabled by the proposed provisions. I consider that the land use component of greenhouses falls within the broad definition of "primary production". The associated structures would need to comply with the structure standards of the Rural Lifestyle Zone, but those standards would generally enable a structure of up to 10m in height with unlimited site coverage (subject to setbacks). While 10m is less than the maximum height sought by Horticulture New Zealand, I consider that greenhouses are appropriately enabled in the Rural Lifestyle Zone. I note that the increased height limit sought would be the equivalent of a three-storey building – if a greenhouse was to be constructed to this scale, I consider that it is reasonable to require a

resource consent process. However, should further evidence be provided to suggest this height is necessary for greenhouses, I will reconsider my position.

Submissions on Mining Activities

534. Royal Forest and Bird Protection Society of New Zealand Inc (S258.182) has sought a new rule that identifies mining activities as a non-complying activity. The submitter considers that there are currently inadequate provisions to manage and discourage mining activities in the rural lifestyle zone. Fulton Hogan (FS89.009) have further submitted and sought that the submission point is disallowed as the activity would already be non-complying under the current provisions and has inferred that it would fall within the definition of 'quarrying activity'.

Evaluation of Mining Activities

535. I agree that mining activities are very likely to be incompatible with the purpose and character of the Rural Lifestyle Zone. While it is unlikely that such activity would be proposed in the land identified for rural lifestyle, I recommend that the rule is inserted for certainty and completeness. With this change, I note there is a consequential change required to Rule RLZ-R5 to reference 'mining activities' in the activities excluded. With regard to Fulton Hogan's further submission (FS89.009), I disagree that it would fall within the definition of quarrying activities noting that the definition primarily relates to aggregates (clay, silt, rock and sand) and no other minerals.

RLZ-RX Mining activities

1. Activity Status: Non-complying.

Submissions on Educational Facilities

536. Ministry of Education Te Tāhuhu o Te Mātauranga (S245.064) have sought a new restricted discretionary rule to provide for educational facilities. The requested rule reflects the same rule request for educational facilities in the General Residential Zone (GRZ-R14). The submitter has noted that educational facilities need to be provided for in the rural lifestyle zone and the proposed rule will ensure that there is an appropriate pathway for establishing educational facilities to service the growth of the rural areas.

RLZ-R17 Educational Facility

1. Activity Status: Restricted Discretionary

Note: this does not apply to childcare home businesses.

Matters of discretion:

1. The effects on the streetscape and amenity;
2. Scale, design, layout and setbacks;
3. Onsite landscaping and amenity;
4. Adverse effects on the safe, efficient and effective operation of the road network; and
5. Potential reverse sensitivity effects on rural production activities and any proposed mitigation.

Evaluation of Educational Facilities

537. The current rule framework does not expressly provide for educational facilities, and they would fall to the 'catch all' discretionary activity rule. While I accept that Ministry of Education Te Tāhuhu o Te Mātauranga need to service both urban and rural communities, I note that the proposed Rural Lifestyle Zone is located on the fringe of the Masterton urban boundary and in proximity to existing educational facilities. If a new educational facility is needed to service Masterton and any peri-urban growth, it is expected that this would be located within the urban limits. If the submitter was to provide further evidence for a need for an educational facility within the land identified for the Rural Lifestyle Zone, I would reconsider this.

Submissions on Emergency Service Facilities

538. Fire and Emergency New Zealand (S172.103) requested a new rule be inserted to make 'emergency service facilities' a Permitted activity in the Rural Lifestyle Zone. The submitter notes that new fire stations may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. Fire and Emergency New Zealand is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. The submitter considers that provisions within the district plan are therefore the best way to facilitate the development of any new fire stations within the district as development progresses.

Evaluation of Emergency Service Facilities

539. The current rule framework does not expressly provide for emergency service facilities, and they would fall to the 'catch all' discretionary activity rule. Similar to educational facilities, I note that the proposed rural lifestyle zone is located on the fringe of Masterton, which is in proximity to the existing Masterton Fire Station. I accept that there may be a need to establish a new emergency service facility and that land within the rural lifestyle zone may be appropriate for this. However, I consider that it is reasonable to require a resource consent process for this to ensure relevant effects are managed. Unless there are likely plans for an emergency service facility within the land subject to the Rural Lifestyle Zone, I do not consider that a more specific rule is necessary.

Section 32AA Evaluation

Effectiveness and Efficiency

540. The addition of a rule for mining activities will ensure clarity to plan users as to what activity status applies and ensures that any associated effects can be appropriately managed in a way that is consistent with the objectives and policies of the RLZ.

Costs / Benefits

541. The changes will increase the overall effectiveness and efficiency of the Plan and will better achieve the outcomes sought as stated in the Rural Environment objectives in the Strategic Direction chapter, the RPS, and the National Planning Standards.

Risk of Acting or Not Acting

542. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

543. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

8.6 Key Issue 4: RLZ Objectives

Recommended changes to RLZ Objectives

Provision(s)	Officer Recommendation(s)
Objectives	
RLZ-O1 Purpose of the Rural Lifestyle Zone	Retain as notified.
RLZ-O2 Character of the Rural Lifestyle Zone	Retain as notified.

RLZ-O3 Enable compatible activities	<p>Amend as follows: <i>Residential activities, light small scale primary production activities, and ancillary other activities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for.</i></p>
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Overview of Submissions Received on RLZ Objectives

544. This section covers submissions on the following objectives, which set the overall purpose and direction for the Rural Lifestyle Zone:

- RLZ-O1 Purpose of the Rural Lifestyle Zone
- RLZ-O2 Character of the Rural Lifestyle Zone
- RLZ-O3 Enable compatible activities.

545. This section primarily focuses on submissions where a submitter has made specific comment on an objective or sought specific change.

546. A total of 8 submission points were received on the objectives for this topic. No further submissions were received to those submission points. The submissions were received from New Zealand Transport Agency (S149), Fire and Emergency New Zealand (S172), Horticulture New Zealand (S221), New Zealand Pork Industry Board (S229), and Ministry of Education Te Tāhuhu o Te Mātauranga (S245).

Content and Evaluation of Submissions Received on RLZ Objectives

RLZ-O1 Purpose of the Rural Lifestyle Zone

547. Horticulture New Zealand (S221.152) and New Zealand Pork Industry Board (S229.053) support Objective RLZ-O1 and sought that it is retained as notified.

RLZ-O2 Character of the Rural Lifestyle Zone

548. New Zealand Pork Industry Board (S229.055) support Objective RLZ-O2 and sought that it is retained as notified.

RLZ-O3 Enable compatible activities

549. New Zealand Pork Industry Board (S229.056) support Objective RLZ-O3 and sought that it is retained as notified.

550. Fire and Emergency New Zealand (S172.096) have sought changes to RLZ-O3 to recognise emergency service facilities in the Rural Lifestyle Zone where they have an operational and/or functional need to be located in the zone. The submitter has raised that there may be a future need for a fire station to be located in the rural lifestyle zone which needs to be recognised.

*Residential activities, light primary production activities, and ancillary activities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for, **and emergency service facilities where there is an operational and/or functional need to locate within the zone.***

551. Horticulture New Zealand (S221.160) have sought that the reference to 'light' primary production is removed from the objective as it is unclear what this means and is inconsistent with the National Planning Standards.

552. Ministry of Education Te Tāhuhu o Te Mātauranga (S245.062) have requested changes to RLZ-O3 to recognise educational facilities in the Rural Lifestyle Zone. The submitter has noted that there is an obligation to provide for educational facilities to existing communities in both rural and residential zones.

Evaluation of RLZ-O3

553. I agree with Horticulture New Zealand that light primary production activities are unclear and subjective. The National Planning Standards describes a Rural Lifestyle Zone as (emphasis added) “Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur”. I consider that it would be more appropriate to describe those primary production activities as being ‘small-scale’ which would better reflect the description being “lots smaller than those in the General Rural Zone”. I therefore recommend that the reference is amended to ‘small-scale’.

554. While I agree that both educational facilities and emergency service facilities need to be appropriately provided for to service both urban and rural communities, I question whether they will be necessary in the RLZ given its proximity to the Masterton urban area. Regardless, I agree that those activities, and any other activities that align with the character of the RLZ should be provided for in the objective direction. To account for this, I recommend that the reference to ‘ancillary’ activities is broadened to ‘other’ activities.

Section 32AA Evaluation

Effectiveness and Efficiency

555. The recommended amendment to RLZ-O3 will provide greater clarity to PDP users and avoid misinterpretation.

Costs / Benefits

556. There are no material differences to the benefits and costs for the recommended amendments as they are for clarity purposes.

Risk of Acting or Not Acting

557. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

558. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

8.7 Key Issue 5: RLZ Policies

Recommended changes to RLZ Policies

Provision(s)	Officer Recommendation(s)
Policies	
RLZ-P1 Compatible activities	Amend as follows: Enable residential activities, primary production, and ancillary other activities that are compatible with the purpose, character, and amenity values of the Rural Lifestyle Zone.
RLZ-P2 Incompatible activities	Amend as follows: Avoid activities that are incompatible with the purpose, function, and predominant character of the Rural Lifestyle Zone and/or activities that will result in:

	<ul style="list-style-type: none"> a. reverse sensitivity effects and/or conflict with permitted activities in the Rural Lifestyle Zone and adjacent zones; b. the establishment of <i>commercial, rural industry, or industrial activities</i> in the Rural Lifestyle Zone that are more appropriately located in the Commercial and Mixed Use Zones, General Rural Production Zone, or General Industrial Zone; c. urbanisation of the Rural Lifestyle Zone as a consequence of residential development; or d. adverse effects, which cannot be avoided, remedied, or mitigated, on: <ul style="list-style-type: none"> i. residential activities or <i>primary production</i> activities; and ii. rural lifestyle character and amenity values.
RLZ-P3 Rural lifestyle character	Retain as notified.

Overview of Submissions Received on RLZ Policies

559. This section covers submissions on the following policies, which set out how to achieve the objectives of the Rural Lifestyle Zone:

- RLZ-P1 Compatible activities
- RLZ-P2 Incompatible activities
- RLZ-P3 Rural lifestyle character.

560. No submissions were received on any of the remaining policies.

561. This section primarily focuses on submissions where a submitter has made specific comment on an objective or sought specific change.

562. A total of 8 submission points were received on the policies for this topic. No further submissions were received to those submission points. The submissions were received from Fire and Emergency New Zealand (S172), Horticulture New Zealand (S221), New Zealand Pork Industry Board (S229), and Ministry of Education Te Tāhuhu o Te Mātauranga (S245).

Content and Evaluation of Submissions Received on RLZ Policies

RLZ-P1 Purpose of Rural Lifestyle Zone

563. Horticulture New Zealand (S221.154) and New Zealand Pork Industry Board (S229.056) support Policy RLZ-P1 and sought that it is retained as notified.

564. Fire and Emergency New Zealand (S172.097) and Ministry of Education Te Tāhuhu o Te Mātauranga (S245.063) sought changes to recognise emergency service facilities and educational facilities for the same reasons outlined for the similar changes sought to RLZ-O3.

Evaluation of RLZ-P1

565. I refer to my response in Paragraph 554 that relates to similar changes sought for RLZ-O3. Consistent with the changes recommended to RLZ-O3 I recommend that ‘ancillary’ activities is replaced with ‘other’ activities.

RLZ-P2 Incompatible activities

566. New Zealand Pork Industry Board (S229.057) support Policy RLZ-P2 and sought that it is retained as notified.

567. Horticulture New Zealand (S221.155) has sought an amendment to RLZ-P2 to replace the reference to “Rural Production Zone” in clause (b) to “General Rural Zone”.

Evaluation of RLZ-P2

568. I agree with Horticulture New Zealand’s suggested change, which corrects an error.

RLZ-P3 Rural Lifestyle Character

569. New Zealand Pork Industry Board (S229.058) support Policy RLZ-P3 and sought that it is retained as notified.

570. Horticulture New Zealand (S221.155) has in part supported Policy RLZ-P3 and has sought that clause (e)(iv) and (f) are retained as notified. The submitter has not sought any specific changes or commented on any of the other clauses.

Section 32AA Evaluation

Effectiveness and Efficiency

571. The recommended amendments to RLZ-P1 and RLZ-P3 will provide greater clarity to PDP users and avoid misinterpretation.

Costs / Benefits

572. There are no material differences to the benefits and costs for the recommended amendments as they are for clarity purposes.

Risk of Acting or Not Acting

573. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

574. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

8.8 Key Issue 6: RLZ Rules and Standards

Recommended changes to RLZ Rules and Standards

Provision(s)	Officer Recommendation(s)
Rules	
RLZ-R1 Buildings and structures, including construction, additions, and alterations	Retain as notified.
RLZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)	Retain as notified.
RLZ-R4 Residential activities	Retain as notified.

RLZ-R5 Primary production, excluding quarrying activities, intensive primary production, and rural industry	Retain as notified.
RLZ-R7 Rural produce retail	Retain as notified.
RLZ-R8 Shelterbelts and small woodlots	Retain as notified.
RLZ-R9 Home business	Retain as notified.
RLZ-R10 Papakāinga	Retain as notified.
RLZ-R11 Intensive primary production	Retain as notified.
Standards	
RLZ-S3 Minimum setbacks	Retain as notified.
RLZ-S5 On-site services	Retain as notified.
RLZ-S8 Relocatable Buildings	Retain as notified

Overview of Submissions Received for the RLZ Rules and Performance Standards

575. This section covers submissions on the following rules and standards of the Rural Lifestyle Zone:

- RLZ-R1 Buildings and structures, including construction, additions, and alterations
- RLZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)
- RLZ-R4 Residential activities
- RLZ-R5 Primary production, excluding quarrying activities, intensive primary production, and rural industry
- RLZ-R7 Rural produce retail
- RLZ-R8 Shelterbelts and small woodlots
- RLZ-R9 Home business
- RLZ-R10 Papakāinga
- RLZ-R11 Intensive primary production
- RLZ-S3 Minimum setbacks
- RLZ-S5 On-site services.

576. No submissions were received on any of the other rules and standards, except those referenced in Key Issue 6.

577. A total of 14 submission points were received for the rules and standards of the Rural Lifestyle Zone. There were no further submissions in relation to the original submission points. The submissions were received from Greater Wellington Regional Council (S94), Fire and Emergency New Zealand (S172), Horticulture New Zealand (S221), and New Zealand Pork Industry Board (S229).

Content and Evaluation of Submissions Received for the RLZ Rules and Performance Standards

Rule RLZ-R1 Buildings and structures, including construction, additions, and alterations

578. Fire and Emergency New Zealand (S172.098) in part supported Rule RLZ-R1 but have sought changes to require compliance is also achieved with Standard RLZ-S5 (on-site servicing). The submitter noted that it is vital that all buildings and activities across all zones are provided with

an appropriate firefighting water supply. This amendment will better provide for the safety of communities within the Rural Lifestyle Zone.

Evaluation of RLZ-R1

579. Rule RLZ-R1 relates to buildings and structures generally. The current rule framework requires RLZ-S5 to be complied with for the associated land use activities – for instance RLZ-S5 is required to be met for any residential activity (RLZ-R4), home business (RLZ-R9), or papakāinga (RLZ-R10). I consider that this framework is appropriate and ensures that minor and unoccupied structures are not unnecessarily required to be serviced. I do not recommend any change is required to Rule RLZ-R1.

Rule RLZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)

580. Fire and Emergency New Zealand (S172.099) in part supported Rule RLZ-R3 but have sought changes to require compliance is also achieved with Standard RLZ-S5 (on-site servicing). The same reasons were provided for what is described in Paragraph 578.

Evaluation of RLZ-R3

581. Similar to my response in Paragraph 579, the associated land use is managed through other rules which reference Performance Standard RLZ-S5. In this case, the proposed rule relates to the relocation of a residential dwelling. The activity primarily relates to the relocation itself and not any future land use, which will be managed by Rule RLZ-R4. I do not recommend any change to Rule RLZ-R3.

Rule RLZ-R4 Residential activities

582. Fire and Emergency New Zealand (S172.099) in part supported Rule RLZ-R4 and have sought that the rule is retained as notified, subject to their relief sought in relation to Standard RLZ-S5.

Rule RLZ-R5 Primary production

583. Horticulture New Zealand (S221.157) and New Zealand Pork Industry Board (S229.059) support Rule RLZ-R5 and have sought that it is retained as notified.

Rule RLZ-R7 Rural produce retail

584. Horticulture New Zealand (S221.158) support Rule RLZ-R7 and have sought that it is retained as notified.

Rule RLZ-R8 Shelterbelts

585. Horticulture New Zealand (S221.159) support Rule RLZ-R8 and have sought that it is retained as notified.

Rule RLZ-R9 Home business

586. Fire and Emergency New Zealand (S172.101) support Rule RLZ-R9 and have sought that it is retained as notified.

Rule RLZ-R10 Papakāinga

587. Greater Wellington Regional Council (S94.212) and Fire and Emergency New Zealand (S172.102) support Rule RLZ-R7 and have sought that it is retained as notified.

Rule RLZ-R11 Intensive primary production

588. New Zealand Pork Industry Board (S229.060) support Rule RLZ-R11 and have sought that it is retained as notified.

Standard RLZ-S3 Setbacks

589. Horticulture New Zealand (S221.161) have sought changes to Standard RLZ-S3 to include an additional setback of 30m from the boundary of the Rural Lifestyle Zone for any building or structure. The submitter considers that the setback is an important tool to avoid, or otherwise mitigate any potential reverse sensitivity effects from rural lifestyle development that could affect primary production, especially on highly productive land.

Evaluation of RLZ-S3

590. I agree that setbacks are an effective way of avoiding and minimising reverse sensitivity effects. The existing provisions require a setback of 10m from any boundary, including any boundary with the General Rural Zone. Horticulture New Zealand's proposed changes would increase the setback by an additional 20m for any property bordering the General Rural Zone. While in their submission Horticulture New Zealand have sought that this setback apply to all buildings and structures, I understand that the intent would be to focus on habitable buildings where the occupants could be sensitive to rural activities, e.g. residential dwellings.

591. I consider that the proposed change would unreasonably restrict the efficient use of land and ability to develop sites, noting that there are other setbacks that would apply and the size of a typical allotment in the Rural Lifestyle Zone could be as small as 0.5ha. I have provided a diagram below to demonstrate how this might impact the siting of a dwelling while meeting the required setbacks on an allotment that is 50m x 100m (0.5 ha). As shown, this would significantly limit the ability to situate a dwelling before accounting for site specific features such as topography. In addition to this, I note that the purpose and character of the rural lifestyle zone anticipates rural activities and their amenity features, including smells, noises, and aesthetics. Therefore, this should be anticipated by its residents. Overall, I consider the existing boundary setback is appropriate and I do not consider that an additional setback from the General Rural Zone is required.

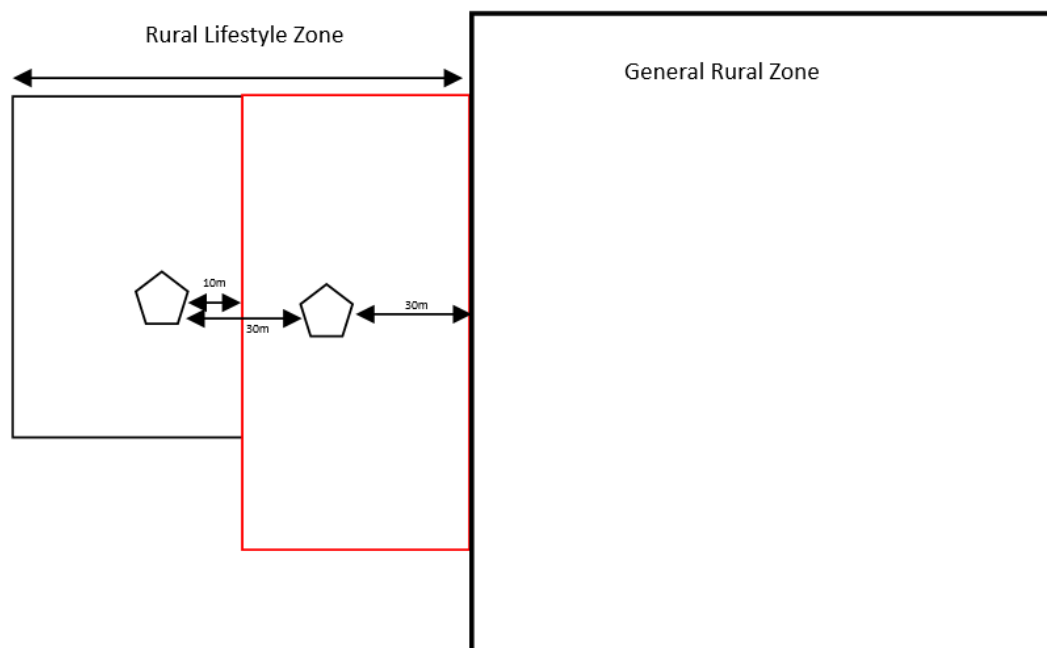


Figure 8: Diagram illustrating the potential setback requirement for an allotment that borders the General Rural Zone (indicated by the red outline). Location of residential units indicated by pentagon symbols.

Standard RLZ-S5 On-site services

592. Greater Wellington Regional Council (S94.213) supports Standard RLZ-S5 and have sought that it is retained as notified.
593. Fire and Emergency New Zealand (S172.104) in part support Standard RLZ-S5 but have sought changes to require a firefighting water supply in all circumstances, not just where a connection to the reticulated system is not available. The submitter has also sought that a matter of discretion is listed to enable the consideration of the suitability of any alternative servicing options or infrastructure options.

Evaluation of RLZ-S5

594. The existing infrastructure would provide access to the Council's reticulated water system for any allotment that has direct access to any part of Manuka Street or any part of Gordon Street south of 182 Gordon Street. Where reticulated water supply is available, it is the obligation of the water services provider to ensure there is sufficient firefighting supply (in this case Masterton District Council). I do not consider it is reasonable or necessary to require all properties to have contingency supply where reticulated supply is available.

Standard RLZ-S8 Relocatable Buildings

595. New Zealand Heavy Haulage Association Inc (S252.007 and S252.019) generally supports the provisions for relocated buildings but seeks the deletion of reference to performance bonds in Standard RLZ-S8. They also seek that a new policy to recognise and provide for positive effects of relocated buildings and maintain and enhance the amenity values of areas in relation to relocatable buildings.

Evaluation of RLZ-S8

596. The performance bond is intended to address the issue that relocated buildings can be unsightly and detract from the visual amenity of an area if they are left unfinished, particularly for long periods of time. The performance bond enables Councils to undertake remedial works, such as exterior repair and reinstatement work, if necessary. This issue was the subject of an Environment Court decision, and it is therefore considered appropriate that the PDP includes a performance bond to ensure any issues can be remedied if they arise. I consider that the performance bond remains appropriate and necessary. In relation to a new policy, I do not consider that this is necessary. If there is any direction that relates to the benefits of relocatable buildings, this would be best placed to the Strategic Direction chapter. To include this in the RLZ would imply that it is of specific importance to this zone, which it is not.

Section 32AA Evaluation

Effectiveness and Efficiency

597. There are no suggested changes from what has already been assessed in the section 32 report for the PDP.

Costs / Benefits

598. There are no changes to the costs and benefits previous assessed in the section 32 report for the PDP.

Risk of Acting or Not Acting

599. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

600. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

9 Part 3: Rural Subdivision

9.1 Overview of Submissions and Further Submissions Received

601. A total of 31 original submissions (91 submission points) and 17 further submissions (67 further submission points) were received on the Rural subdivision provisions, which includes subdivision provisions that relate to the General Rural Zone and Rural Lifestyle Zone.

602. Submissions on the rural subdivision provisions came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
S13	Janette and John Dennis	S22	NZ Agricultural Aviation Association	S25	Stewart Reid
S48	Aburn Popova Trust	S51	Lucy Sanderson-Gammon	S70	Dan Kellow
S79	KiwiRail Holdings Limited	S89	Alastair MacKenzie	S91	Canoe Wines Limited Partnership
S94	Greater Wellington Regional Council	S122	Fulton Hogan Limited	S136	Wairarapa Winegrowers' Association Inc
S144	E McGruddy	S149	NZ Transport Agency	S152	AdamsonShaw Ltd
S181	Kath and David Tomlinson	S187	New Zealand Frost Fans	S208	Ballance Agri-Nutrients
S214	Federated Farmers of New Zealand	S221	Horticulture New Zealand	S222	Jack Wass
S229	New Zealand Pork Industry Board	S233	Scott Anstis	S239	East Leigh Limited
S244	Michael David Walters Hodder	S248	Colin and Helen Southey	S251	Masterton, Carterton, and South Wairarapa District Councils
S255	Scott Summerfield and Ross Lynch	S257	Audrey Sebire	S262	Joseph Frank Percy
S288	Radio New Zealand Limited (RNZ)				

603. Further submissions on the rural subdivision provisions came from:

#	Submitter Name	#	Submitter Name	#	Submitter Name
FS9	Matthew & Lana Timperley	FS13	Horticulture New Zealand	FS29	NZ Agricultural Aviation Association
FS42	Colin and Helen Southey	FS54	Rochelle McCarty	FS61	New Zealand Transport Agency Waka Kotahi

FS70	Canoe Wines Limited Partnership	FS75	Heritage New Zealand	FS78	Holly Hill
FS80	AdamsonShaw Ltd	FS81	Wairarapa Federated Farmers	FS90	Greater Wellington Regional Council
FS95	Te Tini o Ngāti Kahukuraawhitia Trust	FS102	Gavin Grey	FS105	Ian Gunn
FS106	Radio New Zealand	FS109	East Leigh Limited		

9.2 Officer Recommendations

604. A full list of submissions, further submissions, and officer recommendations on the submission points for the Rural Subdivision are contained in Appendix 3: Recommended Responses to Submissions and Further Submissions.

9.3 Key Issue 1: Overall Approach (Including Minimum Allotment Sizes)

Content of Submissions Received on the Overall Approach

605. There are various submitters that have commented on the overall approach taken to subdivision in rural areas of the Wairarapa.
606. Generally, feedback opposing the approach to rural subdivision largely relates to the minimum allotment size. Submitters have raised concerns that the approach would significantly reduce the ability to subdivide small landholdings. Provision for subdivision on properties less than 40ha has been sought by Stewart Reid (S25.001), Alastair MacKenzie (S89.001), Wairarapa Winegrowers' Association Inc (S136.018), E McGruddy (S144.006), AdamsonShaw Ltd (S152.010) (S152.011), Kath and David Tomlinson (S181.002), Jack Wass (S222.007), East Leigh Limited (S239.024), Colin and Helen Southey (S248.001), Scott Summerfield and Ross Lynch S255.003.
607. AdamsonShaw Ltd (S152.011) and Scott Anstis (S233.010) raised that the 40ha minimum lot size is not justified and considers that it is too small for a conventional farm and too large for intensive horticultural development. In a similar vein, Federated Farmers of New Zealand (S214.083) considers that the 40ha minimum is too large for efficient rural property management and that a 20ha minimum would be more reasonable. Wairarapa Winegrowers' Association Inc (S136.018) supported the general approach of applying 40ha but sought that viticulture in the Martinborough Soils Overlay needs to be specifically provided for and that the minimum allotment size should be 4ha for viticulture. Stewart Reid (S25.001) also raised concerns that the minimum lot size does not provide for small to medium scale vineyards and sought the minimum allotment size is reduced to 4ha within the GRUZ. Horticulture New Zealand (S221.098) (S221.100) have also raised that horticultural businesses can be highly efficient and profitable on lot sizes much smaller than 40ha; however, they supported the 40ha minimum on the basis that it conservatively protects land from fragmentation and there remains a discretionary consent pathway for primary production subdivision that is not otherwise enabled.
608. Jack Wass (S222.007) has sought that a more flexible and discretionary approach is adopted for subdivision and minimum dwellings, without compromising the amenity and productivity of rural land. The submitter is concerned that the PDP proposes to replace the ODP provisions on subdivision and maximum number of residential dwellings in the General Rural Zone with a far more restrictive set of requirements. The submitter considers Rule SUB-R2 adopts a blunt approach to lifestyle subdivision and does not accommodate the possibility of lifestyle subdivision that does not compromise the productivity of the land.
609. Audrey Sebire (S257.003) sought that the minimum allotment sizes are removed, and that all rural subdivision is a restricted discretionary activity subject to matters of discretion relating to clauses 3.8 and 3.10 of the NPS-HPL. This would allow case by case assessment to be

undertaken and would require applications to prove that they meet the relevant exemption. The submitter considers that other measures can avoid or discourage cumulative fragmentation and loss of productivity, such as limiting the number of lots in a single subdivision, only allowing frontage of new lots on existing roads, requiring all houses on new lots relocatable, restricting new hard infrastructure, e.g. roads, footpaths, streets, and encouraging unsealed driveways. This submission is supported by Holly Hill (FS78.024) and in part supported by Wairarapa Federated Farmers (FS81.002) who note that there is already a discretionary activity rule that links to clause 3.8 and 3.10 (SUB-R2(10)).

610. New Zealand Pork Industry Board (S229.016) support the minimum allotment size, however they have also sought that the activity status is changed from controlled to restricted discretionary. The submitter raises concern that the controlled status would not allow sufficient ability to manage conflict that subdivision may cause with primary production activities and that there needs to be an ability to decline consent.
611. E McGruddy (S144.006), Alastair MacKenzie (S89.001), Lucy Sanderson-Gammon (S51.001), Stewart Reid (S25.001), and Kath and David Tomlinson (S181.001) have sought that subdivision is further enabled on existing small lots that are less than 8ha in size. The submitters generally agree with the intent of Rule SUB-R4, which enables further subdivision of land that is fragmented; however, the submitters consider that the provisions are currently too limiting. Alternative approaches have been suggested including:
- Increasing the threshold to 8ha (S144.006) (S181.001)
 - Allowing the subdivision of properties less than 4ha that are located over highly productive land (S89.001)
 - Reducing the balance requirements for SUB-R4 (S51.001)
 - Providing for small allotment subdivision in the GRUZ of Masterton.
612. E McGruddy (S144.006), AdamsonShaw Ltd (S152.013), Scott Anstis (S233.012), Kath and David Tomlinson (S181.004), East Leigh Limited (S239.025) and Colin and Helen Southey (S248.002) have raised that the subdivision rules in the GRUZ only enable lifestyle subdivision in South Wairarapa and Carterton Districts, but not Masterton District. Most of those submitters have raised that this implies inconsistency between the districts and that there needs to be provision for lifestyle subdivision in Masterton. E McGruddy has suggested that a threshold-based rule is applied to the entire GRUZ (including Masterton District) and the RLZ is deleted.
613. AdamsonShaw Ltd (S152.011), Scott Anstis (S233.010) and East Leigh Limited (S239.024) have raised that the subdivision approach to the GRUZ assumes all large allotments are equal and considers that while highly productive land should be protected, there should be further subdivision enabled on properties outside highly productive land. The submitters have sought an alternative approach of allowing a small number of 0.5 ha lots per title subject to a balance requirement on properties outside of highly productive land.
614. In support of enabling further smaller allotment subdivision, submitters have raised the benefits of lifestyle development. AdamsonShaw Ltd (S152) and E McGruddy (S152.011) describe how smaller lot subdivision supports economic and social wellbeing in rural communities. E McGruddy also links other additional benefits including providing ecosystem services and providing a transition between the urban and rural environments.

Evaluation of Overall Approach

615. Before further evaluating the submissions on the overall approach taken to rural subdivision in the PDP, it is important to be reminded of the resource management issue identified and outcomes sought in the PDP. As outlined in the Rural topic section 32 report, a key resource management issue was identified is the loss and fragmentation of rural land. This was supported by two technical assessments by AgFirst Consulting and Formative. The issue is centred around the Operative District Plan framework that has generally enabled subdivision of rural land down to 4ha as a controlled activity. An appurtenant issue was also identified with the Operative District Plan framework that it failed to provide appropriate opportunities for the desired rural lifestyle. Specifically, the allotment sizes enabled are too large to support efficient use of land for rural

lifestyle purposes. The approach taken to the PDP for rural subdivision seeks to achieve the direction set in the Strategic Direction chapter. The relevant strategic direction (with recommended amendments by the Reporting Officer in Hearing Stream 1³³) is shown below:

RE-O1	Social and economic wellbeing
The Wairarapa's rural environment <u>and land use activities in this environment</u> contributes positively to the region's economic and social wellbeing.	
RE-O2	Productive capacity
The <u>land and resources of the</u> General Rural Zone <u>are used predominantly remains available</u> for primary production activities and <u>the</u> productive capacity <u>of land</u> is protected <u>from inappropriate subdivision, use and development</u> .	
RE-O3	Highly productive land
Highly productive land is protected <u>from inappropriate subdivision, use and development and its</u> for use in <i>land-based primary production</i> , both now and for future generations.	
RE-O4	Character <u>and amenity values</u> of the rural environment
The character <u>and amenity values</u> of the rural environment is maintained and enhanced.	
RE-O5	Rural lifestyle
Opportunities for rural lifestyle subdivision and development are only provided in parts of the rural environment where they do not conflict with enabling primary production <u>or existing industry and infrastructure</u> and protecting the productive capacity of land.	

616. These objectives provide clear direction to prioritise the rural environment for primary production, while providing 'opportunities' for rural lifestyle where it does not conflict with enabling primary production and protecting the productive capacity of land. It is worth noting that direction requires protection of productive capacity of all land, and not just land that is identified as highly productive.

617. To understand what 'opportunities' need to be provided in relation to rural lifestyle, rural dwelling demand was considered based on various sources as detailed in **Table 1**. This indicates that there is a demand across the districts of around 90 dwellings per year.

Table 1: Wairarapa Rural Dwelling Demand

District	Rural Dwellings per annum		
	Dwelling Building Consents 2013 - 2022	Statistics NZ Projections 2023 - 2033	HBA data projections 2023 - 2033
Masterton	31	35	14
Carterton	27	29	33
South Wairarapa	33	24	34
Total	92	89	82

³³ While this differs from the notified direction, the amendments have not changed the overall direction and outcomes sought.

618. In the initial stages of the Plan Review process, the Councils undertook an exercise to identify land that is suitable for rural lifestyle development based on criteria, which is discussed in Part 2 of this report. In Masterton District, suitable land was identified in the peri-urban area of Masterton. There were however significant constraints in identifying suitable contiguous land in South Wairarapa and Carterton Districts. As there would be insufficient supply enabled in Carterton and South Wairarapa Districts, a separate approach of enabling subdivision in the GRUZ on land that contains little/no productive capacity was adopted for those districts. This is reflected through a size threshold of 4ha on land that does not contain highly productive characteristics for the following reasons:
- a. The size thresholds would provide for sufficient supply of rural lifestyle in South Wairarapa and Carterton Districts while reasonably limiting the potential yield to achieve the objectives for the rural environment
 - b. This size of land parcel is too small for a range of primary production activities based on existing primary production activities in the Wairarapa (as supported by AgFirst), and
 - c. The spatial distribution of land parcels that are less than 4ha are generally clustered and are largely located within 15 minutes driving time of a settlement that provide all necessary services.
619. The subdivision provisions in the PDP seek to reflect this approach, while continuing to prioritise and enable rural subdivision, including the subdivision of a surplus dwelling on a farm. The provisions also embed the NPS-HPL direction by avoiding any small allotment subdivision on highly productive land but allowing a pathway where the relevant exemptions are met. This approach is reflected in the following rules:
- a. SUB-R1 enables a boundary adjustment as a controlled activity.
 - b. SUB-R2(2) enables subdivision as a controlled activity down to 0.5 ha in the RLZ and 40 ha in the GRUZ.
 - c. SUB-R2(10) provides for subdivision in the GRUZ as a discretionary activity where it does not meet the minimum allotment size and where that subdivision is land-based primary production and meets clause 3.8 or 3.10 of the NPS-HPL. It is noted that this rule applies regardless of whether the property is located over highly productive land.
 - d. SUB-R2(11) limits any subdivision that does not meet the minimum allotment size and is not otherwise provided for by SUB-R2(10) as a non-complying activity.
 - e. SUB-R4(1) enables subdivision as a controlled activity for up to two allotments on land less than 4ha in size in Carterton and South Wairarapa, provided a balance can be maintained and the property is not located over highly productive land or the Martinborough Soils Overlay.
 - f. SUB-R4(4) provides for subdivision as a discretionary activity that would otherwise comply with SUB-R4(1) but is located over highly productive land or the Martinborough Soils Overlay, subject to meeting clause 3.8 of the NPS-HPL.
 - g. SUB-R5(1) enables the subdivision of a surplus dwelling as a controlled activity subject to maintaining a 50ha balance. Where this is not met, the activity generally falls to non-complying activity status (SUB-R5(4)).
620. The submissions on these provisions largely relate to the approach taken to subdivision in the GRUZ and specifically how those provisions are shaped by two size thresholds: the minimum allotment size in the GRUZ of 40ha, and the 4ha size threshold for enabling further subdivision. While there are a range of views expressed in the submissions, I consider that there are four common themes across the decisions sought:
- a. Reduce the minimum allotment size in the GRUZ to allow for primary production activities
 - b. Increase the property size threshold for enabling rural lifestyle subdivision in the GRUZ and/or enable the same provision in the Masterton District
 - c. Apply an alternative approach to rural lifestyle subdivision in the GRUZ by allowing a maximum number of small allotments per landholding
 - d. Adopt an alternative rule framework that provides a greater consenting pathway for appropriate activities.

621. I have evaluated each of those themes below.

Reduce the minimum allotment size in the GRUZ to allow for primary production

622. The PDP adopted a 40ha minimum allotment size for the GRUZ. As described in the Rural topic section 32 report, this minimum sought to strike a balance between enabling anticipated subdivision for primary production purposes, while ensuring it is sufficiently conservative to avoid inappropriate subdivision, namely rural lifestyle subdivision. This minimum allotment size aligned with other similar districts and the past subdivision patterns in the three Wairarapa Districts. The section 32 report acknowledges that this minimum does not capture all primary production activities, specifically subdivision for more intensive forms of primary production activities such as orchards and vineyards but identifies a pathway for this subdivision through SUB-R2(10).
623. Submitters that have sought the minimum allotment is reduced to enable subdivision for the wider range of primary production activities. Alternative minimums requested range from 4ha to provide for boutique vineyards³⁴, to 20ha to provide for more efficient rural property management³⁵.
624. I agree that the 40ha minimum allotment size is conservative and does not capture subdivision for all types of primary production activities. However, I note that there is a balance between ensuring the minimum sufficiently enables primary production and avoids inappropriate subdivision. Specifically, the minimum needs to also protect the productive capacity of the land in line with the Strategic Direction. With this in mind, I consider that there would need to be clear parameters around the nature of subdivision and a reasonable ability for the Council to decline consent where it is inappropriate subdivision.
625. In their technical assessment referenced in the section 32 report, AgFirst provided an indication of the minimum operating area required for each type of primary production activity while being financially viable. The summary of this agricultural assessment is provided in **Table 1**. Based on this assessment, the 40ha minimum would not provide for pip fruit and viticulture. I also acknowledge that this size for viticulture does necessarily reflect the size of typical vineyards in the Wairarapa, with the average size being 9ha, and 65% of vineyards less than 5ha in size³⁶. This feature of vineyards in the Wairarapa was also reflected by Wairarapa Winegrowers' Association Inc (S136.018) who have indicated vineyards can be economically viable down to 4ha.

Table 2: Indicative earning per ha and minimum area requirements for primary production land uses.

Land Use	EBITS \$/ha	Estimated area required (ha)
1. Sheep & Beef Extensive	\$454	270
2. Sheep & Beef Dry Stock	\$381	315
3. Finishing	\$537	223
4. Mixed	\$625	192
5. Arable	\$415	289
6. Dairy heavy soils	\$1,070	112
7. Dairy light soils	\$2,628	46
8. Pip fruit	\$16,367	7
9. Viticulture	\$3,686	33

³⁴ Wairarapa Winegrowers' Association Inc (S136.018) and Stewart Reid (S25.001)

³⁵ Federated Farmers of New Zealand (S214.083)

³⁶ https://www.nzwine.com/media/d41a2ayk/2023_vineyard-register-2023.pdf

626. I am not aware of any other forms of primary production that would not be enabled under the current 40ha minimum. While Federated Farmers of New Zealand (S214.083) have sought the reduction of the minimum allotment area to 20ha, the submitter has not indicated that this is necessary for pastoral farming and rather to ensure that farmers are not forced to dispose of as much land.
627. If the minimum allotment size was primarily seeking to enable primary production, I would agree it would need to be reduced to capture all land uses and that 4ha would reflect subdivision for viticulture purposes. However as noted, the minimum needs to strike a balance between enabling primary production subdivision and avoiding inappropriate subdivision. As the minimum is linked to a controlled activity status, there would be an inability to decline consent. The section 32 report has highlighted ineffectiveness of the Operative District Plan approach, which has generally resulted in fragmentation of land into 4ha allotments that are used for rural lifestyle. The question then becomes, at what size is the risk of inappropriate subdivision reasonably avoided? Based on a review of rural properties for sale in the Wairarapa in August 2024³⁷, there are 175 properties for sale that have been advertised as a 'lifestyle property'. The size of those properties ranges from less than 0.1ha to 29.5ha. The distribution of sizes generally reflects the subdivision pattern outlined identified in the section 32 report with most of those properties less than 8ha, but there were three properties that were greater than 20ha. While this may represent a snapshot in time and there are limitations in its use as an evidence base, it does represent the significant variance in land sizes that can be demanded for lifestyle.
628. Based on the information available, I do not consider there is evidence that a reduced minimum allotment size would further enable primary production subdivision while also reasonably avoiding inappropriate subdivision. I consider that while the minimum does not enable all forms of primary production subdivision, there remains an appropriate pathway for that subdivision through the discretionary activity status in SUB-R2(10).

Increase the property size threshold for enabling rural lifestyle subdivision in the GRUZ

629. The PDP enables small-lot subdivision of existing lots 4ha or less in the GRUZ in the Carterton and South Wairarapa Districts. The reasons for adopting this threshold have been described above.
630. Submitters have sought that this threshold is altered to allow additional properties to be subdivided. The main concerns raised is that the current threshold is too limiting and does not provide sufficient opportunities for lifestyle that can have several benefits to the rural environment. Submitters have also raised that this rule should also apply in the Masterton District.
631. Generally, the submitters have sought that the threshold is increased to allow for subdivision of properties less than 8ha. I note that submitters have also sought that this subdivision rule applies to properties in Masterton District and over land that is highly productive land. For the purposes of evaluating the approach to rural lifestyle, I will consider each of these as different scenarios.
632. I have provided a series of maps in **Appendix 9** that compares the distribution of allotments less than 8ha compared to what would already be enabled under Rule SUB-R4 with the 4ha threshold. I have shown this distribution both with and without highly productive land, and the scenario of including the Masterton District. This distribution reflects the feasible yield and excludes other relevant overlays of the PDP³⁸. I have also compared the potential subdivision yield of each of those scenarios in **Table 3**.

³⁷ [Masterton Homes & Real Estate For Sale | Trade Me Property](#), [Carterton Homes & Real Estate For Sale | Trade Me Property](#), [South Wairarapa Homes & Real Estate For Sale | Trade Me Property](#) – accessed on 14 August 2024.

³⁸ Land has been excluded where subdivision would be restricted through any of the following: the Martinborough Soils Overlay; Sites of Significance to Māori; Natural Hazards; Coastal Environment (which includes the Natural Character areas); Significant Natural Areas; and Outstanding Natural Features and Landscapes.

Table 3: Subdivision yield enabled through controlled activity subdivision under SUB-R4.

Scenario		Subdivision yield enabled	
		Without HPL	Including HPL
1.	SUB-R4 as notified (4ha and in Carterton and South Wairarapa Districts)	1,217	375
2.	SUB-R4 amended to include Masterton District	1,996	667
3.	SUB-R4 threshold increased to 8ha	3664	1,277
4.	SUB-R4 threshold increased to 8ha and to include Masterton District	6,079	1,992

633. All alternative scenarios would enable a greater level of opportunities for lifestyle subdivision under Rule SUB-R4.
634. In all scenarios, I do not consider that the subdivision should be enabled over highly productive land as a controlled activity. I consider that to do so would be inconsistent with the NPS-HPL, specifically Policy 7. While I note that there are instances where the NPS-HPL would allow for small allotment subdivision³⁹, there needs to be a reasonable ability to evaluate whether those instances apply and the ability to decline consent where appropriate. The current approach would allow for consideration of these instances as a discretionary activity (as opposed to non-complying) under Rule SUB-R4(4). I consider that this approach remains appropriate in ensuring that the NPS-HPL is given effect to. It is also worth noting that the highly productive land extent is interim and will be replaced once the Regional Council undertakes the required mapping in accordance with clause 3.5 of the NPS-HPL. It is anticipated that this mapping will provide a more accurate account of land containing highly productive characteristics for the Wairarapa, which is likely to exclude land that is fragmented. Rule SUB-R4 seeks to anticipate these changes.
635. Scenario 2 would enable a further 292 allotments in the Masterton District. As noted in Paragraph 500500, I have recommended that the RLZ is reduced in order to give effect to the NPS-HPL, and the yield no longer meets the anticipated 10-year demand (if relied upon alone). Scenario 2 would ensure that sufficient opportunities for lifestyle are enabled in Masterton,⁴⁰ which would align with RE-O5. This would also ensure a consistent approach to subdivision in the General Rural Zone across all of three of the districts. That said, as I have discussed in Paragraph 502, the preference expressed from MDC is to primarily provide for lifestyle opportunities through a rural lifestyle zone. This ensures that lifestyle development is undertaken in a coordinated and consistent approach, while minimising further fragmentation across the district. Based on the current information available, further investigation will be required by MDC to identify additional land for the RLZ, which will be subject to a further plan change process. As Scenario 2 would conflict with this approach, I do not consider it is appropriate.
636. Scenario 3 would enable a further 902 allotments in the Carterton and South Wairarapa Districts. Compared with Scenario 1, this would provide a greater degree of opportunities enabled for small allotment subdivision. Currently, Rule SUB-R4(1) alone would not enable sufficient lifestyle allotments to meet the long-term demand⁴¹. Increasing this threshold would ensure that this long-term demand for rural lifestyle living is comfortably met. However, I question whether 8ha represents land that is fragmented and presents little productive capacity. As discussed above, there is evidence that land less than 8ha can be economically feasible for primary production, which has also been supported by other submitters. In addition, I note that Rule SUB-R4(1) is not the only pathway provided for small allotment subdivision⁴².
637. Scenario 4 would generally achieve the outcome sought by E McGruddy (S144.006), subject to the subdivision being enabled over highly productive land. As shown in the distribution maps, the smaller allotment subdivision (those both less than 4ha and 8ha) that are in the peri-urban areas are located over interim highly productive land. This scenario would also comfortably provide for

³⁹ Where Clause 3.8 or 3.10 are met.

⁴⁰ It would enable up to 551 allotments across the RLZ and GRUZ in Masterton district.

⁴¹ Based on the 10-year projection, there would be a deficit of 220 units.

⁴² SUB-R4(1) and SUB-R5(1)

anticipated demand for rural lifestyle development, including in the Masterton District (with the removal of the RLZ). However, as noted above, I consider that it would be inconsistent with the NPS-HPL to enable subdivision over highly productive land. Due to the nature of the highly productive land extent, this pushes the distribution further from the settlements, which would fail to achieve the outcomes sought by E McGruddy (S144.006) of enabling this form of subdivision in the peri-urban areas. Again, I also do not consider there is evidence that the 8ha threshold would capture land that is fragmented, and I refer to Paragraph 635 for the reasons why the rule should not apply in the Masterton District.

638. Overall, I consider that the current threshold of 4 ha remains appropriate and do not consider there is evidence that it should be adjusted. While I acknowledge that the NPS-HPL allows for exemptions for subdivision over highly productive land, I consider that this is appropriately recognised and provided for through the existing discretionary pathway in Rule SUB-R4(4). I also acknowledge that there will be instances where small allotment subdivision may be appropriate over fragmented land that is larger than 4ha. However, I consider that it is appropriate for that subdivision to be assessed as a non-complying activity to ensure a case-by-case assessment and if there is evidence the subdivision aligns with the PDP direction.

Apply an alternative approach to lifestyle in the GRUZ by allowing a set number of small allotments per landholding

639. AdamsonShaw Ltd (S152.011), Scott Anstis (S233.010) and East Leigh Limited (S239.024) have raised that an alternative approach to rural lifestyle should be taken to allow for a small number of 0.5ha allotments for any landholder outside of highly productive land, subject to a minimum balance requirement.
640. This option was considered during the initial stages of the Draft District Plan process. However, the option was discounted as it does not directly respond to the issue of fragmenting of large land holdings. Namely, the issue identified was that there has already been a significant degree of fragmentation and that fragmented land supports a low level of productive capacity as it is constrained by size. While a balance lot size has not been suggested by the submitters, I note that this would need to be large enough to protect the productive capacity of the land in line with the objectives for the rural environment in the Strategic Direction chapter. To apply the approach suggested by the submitters would mean that small allotment subdivision would be generally enabled for larger landholdings that would have sufficient land to provide for the necessary balance, which would largely exclude the existing fragmented land. I also note that the distribution of larger allotments is generally located away from the settlements, particularly when also excluding those properties located over highly productive land. This distribution of larger allotments is shown in **Figure 9**.
641. Overall, I do not consider that the alternative approach would be more efficient and effective method and consider that it would not achieve the objectives for the rural environment in the Strategic Direction Chapter.

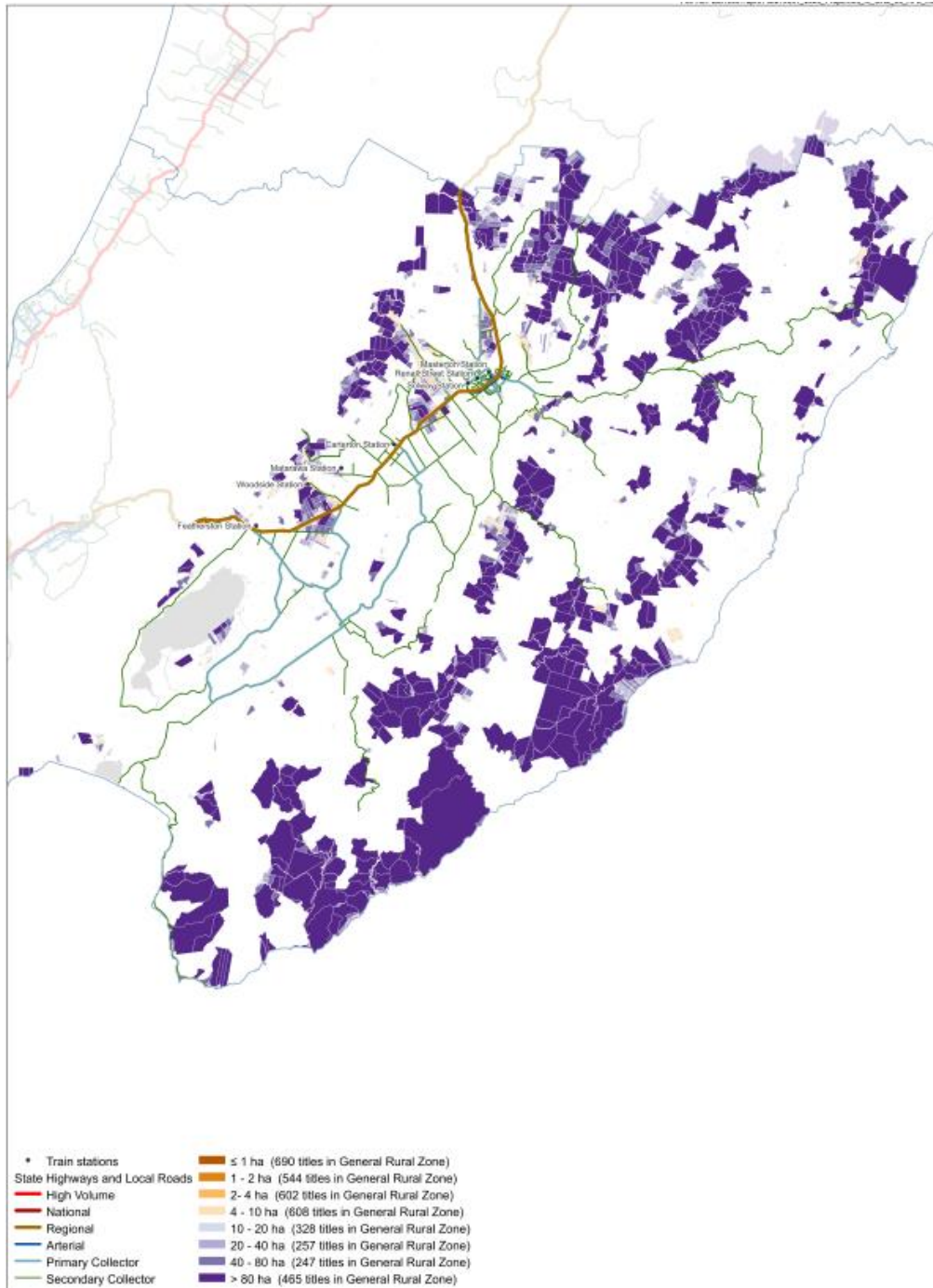


Figure 9: Distribution of rural properties based on size in the Wairarapa, excluding properties over highly productive land.

Adopt an alternative rule framework that provides a greater consenting pathway for appropriate activities

642. Audrey Sebire (S257.003) and New Zealand Pork Industry Board (S229.016) have suggested altering the activity status to restricted discretionary activity status for all subdivision. This activity status could then require all applicants to demonstrate that the proposed lots will retain the overall productive capacity of the land over the long term and that potential conflicts are managed. The suggested approaches differ between the submitters, with New Zealand Pork Industry Board seeking that the minimum allotment sizes and other associated rules are retained, whereas Audrey Sebire has sought they are removed, and the restricted discretionary rule is primarily relied upon.

643. While I do think there would be merit in this framework by allowing a case-by-case assessment to be undertaken, I note that this approach would not be as efficient as the proposed approach. Namely, this would not provide certainty to property owners and the community generally on whether the subdivision is provided for and would result in high cost associated with consenting with each application considered on their merits.
644. I understand that the main concern raised by the submitter is the 'blunt' approach taken to rural subdivision in the GRUZ. This view is shared by several submitters with the rule framework that quickly escalates from controlled to non-complying where the minimum allotment sizes are not met. While I acknowledge that the approach is direct and can be observed as 'black and white', I consider that this reflects the Strategic Direction for the rural environment and provides certainty.

Effectiveness and Efficiency

645. There are no suggested changes from what has already been assessed in the section 32 report for the PDP.

Costs / Benefits

646. There are no changes to the costs and benefits previous assessed in the section 32 report for the PDP.

Risk of Acting or Not Acting

647. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

648. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

9.4 Key Issue 2: General Matters

Recommended changes to the Subdivision chapter

Provision(s)	Officer Recommendation(s)
Chapter Introduction	<p>Amend as follows:</p> <p><u>This chapter contains several policies and rules that relate to subdivision within the General Rural Zone and Rural Lifestyle Zone that give effect to Strategic Direction Objectives and align with the outcomes sought in those zones.</u></p>

Overview of Submissions Received on General Matters

649. There were four submitters who submitted on general matters relating to the subdivision provisions. Those matters either did not apply to a specific provision of the chapter or was a general matter relating to more than one provision. The following 'general matters' were raised by submitters:

- Rural Lifestyle Zone minimum allotment size
- Introduction text
- Recognition of viticulture
- Affected party advice note.

Content and evaluation of Submissions Received on General Matters

Submissions on Rural Lifestyle Zone Minimum Allotment Size

650. Greater Wellington Regional Council (S94.174) raised concern over the minimum allotment size for the Rural Lifestyle Zone and has sought it is increased to address potential cumulative water quality effects. The submitter considers that the 0.5ha minimum does not provide for the low density that on-site wastewater systems require to mitigate the potential impacts of development on freshwater quality as sought by NPS-FM clause 3.5. The submitter also consider that the size would not provide for appropriate separation distances between on-site wastewater and drinking water wells. This submission is supported by Ian Gunn (FS105.082).

Evaluation of Rural Lifestyle Zone Minimum Allotment Size

651. The minimum allotment size for rural lifestyle and any small allotment subdivision in the PDP is described in section 8.3 of the section 32 report for the Rural topic. The minimum of 0.5ha has been largely based on feedback received during the draft district plan process on the desired sized of a lifestyle block, being effectively low density residential in a rural context. While the size has sought to capture sufficient space to provide for on-site servicing, it does not specifically address potential for cumulative water quality effects of the associated discharges. I note that water quality and the management of discharges is a regional council function and that discharge of wastewater from an on-site disposal system is a permitted activity under Rule R63 of the Natural Resources Plan for the Wellington Region. The performance standards of any land use and subdivision within both the GRUZ and RLZ require on-site wastewater to be maintained in accordance with Rule R63. I acknowledge that some landowners may not meet the permitted rule and resource consent may not be granted for on-site wastewater, which would constrain their ability to develop a site; however, I do not consider that this is reason to change the minimum allotment size.

Submissions on Introduction Text

652. Greater Wellington Regional Council (S94.136) has sought that the introduction to the Subdivision chapter is amended to include reference to highly productive land. The submitter notes that there is currently no reference to protecting highly productive land in the Introduction to the Subdivision chapter despite clear direction from the NPS-HPL to avoid subdivision of highly productive land, and the importance of protecting highly productive land being noted elsewhere in this Plan. This submission is supported by Horticulture New Zealand (FS13.052). East Leigh Limited (FS109.012) opposes the submission and considers the proposed amendment to the introduction is inappropriate and unjustified. The NPS-HPL does not require all subdivision of highly productive land be avoided, only inappropriate subdivision. The NPS specifically provides for subdivision in certain circumstances.

Evaluation of Introduction Text

653. I agree with Greater Wellington Regional Council (S94.136) that the introduction to the Subdivision chapter currently does not provide any context to the NPS-HPL. Further to this, it also does not provide any context to other issues relating to subdivision in the rural zones, including fragmentation of rural land and loss of rural character. I note that this context is provided in the Introduction to the GRUZ and RLZ and does not necessarily need to be repeated in the Subdivision chapter Introduction. To ensure this context is clear to Plan users, I recommend that the Introduction to the Subdivision chapter is amended to cross-reference the zone chapters to provide further context to subdivision in those zones.

Submissions on Viticulture

654. Aburn Popova Trust (S48.013), (S48.014) and Wairarapa Winegrowers' Association Incorporated (S136.015), (S136.016) have sought that Policies SUB-P5 and SUB-P6 are amended to specifically reference viticulture in addition to primary production. The submitters consider that the definition of 'primary production' does not sufficiently account for viticulture.

They noted that while horticulture is provided for within the definition of primary production, they do not consider that viticulture is a form of horticulture.

Evaluation of Viticulture

655. I note that this same issue was raised in the GRUZ. I refer to my response to those similar points in the GRUZ in Paragraphs 115 - 117 in Part 1 of this report.

Submissions on Affected Party Advice Note

656. NZ Transport Agency (S149.034), (S149.035) has sought changes to Rules SUB-R4(3) and SUB-R5(3) to include an advisory note that if a resource consent application is made under the rule that NZTA will be considered an affected person in accordance with Section 95E of the RMA and notified of the application, where written approval is not provided. The submitter considers that the restricted discretionary activity status is appropriate, but raised concern that NZTA may not be identified as an affected party where they should be.

Evaluation of Affected Party Advice Note

657. While the NZ Transport Agency is likely to be an affected party to an application that poses a direct impact to safety and efficiency of a State Highway, I note that this assessment must be made on a case-by-case basis. In order to be an affected party in accordance with Section 95E of the RMA, adverse effects must be minor or more than minor. I do not consider there is evidence that this threshold will be met in all circumstances, and I consider this advice note may conflict with the Council's ability to objectively make their assessment in accordance with the RMA.

Section 32AA Evaluation

Effectiveness and Efficiency

658. The recommended additional Introduction text will provide greater clarity to PDP users and avoid misinterpretation.

Costs / Benefits

659. There are no material differences to the benefits and costs for the recommended amendments as they are for clarity purposes.

Risk of Acting or Not Acting

660. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

661. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

9.5 Key Issue 3: Rural Subdivision Policies

Recommended changes to Rural Subdivision Policies

Provision(s)	Officer Recommendation(s)
Policies	
SUB-P5	<p>Amend as follows: Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone as directed through GRUZ-O1, GRUZ-O2 and GRUZ-P3. by:</p> <ol style="list-style-type: none"> enabling and promoting openness and predominance of vegetation; enabling and promoting a productive working landscape; enabling primary production and ancillary activities; providing for varying forms, scale, and separation of <i>structures</i> associated with primary production activities; managing the density and location of residential development; ensuring allotments can be self-serviced; retaining a clear delineation and contrast between the Wairarapa’s rural areas and urban areas; and avoiding, remedying, or mitigating reverse sensitivity effects.
SUB-P6	<p>Amend as follows: Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, or amenity values of the zone by:</p> <ol style="list-style-type: none"> limiting small lot subdivision within the General Rural Zone to only areas where the soil resource is fragmented, is not located on highly productive land, and it does not compromise the use of land for primary production activities (including through reverse sensitivity effects); and avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.
SUB-P8	Retain as notified

Overview of Submissions Received on Rural Subdivision Policies

662. This section covers submissions on the following policies, which directly relate to subdivision in the rural zones:

- SUB-P5 Rural character and amenity values of subdivision in the General Rural Zone
- SUB-P6 Avoid inappropriate subdivision in the General Rural Zone
- SUB-P8 Subdivision of highly productive land.

663. I note submissions on zone- or overlay-specific policies of the Subdivision chapter will be considered in the Hearing Stream for each relevant topic, and submissions general subdivision policies will heard in Hearing Stream 8.

664. A total of 33 original submissions points and 25 further submission points were received on rural subdivision policies. There were no further submissions to those submission points. The submissions were received from: NZ Agricultural Aviation Association (S22) (FS29), Aburn Popova Trust (S48), Dan Kellow (S70), Canoe Wines Limited Partnership (S91) Greater

Wellington Regional Council (S94), Fulton Hogan Limited (S122), Wairarapa Winegrowers' Association Inc (S136), E McGruddy (S144), NZ Transport Agency (S149), AdamsonShaw Ltd (S152), Kath and David Tomlinson (S181), New Zealand Frost Fans (S187), Ballance Agri-Nutrients (S208), Federated Farmers of New Zealand (S214) (FS81), Horticulture New Zealand (S221), New Zealand Pork Industry Board (S229), Scott Anstis (S233), East Leigh Limited (S239), Scott Summerfield and Ross Lynch (S255) Radio New Zealand Limited (S288), Holly Hill (FS78), Radio New Zealand (FS106), Matthew & Lana Timperley (FS9), Te Tini o Ngāti Kahukuraawhitia Trust (FS95), AdamsonShaw Ltd (FS80), and Rochelle McCarty (FS54).

Content and evaluation of Submissions Received on Rural Subdivision Policies

SUB-P5 Rural character and amenity values of subdivision in the General Rural Zone

- 665. NZ Agricultural Aviation Association (S22.007), Ballance Agri-Nutrients (S208.005), Horticulture New Zealand (S221.094), New Zealand Pork Industry Board (S229.014), and Radio New Zealand Limited (S288.035) support Policy SUB-P5 and sought that it is retained as notified.
- 666. Greater Wellington Regional Council (S94.143) sought changes to clause (c) to specifically recognise land-based primary production on highly productive land. The submitter considers this change will better reflect the NPS-HPL.
- 667. Federated Farmers (S214.079) opposes the policy as it relates to amenity values and considers that this should not be a consideration of subdivision. The submitter also considers that the prominence of vegetation is not a relevant consideration for subdivision. Changes have been proposed to the policy as shown below. This submission is in part supported by Horticulture New Zealand (FS13.057) who consider that amenity values are not appropriate considerations for subdivision in the rural zone due to the potential negative consequences for the purpose of the zone, including primary production. The submission is opposed by Te Tini o Ngāti Kahukuraawhitia Trust (FS95.184).

Provide for subdivision, use, and development where it does not compromise the purpose, ~~character, and amenity values~~ of the General Rural Zone, by:

- a. enabling and promoting openness ~~and predominance of vegetation~~; ...

- 668. E McGruddy (S144.004) has sought changes to the policy as shown below. The submitter considers that this will better reflect the 'alternative approach' as described in the in Paragraph 80 of Part 1.

Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by:

- a. enabling and promoting openness and predominance of vegetation and development sympathetic to existing landforms;
- b. enabling and promoting a productive working landscape, providing for varying forms and scale for local and export markets;
- c. enabling primary production and ancillary activities;
- d. providing for varying forms, scale, and separation of *structures* associated with primary production activities;
- e. managing the density and location of residential development, providing for varying forms and scale for housing options;
- f. ensuring allotments can be self-serviced;
- g. retaining ~~a clear delineation and contrast~~ per-urban areas buffers between the Wairarapa's rural areas and urban areas; and
- h. avoiding, remedying, or mitigating reverse sensitivity effects.

- 669. New Zealand Frost Fans (S187.030) supports the policy but seeks changes as shown below to align the direction with the NPS-HPL of prioritising primary production.

Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by:

- a. enabling and promoting openness and predominance of vegetation;
- b. enabling and promoting a productive working landscape;
- c. ~~enabling~~ enabling, prioritising primary production and ancillary activities;
- d. providing for varying forms, scale, and separation of *structures* associated with primary production activities;
- e. managing the density and location of residential development;
- f. ensuring allotments can be self-serviced;
- g. retaining a clear delineation including buffers, and contrast between the Wairarapa's rural areas and urban areas; and
- h. avoiding, remedying, or mitigating reverse sensitivity effects and land use conflicts arising from the establishment of new and expanded sensitive non-rural activities.

670. Radio New Zealand Limited (S288.035) has sought that the policy is amended to ensure that reverse sensitivity is given an appropriate weight as a single item in the list of matters in Policy SUB-P5. The submitter supports the maintenance of rural character and amenity, as rural activities are compatible with the operation of RNZ's facilities. While the direction to avoid, remedy, or mitigate reverse sensitivity effects is supported, the submitter considers that this should be provided as a separate policy or that Policy SUB-P6 is strengthened⁴³.

Evaluation of SUB-P5

671. In response to Greater Wellington Regional Council (S94.143) I refer to my response to the similar submission point in the GRUZ in Paragraph 301 of Part 1.

672. I agree with Federated Farmers (S214.079) that some of the direction provided in Policy SUB-P5 does not relate to subdivision and rather land use and development. I note that this policy reflects the same wording included in Policy GRUZ-P3. While including this policy in the Subdivision chapter ensures it is visible to plan users, I do not consider it is necessary to duplicate the direction of Policy GRUZ-P3, particularly as not all parts relate to subdivision. To account for this, I recommend that the policy is amended as shown below. I consider that this will provide a clear link back to the relevant direction of the GRUZ, including Policy GRUZ-P3.

Provide for subdivision, ~~use, and development~~ where it does not compromise the purpose, character, and amenity of the General Rural Zone as directed through GRUZ-O1, GRUZ-O2 and GRUZ-P3, by:

- a. enabling and promoting openness and predominance of vegetation;
- b. enabling and promoting a productive working landscape;
- c. enabling primary production and ancillary activities;
- d. providing for varying forms, scale, and separation of *structures* associated with primary production activities;
- e. managing the density and location of residential development;
- f. ensuring allotments can be self-serviced;
- g. retaining a clear delineation and contrast between the Wairarapa's rural areas and urban areas; and
- h. avoiding, remedying, or mitigating reverse sensitivity effects.

673. In response to E McGruddy, I refer to my response to the similar submission point in the GRUZ in Paragraph 304 of Part 1 and my evaluation of the associated alternative approach in Paragraphs 629 to 638.

674. I acknowledge that the NPS-HPL seeks to prioritise primary production. However, I do not consider the changes are required as suggested by New Zealand Frost Fans (S187.030). I

⁴³ Radio New Zealand Limited (S288.055)

consider that the current direction already prioritises primary production through the use of the active verb 'enable' and primary production being the only specific land use referenced.

675. With relation to reverse sensitivity, while I agree that this is an important matter in subdivision, I consider that it is appropriately recognised through Policies GRUZ-P3(h) and GRUZ-P6.

SUB-P6 Avoid inappropriate subdivision in the General Rural Zone

676. Greater Wellington Regional Council (S94.144), (S94.145), Horticulture New Zealand (S221.095), New Zealand Pork Industry Board (S229.015), and Radio New Zealand Limited (S288.036) support Policy SUB-P6 and seek that it is retained as notified.
677. Dan Kellow (S70.004) has sought that the policy is amended to recognise subdivision of highly productive land is potentially acceptable in certain circumstances, as is set out in NPS-HPL. The submitter considers that the policy is inconsistent with Policy SUB-P8 as there are circumstances where subdivision can be acceptable under the NPS-HPL. The submission is supported by Holly Hill (FS78.11). Wairarapa Federated Farmers (FS81.005) in part supported the submission but sought that it is disallowed as the policy relates to the character of the GRUZ, which is equally as important.
678. Fulton Hogan Limited (S122.040) has sought a change to the policy to make reference to reverse sensitivity in clause (a) as shown below. The submitter supports clear direction with regard to avoiding the fragmentation of land, and the potential for subdivision, use, and development of land to foreclose its use for primary production activities. The submitter notes that reverse sensitivity effects can be a significant issue for activities such as quarrying and therefore seeks that reverse sensitivity effects are expressly addressed in the policy. This submission is supported by Wairarapa Federated Farmers (FS81.033) and Radio New Zealand Limited (FS106.005).

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, or amenity values of the zone by:

- a. limiting small lot subdivision within the General Rural Zone to only areas where the soil resource is fragmented, is not located on *highly productive land*, and it does not compromise the use of land for *primary production activities* (including through reverse sensitivity effects); and
- b. avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.

679. E McGruddy (S144.005) has sought changes to the policy as shown below. The submitter considers that this will better reflect the 'alternative approach' as described in the in Paragraph 80 of Part 1. This submission is supported by Matthew & Lana Timperley (FS9.001) and Holly Hill (FS78.012).

SUB-P6 ~~Avoid inappropriate~~ subdivision in the General Rural Zone

~~Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, or amenity values of the zone~~ Allow subdivision and development that results in the efficient and productive use of land, with lot sizes sufficient to accommodate intended land uses by:

- a. Limiting enabling small lot subdivision within existing small the General Rural Zone to only areas where the soil resource is fragmented, is not located on *highly productive land*, and it does not compromise the use of land for *primary production activities*; and
- b. avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.

680. AdamsonShaw Ltd (S152.007), Scott Anstis (S233.007) and East Leigh Limited (S239.020) oppose the policy, specifically clause (a), as it is too broad. The submitters have sought that the policy is either deleted or amended. East Leigh Limited have proposed an amendment to the policy to reflect this as shown below. AdamsonShaw Ltd and Scott Anstis have not provided suggested wording. The submitters support the protection of highly productive land but consider that there are areas in the GRUZ with low productive capacity but are not fragmented that are appropriate for small-lot subdivision. These submissions are supported by Matthew & Lana Timperley (FS9.002), Holly Hill (FS78.013), (FS78.015), (FS78.016), and AdamsonShaw Ltd (FS80.004). Wairarapa Federated Farmers (FS81.001) opposed the submissions and noted that the purpose of Policy SUB-P6 is to avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the purpose, character, or amenity values of the zones. The policy is intending to avoid the cumulative effects of small lot subdivision and the submitter considers the PDP should include a policy on managing small lot subdivision in rural areas.

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, or amenity values of the zone by:

- a. limiting small lot subdivision within the General Rural Zone to only areas ~~where the soil resource is fragmented~~, is not located on *highly productive land*, and it does not compromise the use of land for *primary production activities*; and
- b. avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.

681. Kath and David Tomlinson (S181.001) seek that the policy is amended to allow subdivision in areas where there has already been existing subdivision and where further subdivision fits within the character of the area. The submitter considers that it would be sensible to allow further subdivision for such areas of land in keeping with current 1–2ha lifestyle blocks surrounding them. This submission is supported by Matthew & Lana Timperley (FS9.003) and Holly Hill (FS78.014).

682. New Zealand Frost Fans (S187.031) has sought changes to the policy as shown below. The submitter considers that the design and construction of a subdivision and its consequent use can be a significant contributing factor as to whether the overall proposal creates conflicts between land uses and is therefore inappropriate, e.g. sealing driveways.

Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, ~~or~~ location, design and construction that is contrary to the anticipated purpose, character, or amenity values of the zone by:

- a. limiting small lot subdivision within the General Rural Zone to only areas where the soil resource is fragmented, is not located on *highly productive land*, and it does not compromise the use of land for *primary production activities*; and
- b. avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone; and
- c. where appropriate, specifying subdivision design and construction requirements and consent notices, to avoid where possible, or otherwise minimise amenity conflicts between uses.

683. Scott Summerfield and Ross Lynch (S255.003) oppose the policy and seek that it is amended so properties less than 40ha retain the number of dwellings their ability to subdivide under the Operative District Plan. The submitter considers the analysis provided by the Councils' does not support the restriction on smaller rural properties. This is supported by Rochelle McCarty (FS54.004), Matthew & Lana Timperley (FS9.004) and Holly Hill (FS78.017).

Evaluation of SUB-P6

684. I agree with Dan Kellow (S70.004) that there are circumstances that the NPS-HPL would allow for small allotment subdivision to occur over highly productive land⁴⁴ and the current direction would imply that small lot subdivision is not provided over highly productive land, regardless of whether it meets relevant exemptions. Policy SUB-P8 already provides specific direction for any subdivision over highly productive land. As there is already clear direction provided through Policy SUB-P8, I do not consider it is necessary to reference highly productive land in Policy SUB-P6 and recommend that the reference to it is deleted.
685. With regard to AdamsonShaw Ltd (S152.007), Scott Anstis (S233.007) and East Leigh Limited (S239.020), I refer to my response to the general point raised over the approach in paragraphs 639 to 641. I consider that clause (a) appropriately reflects the direction of the PDP, including directing small allotment subdivision in the GRUZ to land that is already fragmented.
686. I consider that the direction largely reflects the relief sought by Kath and David Tomlinson (S181.001) – specifically, it directs to allow for further small allotment subdivision in areas that are fragmented through existing subdivision.
687. I agree with the intent of the changes sought by New Zealand Frost Fans (S187.031), however, I do not consider that the specific changes are required. I consider that there is already provision for the changes sought through the policy as drafted and other policies relating to reverse sensitivity – specifically Policies GRUZ-P3 and GRUZ-P6.

SUB-P8 Subdivision of highly productive land

688. Dan Kellow (S70.005), Canoe Wines Limited Partnership (S91.031), New Zealand Frost Fans (S187.033), and Horticulture New Zealand (S221.097) support Policy SUB-P8 and seek that it is retained as notified.

Section 32AA Evaluation

Effectiveness and Efficiency

689. The recommended changes to SUB-P5 and SUB-P6 clarify the intent scope of the direction and remove unnecessary duplication and will better achieve the outcomes sought through the Objectives of the GRUZ.

Costs / Benefits

690. The recommended changes will result in better effects outcomes within the zones and will improve Plan useability.

Risk of Acting or Not Acting

691. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

692. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

⁴⁴ Where it meets either clause 3.8 or 3.10 of the NPS-HPL.

9.6 Key Issue 4: Rural Subdivision Rules

Recommended changes to Rural Subdivision Rules

Provision(s)	Officer Recommendation(s)
Rules	
SUB-R1 Boundary adjustment	Retain as notified.
SUB-R2(2) Subdivision of land to create additional allotment(s)	<p>Amend as follows:</p> <p>2. Activity status: Controlled</p> <p>Matters of control: ...</p> <p>15. Management of potential reverse sensitivity effects on existing lawfully established land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to primary production, network utilities and significant hazardous facilities.</p> <p>...</p>
SUB-R2(6) Subdivision of land to create additional allotment(s)	<p>Amend as follows:</p> <p>6. Activity status: Restricted discretionary</p> <p>Matters of discretion: ...</p> <p>6. Management of potential reverse sensitivity effects on existing lawfully established land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to primary production, network utilities and significant hazardous facilities.</p> <p>...</p>
SUB-R2(10) Subdivision of land to create additional allotment(s)	<p>Amend as follows:</p> <p>10. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1;</p> <p>b. The subdivision is directly related to land based primary production; and</p> <p>c. Where the subdivision is located on highly productive land, Evidence is provided that the subdivision will meet clause 3.8 or 3.10 of the National Policy Statement for Highly Productive Land.</p>
SUB-R4(1) Subdivision of land less than 4ha in the General Rural Zone	<p>Amend as follows:</p> <p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. The allotment subject to subdivision is located within either the South Wairarapa or Carterton District;</p> <p>b. The allotment is not located on <i>highly productive land</i> or within the Martinborough Soils Overlay;</p> <p>c. The allotment subject to subdivision is less than 4ha in area as at 11 October 2023;</p> <p>d. No provision is used more than once, and no retention of rights occurs;</p> <p>e. Either:</p>

	<p>i. one additional allotment is created and the balance area remaining from the record of title subject to subdivision is no less than 1.5ha; or</p> <p>ii. two additional allotments are created and the balance area remaining from the record of title subject to subdivision is no less than 2.5ha;</p> <p><u>f. The additional allotment is no less than 0.5ha.</u></p> <p>f-g. Compliance is achieved with: ...</p> <p>g-h. There is no direct access to State Highway 53, State Highway 2, any Limited Access Road, Masterton Heavy Traffic Bypass, or the Wairarapa Railway. ...</p> <p>Matters of discretion: ...</p> <p>15. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u>, network utilities and significant hazardous facilities.</p>
SUB-R4(2) Subdivision of land less than 4ha in the General Rural Zone	<p>Amend as follows:</p> <p>2. Activity status: Restricted discretionary</p> <p>Matters of discretion: ...</p> <p>6. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u>, network utilities and significant hazardous facilities.</p>
SUB-R4(4) Subdivision of land less than 4ha in the General Rural Zone	<p>Amend as follows:</p> <p>5. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-R4(1)(b) <u>or SUB-R4(1)(e)</u>; and</p> <p>b. <u>Where the subdivision is located on highly productive land</u>, Eevidence is provided that the subdivision will meet clause 3.8 <u>or 3.10</u> of the National Policy Statement for Highly Productive Land.</p>
SUB-R4(5) Subdivision of land less than 4ha in the General Rural Zone	<p>Amend as follows:</p> <p>5. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-R4(1)(a), (c), <u>or (d)</u>; or</p> <p>b. Compliance is not achieved with SUB-R4(1)(b) and is not otherwise provided for by SUB-R4(4).</p>
SUB-R5(1) Subdivision of a surplus residential unit	<p>Amend as follows:</p> <p>693. Activity status: Controlled</p> <p>Where: ...</p> <p>e. No vacant allotments are created <u>allotment vacant of a residential unit is created following the subdivision...</u></p> <p>Matters of discretion: ...</p> <p>15. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u>, network utilities and significant hazardous facilities.</p>
New Rule: SUB-R5(X) Subdivision of a surplus residential unit	<p>Insert new rule:</p> <p><u>4. Activity status: Restricted discretionary</u></p> <p><u>Where:</u></p>

	<p><u>a. Compliance is not achieved with SUB-R5(1)(e).</u></p> <p><u>Matters of discretion:</u></p> <p><u>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, and SUB-P6.</u></p> <p><u>2. The ability to achieve on-site servicing in compliance with Council's engineering standards.</u></p> <p><u>3. Integration with the character and amenity of the existing township.</u></p> <p><u>4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</u></p> <p><u>5. Management of construction effects, including traffic movements, hours of operation, noise, earthworks, and erosion and sediment control.</u></p> <p><u>6. Management of potential reverse sensitivity effects on existing land uses, including network utilities, or significant hazardous facilities.</u></p> <p><u>7. Any effects to primary production and productive capacity, including any loss of highly productive land.</u></p> <p><u>8. Infrastructure capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.</u></p> <p><u>9. The matters referred to in sections 108 and 220 of the Act.</u></p>
SUB-R5(3) Subdivision of a surplus residential unit	<p>Amend as follows:</p> <p>3. Activity status: Restricted discretionary</p> <p>Matters of discretion: ...</p> <p>6. Management of potential reverse sensitivity effects on existing lawfully established land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to primary production, network utilities and significant hazardous facilities.</p>
SUB-R5(4) Subdivision of a surplus residential unit	<p>Amend as follows:</p> <p>4. 5. Activity status: Non-complying</p> <p>Where:</p> <p>a. compliance is not achieved with SUB-R5(1)(a), (b), (c), or (d) or (e).</p>

Overview of Submissions Received on Rural Subdivision Rules

694. This section covers submissions on the following rules, as they relate to subdivision in the rural zones:

- SUB-R1 Boundary adjustment
- SUB-R2 Subdivision of land to create additional allotment(s)
- SUB-R4 Subdivision of land less than 4ha in the General Rural Zone
- SUB-R5 Subdivision of a surplus residential unit.

695. I note submissions on zone- or overlay-specific rules of the Subdivision chapter will be considered in the Hearing Stream for each relevant topic, and submissions general subdivision rules will heard in Hearing Stream 8.

696. A total of 39 original submissions points and 23 further submission points were received on rural subdivision rules. The submissions were received from: Aburn Popova Trust (S48), Lucy Sanderson-Gammon (S51), Dan Kellow (S70), KiwiRail Holdings Limited (S79), Alastair MacKenzie (S89), Wairarapa Winegrowers' Association Inc (S136), E McGruddy (S144), NZ Transport Agency (S149) (FS61), AdamsonShaw Ltd (S152), Kath and David Tomlinson (S181), New Zealand Frost Fans (S187), Federated Farmers of New Zealand (S214) (FS81), Horticulture New Zealand (S221), Jack Wass (S222), New Zealand Pork Industry Board (S229), Scott Anstis (S233), Colin and Helen Southey (S248), East Leigh Limited (S239), Masterton, Carterton, and South Wairarapa District Councils (S251), Scott Summerfield and Ross Lynch (S255), Audrey Sebire (S257), Tini o Ngāti Kahukuraawhitia Trust (FS95), and Holly Hill (FS78).

Content and evaluation of Submissions Received on Rural Subdivision Rules

SUB-R1 Boundary Adjustment

697. New Zealand Frost Fans (S187.034) support Rule SUB-R1 and seek that it is retained as notified.

SUB-R2 Subdivision of land to create additional allotment(s)

698. Horticulture New Zealand (S221.098) in part supports Rule SUB-R2 and have sought that the matter of control managing reverse sensitivity⁴⁵ and the discretionary pathway for subdivision not meeting the minimum allotment size⁴⁶ is retained. The submitter considers that managing reverse sensitivity effects is essential to a productive rural environment. This submission is in part supported by Holly Hill (FS78.020) who considers that there should be provision for lot sizes less than 40ha in the GRUZ.

699. New Zealand Pork Industry Board (S229.016) opposes the controlled activity status of the rule and seeks that all subdivision in the rural zones is restricted discretionary. The submitter has also sought an additional matter of discretion is included in that rule as shown below. The submitter considers that this will ensure that conflict with primary production activities can be considered, and applications declined where necessary. Wairarapa Federated Farmers (FS81.051) supports this submission and Horticulture New Zealand (FS13.058) in part supports the submission insofar as reverse sensitivity effects needs to be managed as a matter of discretion.

xx. The measures to avoid reverse sensitivity effects on lawfully established, or permitted, primary production activities...

700. Scott Anstis (S233.011) has sought changes to the SUB-R2(10) as shown below. The submitter considers that the rule should be worded to refer to highly productive land, and only trigger non-complying status where the land is highly productive and does not meet the provisions of the NPS-HPL. This submission is supported by Holly Hill (FS78.022) and Gavin Grey (FS102.002).

10. Activity status: Discretionary
Where:

~~a. Compliance is not achieved with SUB-S1;
b. The subdivision is directly related to land based primary production; and
c. Evidence is provided that the subdivision will meet clause 3.8 or 3.10 of the National Policy Statement for Highly Productive Land.~~

a. Where the subdivision is located on highly productive land, the subdivision shall be directly related to land based primary production and evidence should be provided that the subdivision will meet clause 3.8 or 3.10 of the National Policy Statement for Highly Productive Land; or
b. Where the subdivision is not located on Highly Productive Land, two additional allotments are created and the balance area remaining from the record of title subject to subdivision is no less than 40ha.

701. Audrey Sebire (S257.003) has sought that the rule is amended to make all subdivision in the General Rural Zone a restricted discretionary activity, with matters of discretion relating to clauses 3.8 and 3.10 of the National Policy Statement for Highly Productive Land. This submission is supported by Holly Hill (FS78.024) and in part supported by Wairarapa Federated Farmers (FS81.002) who note that there is already a discretionary activity rule that links to clause 3.8 and 3.10 (SUB-R2(10)).

⁴⁵ Matter of control 15 of SUB-R2(2)

⁴⁶ SUB-R2(10)

702. Jack Wass (S222.007) has sought that a more flexible and discretionary approach is adopted to subdivision and minimum dwellings, without compromising the amenity and productivity of rural land.

Evaluation of SUB-R2

703. With relation to amending the rule framework to restricted discretionary as raised by New Zealand Pork Industry Board (S229.016) and Audrey Sebire (S257.003), I refer to my evaluation of this in paragraphs 642 to 644. I have also considered Jack Wass (S222.007) in paragraphs 622 to 644.
704. I agree with Horticulture New Zealand (S221.098) and New Zealand Pork Industry Board (S229.016) that managing potential conflicts and reverse sensitivity needs to be considered through subdivision applications. The controlled and restricted discretionary Rule SUB-R2⁴⁷ currently includes the consideration of reverse sensitivity effects as shown below. I consider that the current wording provides a broader consideration than what is proposed by New Zealand Pork Industry Board (S229.016). I do however recommend adopting parts of the suggested wording to improve clarity – specifically referencing ‘lawfully established’ rather than ‘existing’ and making a direct reference to primary production as an example.

Management of potential reverse sensitivity effects on existing land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to network utilities and significant hazardous facilities.

705. I agree with Scott Anstis (S233.011) insofar that the requirement to provide evidence that the NPS-HPL is met should only apply to subdivision that is over highly productive land. The current wording of condition (c) implies that it needs to be justified in all circumstances. I do not agree with the proposed deletion of condition (b), which requires the subdivision to be directly associated with land-based primary production. I note that the intent of this rule is primarily to capture primary production subdivision that is not otherwise enabled by the minimum allotment size – this is anticipated to be subdivision for either orchards or vineyards. While ‘land based primary production’ is a definition derived from the NPS-HPL, I consider that it remains relevant in all parts of the GRUZ. I also disagree with the proposed addition of clause (c) for the reasons mentioned in Paragraphs 639 to 641.

SUB-R4 Subdivision of land less than 4ha in the General Rural Zone

706. Aburn Popova (S48.015), (S48.016), (S48.017), KiwiRail Holdings Limited (S79.061), and Wairarapa Winegrowers' Association Inc (S136.017) support Rule SUB-R4 and seek that it is retained as notified.
707. Lucy Sanderson-Gammon (S51.001) supports the rule but seeks that the minimum balance for two additional allotments specified in SUB-R4(1)(e)(ii) is reduced from 2.5ha to 2ha. The submitter considers that reducing the remaining land required would provide more flexibility for those with land less than 4ha. Kath and David Tomlinson (S181.005) have also raised that the balance requirement is too restrictive and has sought that it is reduced to 1ha. This is supported by AdamsonShaw Ltd (FS80.005).
708. Dan Kellow (S70.006) has sought changes to SUB-S4(10) to reference clause 3.10 of the NPS-HPL in addition to clause 3.8, and that the rule applies to any subdivision that would not otherwise meet the balance requirements of SUB-R4(1)(e). The submitter raises that the current rule does not reflect all exemptions provided for by the NPS-HPL. The submitter also considers that it would be more consistent with the overall approach of enabling subdivision on fragmented land to allow for a discretionary pathway for subdivision that does not meet the balance requirement. Kath and David Tomlinson (S181.006) have also sought that the discretionary rule enables further infill subdivision.

⁴⁷ Matter of Control 15 of SUB-R2(2) and Matter of Discretion 6 of SUB-R2(6).

709. Alastair MacKenzie (S89.001) has sought that the SUB-S4(1) is amended to remove the reference to highly productive land in SUB-S4(1)(b). The submitter seeks to allow the subdivision of a 2-3ha block of land that contains a highly productive soil overlay, to be able to subdivide land into two lots and separate the larger dwelling and build an appropriately sized dwelling and shed for their own use. The submitter considers that subdividing this property will not significantly enhance agricultural productivity. Instead, the submitter proposes that the rates generated from the subdivision would be more beneficial to the Council and would contribute to the overall development of the local area. This is supported by Holly Hill (FS78.026).
710. E McGruddy (S144.007) has sought changes to the SUB-R4(1) as shown below. The submitter considers that this will better reflect the 'alternative approach' as described in the in Paragraph 80 of Part 1. This submission is opposed by Heritage New Zealand (FS75.022), which considers the suggested amendments fail to avoid, remedy, or mitigate any adverse effects on any cultural, spiritual and/or heritage values, interests, or associations of importance to Māori.

Subdivision of land less than ~~4ha~~ ~~8ha~~ in the General Rural Zone

1. Activity status: ~~Controlled~~ Permitted

Where:

- a. The allotment subject to subdivision is located within either the South Wairarapa or Carterton District or Masterton District;
- b. The allotment is not located ~~on highly productive land or~~ within the Martinborough Soils Overlay or a mapped Hazard Overlay or a mapped Ecological or Landscape Overlay;
- c. The allotment subject to subdivision is less than ~~4ha~~ ~~8ha~~ in area;
- d. No provision is used more than once, and no retention of rights occurs;
- e. Either:
 - i. one additional allotment is created and the balance area remaining from the record of title subject to subdivision is no less than 1.5ha; or
 - ii. two additional allotments are created and the balance area remaining from the record of title subject to subdivision is no less than 2.5ha;

~~Matters of control:~~

~~1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, and SUB-P6.~~

~~2. The size, design, shape, location, and layout of lots....~~

711. Kath and David Tomlinson (S181.002) and Scott Summerfield and Ross Lynch (S255.006) have also sought that the threshold is increased. Kath and David Tomlinson have sought 8ha, and Scott Summerfield and Ross Lynch 10ha.
712. AdamsonShaw Ltd (S152.013), Kath and David Tomlinson (S181.004), Scott Anstis (S233.012), East Leigh Limited (S239.025) and Colin and Helen Southey (S248.002) have sought that condition SUB-R4(1)(a) is deleted to allow the rule to apply in the Masterton District. This is supported by AdamsonShaw Ltd (FS80.006), (FS80.007).
713. Jack Wass (S222.008) has sought that a more flexible and discretionary approach is adopted to subdivision and minimum dwellings, without compromising the amenity and productivity of rural land. This is supported by Holly Hill (FS78.029).
714. New Zealand Pork Industry Board (S229.017) opposes the controlled activity status of the rule and seeks that all subdivision in the rural zones is restricted discretionary. The submitter has also sought an additional matter of discretion as shown in Paragraph 699. The submitter considers that this will ensure that conflicts with primary production activities can be considered, and applications declined where necessary. Wairarapa Federated Farmers (FS81.052) supports this submission and Horticulture New Zealand (FS13.059) in part supports the submission insofar as reverse sensitivity effects needs to be managed as a matter of control.
715. Masterton, Carterton, and South Wairarapa District Councils (S251.002) have sought changes to SUB-R4(1), SUB-R4(4), and SUB-R4(5) as shown below. The changes are sought to ensure clarity and address implementation issues. Those changes ensure:
- The size threshold is fixed to a certain date for controlled activity subdivision
 - It is clear what the minimum allotment size is for controlled activity subdivision

- All exemptions in the NPS-HPL are referenced for the discretionary activity rule, and
- The non-complying rule links to all instances where it may be triggered.

1. Activity status: **Controlled**

Where:

- The allotment subject to subdivision is located within either the South Wairarapa or Carterton District;
- The allotment is not located on highly productive land or within the Martinborough Soils Overlay;
- The allotment subject to subdivision is less than 4ha in area as at 11 October 2023;
- No provision is used more than once, and no retention of rights occurs;
- Either:
 - one additional allotment is created and the balance area remaining from the record of title subject to subdivision is no less than 1.5ha; or
 - two additional allotments are created and the balance area remaining from the record of title subject to subdivision is no less than 2.5ha;
- The additional allotment is no less than 0.5ha.

....

4. Activity status: **Discretionary**

Where:

- Compliance is not achieved with SUB-R4(1)(b); and
- Evidence is provided that the subdivision will meet clause 3.8 or clause 3.10 of the National Policy Statement for Highly Productive Land.

5. Activity status: **Non-complying**

Where:

- Compliance is not achieved with SUB-R4(1)(a), (c), (d) or (e); or
- Compliance is not achieved with SUB-R4(1)(b) and is not otherwise provided for by SUB-R4(4)

Evaluation of SUB-R4

716. Submitters have raised that the minimum balance requirement should be adjusted to enable further subdivision, or a discretionary pathway provided for subdivision that does not meet the minimum balance requirements. A minimum balance is required to ensure that rural character of the GRUZ is maintained. The balance ensures that development remains low density as required by Policies SUB-P5 and GRUZ-P3. While reducing the balance would enable further subdivision, I do not consider there is evidence that a smaller balance will maintain rural character in all circumstances. I do however agree with Dan Kellow (S70.006) that it would be reasonable to assess applications that do not meet the minimum balance (but all other conditions are met) as a discretionary activity. I consider that there would be circumstances where a smaller balance could continue to maintain rural character. A discretionary pathway allows a case-by-case assessment, and if all other standards are being met, this continues to align with the overall approach and the objectives for the rural environment in the Strategic Directions chapter. I recommended that the change sought to Rule SUB-R4(10) by Dan Kellow (S70.006) is accepted.
717. With relation to how the rule integrates with the NPS-HPL, the controlled activity rule limits any subdivision over highly productive land. However, there remains a discretionary pathway for any subdivision that meets clause 3.8 of the NPS-HPL. I agree with Dan Kellow (S70.006) and Masterton, Carterton, and South Wairarapa District Councils (S251.002) that the discretionary rule needs to also reference clause 3.10 of the NPS-HPL. With regard to Alastair MacKenzie (S89.001), I consider that it would be inconsistent with the NPS-HPL to enable subdivision over highly productive land. I note that there remains a discretionary pathway where the relevant exemption of the NPS-HPL can be met. I consider that this remains appropriate.
718. I have considered alternative thresholds as suggested by E McGruddy (S144.007), Kath and David Tomlinson (S181.002) and Scott Summerfield and Ross Lynch (S255.006) in Paragraphs 629 to 638. With relation to the suggested changes to the rule by E McGruddy (S144.007),

notwithstanding the appropriateness of the 8ha threshold, I do not consider that a permitted activity status is appropriate for subdivision and would be impractical for monitoring and enforcing.

719. With relation to AdamsonShaw Ltd (S152.013), Kath and David Tomlinson (S181.004), Scott Anstis (S233.012), East Leigh Limited (S239.025) and Colin and Helen Southey (S248.002) and applying Rule SUB-R4(1) to the Masterton District, I refer to my response provided in Paragraphs 634 to 638. I consider that the RLZ remains appropriate for enabling lifestyle opportunities in the Masterton District, noting that further work may be required to identify additional RLZ land in order to provide for long term rural dwelling supply.

SUB-R5 Subdivision of a surplus residential unit

720. KiwiRail Holdings Limited (S79.062) and Horticulture New Zealand (S221.099) support Rule SUB-R5 and seek that it is retained as notified.
721. AdamsonShaw Ltd (S152.014), Scott Anstis (S233.013), and East Leigh Limited (S239.026) have sought that the term 'vacant' is clarified as referenced in condition (e) of Rule SUB-R5(1). The submitters consider that it is unclear what this refers to and notes that this would limit the ability to subdivide off a house where the balance does not also contain a house. Masterton, Carterton, and South Wairarapa District Councils (S251.004) have suggested changes to the rule to clarify condition (e) as being "no allotment vacant of a residential unit" but have suggested the addition of a restricted discretionary activity rule where this condition is not met. This will ensure that there is still a reasonable pathway for subdivision that results in a vacant allotment in appropriate circumstances. The suggested changes to Rule SUB-R5, including the addition of the restricted discretionary rule is shown below. This submission is in part supported by Colin and Helen Southey (FS42.001) and AdamsonShaw Ltd (FS80.009), but the further submitters raise that subdivision of a vacant lot should be enabled as a controlled activity. The submission is also in part supported by NZ Transport Agency (FS61.0010), which supports this submission intent and seeks a further amendment to require the scenario covered by this rule also includes vehicle access as a specifically listed matter of discretion.

1. Activity status: **Controlled**

Where:

....

e. No ~~vacant allotments are created~~ allotment vacant of a residential unit is created following the subdivision.

....

4. Activity status: Restricted discretionary

Where:

a. Compliance is not achieved with SUB-R5(1)(e).

Matters of discretion:

1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, and SUB-P6.

2. The ability to achieve on-site servicing in compliance with Council's engineering standards.

3. Integration with the character and amenity of the existing township.

4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.

5. Management of construction effects, including traffic movements, hours of operation, noise, earthworks, and erosion and sediment control.

6. Management of potential reverse sensitivity effects on existing land uses, including network utilities, or significant hazardous facilities.

7. Any effects to primary production and productive capacity, including any loss of highly productive land.

8. Infrastructure capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.

9. The matters referred to in sections 108 and 220 of the Act.

4.5. Activity status: **Non-complying**

Where:

a. compliance is not achieved with SUB-R5(1)(a), (b), (c), ~~or (d) or (e)~~.

722. Federated Farmers (S214.081) has sought that the minimum balance specified in Rule SUB-R5(1)(d) is reduced from 40ha to 20ha and that conditions relating to access onto a state highway reference that it is 'new' direct access. The submitter notes that a farmer should not be forced to dispose of 40ha, and this reduced balance will ensure more efficient use of rural land. This is supported by AdamsonShaw Ltd (FS80.008) and opposed by NZ Transport Agency (FS61.009) and Te Tini o Ngāti Kahukuraawhitia Trust (FS95.186).

Evaluation of SUB-P5

723. As submitters have identified, it is unclear what is intended by '*no vacant allotments are created*' in Rule SUB-R5(1)(e). The intent of this clause is to ensure that only a surplus residential dwelling is subject to the subdivision. The rule aligns with the land use provisions of the GRUZ which would allow for an additional residential unit to be constructed on a property greater than 40ha. I agree with the proposed change to Rule SUB-R5(1)(e) by Masterton, Carterton, and South Wairarapa District Councils (S251.004) that clarifies this. I also agree that there would be appropriate subdivision that would not be anticipated by this condition. Specifically, this would be an instance where a residential dwelling is subdivided off and the remaining balance remains vacant. This might occur as a result of selling the property as a runoff block to another existing property. I consider that the suggested restricted discretionary rule by Masterton, Carterton, and South Wairarapa District Councils (S251.004) would effectively capture those circumstances and recommend that this addition is accepted.
724. With relation to Federated Farmers (S214.081), I refer to my response provided to the similar point in Paragraphs 622 to 628.

Section 32AA Evaluation

Effectiveness and Efficiency

725. The recommended changes clarify the intent of conditions and matters of discretion and control of the subdivision rules. The addition of a restricted discretionary pathway will provide a reasonable ability to consider 'exceptions' for surplus dwelling subdivision that would result in a vacant allotment.
726. The recommended changes to SUB-R4 will provide a discretionary pathway for additional small allotment subdivision that would meet the intent of the objective and policy direction.
727. The changes will increase the overall effectiveness and efficiency of the Plan and will better achieve the outcomes sought as stated in the Rural Environment objectives in the Strategic Direction chapter, the RPS, and the National Planning Standards.

Costs / Benefits

728. The recommended changes will result in better effects outcomes in line with the objective and policy direction and will improve Plan useability.

Risk of Acting or Not Acting

729. There is not considered to be a risk in accepting the recommended amendments, as there is sufficient information to act on the submissions.

Decision About Most Appropriate Option

730. The recommended amendments are therefore considered to be the more appropriate way to achieve the purpose of the RMA compared to the notified version of the PDP.

10 Conclusions

731. This report has provided an assessment of submissions received in relation to Rural topic.
732. A total of 73 original submissions (512 submission points) and 44 further submissions (216 further submission points) were received on the Rural topic. Submissions provided general support to the provisions, particularly as they related to enabling primary production activities to occur. Generally, where amendments were sought, they were to support specific outcomes in the zone, provide for specific activities, or change permitted levels of activities or standards. There was particular interest in the approach taken to managing the potential conflict of rural lifestyle development with other activities that exist in the rural environment. Some submissions support the approach as it conservatively protects productive rural land, whereas others raised concern over the restriction and ability to provide for new rural lifestyle development.
733. I recommend the provisions of the GRUZ, the RLZ, relevant definitions of the rural zones and the relevant provisions of the Subdivision chapter be amended as shown in Appendices 1 and 2 to this report. The main changes recommended include:
- GRUZ Chapter Introduction:
 - Changes to the introduction text to further clarify the characteristics of the General Rural Zone.
 - GRUZ Objectives:
 - GRUZ-O2: Amend to reference additional activities as being part of the rural character in the GRUZ and to clarify that raw materials are 'predominately' derived from primary production and ancillary activities.
 - GRUZ-O4: Amend to replace "enable" with "provide for" in reference to activities that have a functional need or operational need to be located in the GRUZ.
 - GRUZ-O6: Amend to replace "additional" with "further" in reference to avoiding fragmentation, and to make reference to 'productive capacity' in addition to productive potential.
 - GRUZ-O7: Amend wording to clarify that it is "inappropriate subdivision, use and development" which is what the values are protected from.
 - GRUZ Policies:
 - GRUZ-P3: Amend to include an additional clause to for managing the location, scale and effects of other activities that have a functional or operational need to be located in the General Rural Zone.
 - GRUZ-P4: Amend to ensure consistency with SUB-P6 and to further clarify the intent of the direction.
 - GRUZ-P5: Amend to recognise the local and regional benefits of aggregate extraction, and to ensure that the policy integrates other policy direction relating to highly productive land.
 - GRUZ-P6: Amend to ensure that there is a clear distinction between managing reverse sensitivity risk and managing effects on sensitive activities. Also amend to recognise landfills and cleanfills as activities that pose a risk for reverse sensitivity, while deleting the reference to 'waste management facilities'.
 - GRUZ-P8: Amend to make reference to "horticulture".
 - GRUZ Rules:
 - GRUZ-R14: Change the activity status from restricted discretionary to discretionary.
 - GRUZ-RX: Insert a new restricted discretionary rule for any 'emergency service facility'.
 - GRUZ-RX: Insert a new restricted discretionary rule for any 'educational facility'.
 - GRUZ-RX: Insert a new discretionary rule for any 'mining activity'.

- GRUZ Standards:
 - GRUZ-S1: Amend to replace the reference to “frost protection fan” with “frost fan”.
 - GRUZ-S3: Amend to require the existing setback from a front boundary only apply to residential units rather than all buildings, to include an additional setback from landfills, and to remove any duplication. Also include an additional matter of discretion to allow for consideration of the extent to which the reduction in a setback would impact the character and amenity values of the GRUZ.

- Rural Definitions:
 - Include additional definitions of: “frost fan”, “horticulture or horticultural activities” and “mining”
 - Amend the definition of “highly productive land” to remove the reference to the planning maps.
 - Amend the definition of “seasonal worker accommodation” to include reference to post harvest facility as being an activity that the short-term labour requirement may be associated with.

- RLZ Objectives:
 - RLZ-O3: Amend to replace the reference to “light” with “small scale” and the reference to “ancillary” with “other”.

- RLZ Policies:
 - RLZ-P1: Amend to replace the reference to “ancillary” with “other”.
 - RLZ-P2: Amend to replace the reference to “Rural Production Zone” with “General Rural Zone”.

- RLZ Rules:
 - RLZ-RX: Insert new non-complying activity rule for any ‘mining activity’.

- Subdivision Introduction:
 - Insert a paragraph that cross references the direction in the General Rural Zone and Rural Lifestyle Zone.

- Subdivision Policies:
 - SUB-P5: Amend to remove duplication and provide direct cross reference to GRUZ-O1, GRUZ-O2 and GRUZ-P3.
 - SUB-P6: Amend to remove reference to highly productive land to avoid duplication with SUB-P8.

- Subdivision Rules:
 - SUB-R2(2): Amend matter of control (15) to replace ‘existing’ with ‘lawfully established’ and to refer to ‘primary production’ as an activity that reverse sensitivity relates to.
 - SUB-R2(6): Amend matter of discretion (6) to replace ‘existing’ with ‘lawfully established’ and to refer to ‘primary production’ as an activity that reverse sensitivity relates to.
 - SUB-R2(10): Amend to clarify that the requirement to meet Clause 3.8 and 3.10 of the NPS-HPL only applies in circumstances where the subdivision is located over highly productive land.
 - SUB-R4(1): Amend to set a date that the property threshold is identified at, and to set a minimum allotment size. Also to amend matter of control (15) to replace ‘existing’

with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.

- SUB-R4(2): Amend matter of discretion (6) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R4(4): Amend to allow the rule to apply to instances where the minimum balance requirement would not otherwise be met, and to clarify that the requirement to meet Clause 3.8 and 3.10 of the NPS-HPL only applies in circumstances where the subdivision is located over highly productive land.
 - SUB-R4(5): Amend to provide cross reference to any other conditions of the controlled activity rule that would not be met and are not otherwise provided for by another rule.
 - SUB-R5(1): Amend to clarify that a condition of the rule requires no allotment to be vacant of a residential unit to be created, and to amend matter of control (15) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R5(3): Amend matter of discretion (6) to replace 'existing' with 'lawfully established' and to refer to 'primary production' as an activity that reverse sensitivity relates to.
 - SUB-R5(X): Insert new restricted activity rule for the subdivision of a surplus dwelling which would otherwise meet the controlled activity, except that there will be a vacant allotment created.
 - SUB-R5(4): Amend to remove the reference to any non-compliance with the vacant allotment requirement as it would not be managed under the new restricted discretionary rule.
- Zoning:
 - Amend the extent of the Rural Lifestyle Zone to remove parcels that do not meet Clause 3.7 and 3.10 of the NPS-HPL. Those parcels are rezoned to General Rural Zone.

734. I recommended the submissions on Rural topic be accepted, accepted in part, or rejected as set out in Appendix 3 to this report.

735. For the reasons set out in the section 32AA evaluations undertaken in this report, I consider that the amended provisions will be the most appropriate means to achieve the purpose of the RMA, the relevant objectives of relevant higher order statutory documents, and the objectives of this plan.

Appendix 1: Recommended Amendments to PDP Chapters

Part 1 GRUZ Changes

Provision(s)	Officer Recommendation(s)
GRUZ Chapter Introduction	
<p>The General Rural Zone encompasses the largest proportion of the rural area of the Wairarapa and is the largest zone by area. The General Rural Zone is characterised by open landscapes interspersed with buildings or structures. Typical land cover includes pasture, crops, vines, forestry, and indigenous vegetation. Character and amenity values of the zone include spaciousness, sparsely developed landscape, vegetation cover, and the presence of a productive farming environment <u>and the visual, odour and noise effects associated with primary production activities</u>.</p> <p>...</p> <p>Activities undertaken in the General Rural Zone need to be managed in a way that <u>enables primary production activities, and</u> preserves rural character, and <u>the</u> productive capacity of <u>land</u> which is directed through this chapter. In addition, activities also must be undertaken in a way that maintains other significant values that are located within the General Rural Zone. These significant values are largely identified in the district-wide chapters, in particular the Natural Environment topics, which contain specific objective, policies, and rules to manage adverse effects on their values. In addition, the urban water supply protection area as shown in the District Plan Maps identifies a buffer surrounding the Masterton urban water supply. There are no objectives, policies, or rules in the District Plan to manage effects on this water supply; however, consideration should be given to the urban water supply protection area for any activity within close proximity in order to protect the water supply.</p> <p>...</p>	
GRUZ Objectives	
GRUZ-O2 Rural Character	<p>The predominant character of the General Rural Zone are maintained and enhanced, which include:</p> <ol style="list-style-type: none"> a. areas of viticulture, <u>horticulture</u>, crops, pasture, forestry (indigenous and plantation), and the presence of a large number of farmed animals; b. sparsely developed landscape with open space between <i>buildings</i> that are predominantly used for agricultural, pastoral and horticultural activities (e.g. barns and sheds), low density rural living (e.g. farmhouses, <i>seasonal worker accommodation</i>, and a small degree of rural lifestyle), and community activities (e.g. rural halls, domains, and <u>schools educational facilities</u>); c. a range of noises, smells, light overspill, and traffic, often on a cyclic and seasonal basis, generated from the production, manufacture, processing and/or transportation of raw materials <u>predominately</u> derived from <i>primary production and ancillary activities</i>; d. interspersed <u>existing rural industries, y facilities-associated with the use of the land for</u> <i>intensive primary production, quarrying activities</i>, and cleanfills; and e. the presence of <u>rural infrastructure, renewable electricity generation activities</u>, including rural roads, state highways, the National Grid and the on-site disposal of wastewater, and a general lack of urban <i>infrastructure</i>, such as street lighting, solid fences, and footpaths.
GRUZ-O4 Enable	GRUZ-O3 Enable cCompatible activities

compatible activities	<i>Primary production</i> activities are enabled, and other activities that have a <i>functional need</i> or <i>operational need</i> to be located within the General Rural Zone are enabled <u>provided for</u> where they are not incompatible with <i>primary production</i> activities.
GRUZ-O6 Rural Lifestyle	<ul style="list-style-type: none"> a. Rural lifestyle subdivision and development is managed in a way that avoids additional further fragmentation of productive land and its productive <u>capacity or</u> potential. b. Opportunities for rural lifestyle subdivision and development in appropriate locations within the General Rural Zone is provided for, insofar as GRUZ-O6(a) is met.
GRUZ-O7 Protection of highly productive land and other land with special characteristics	<p><u>Land in the General Rural Zone is R</u>ecognised and protected from inappropriate subdivision, use and development where:</p> <ul style="list-style-type: none"> a. <u>It is highly productive land</u>; and b. <u>It is</u> land that utilises the finite combination of climate and soil characteristics which make it suitable for high value crops including viticulture, orchards and olives.
GRUZ Policies	
GRUZ-P3 Rural character	<p>Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone, by:</p> <ul style="list-style-type: none"> a. enabling and promoting openness and predominance of vegetation; b. enabling and promoting a productive working landscape; c. enabling primary production and ancillary activities; d. <u>managing the location, scale and effects of other activities that have a functional or operational need to be located in the General Rural Zone</u>; e. providing for varying forms, scale, and separation of <i>structures</i> associated with primary production activities; f. managing the density and location of residential development; g. ensuring allotments can be self-serviced; h. retaining a clear delineation and contrast between the Wairarapa's rural areas and urban areas; and i. avoiding, remedying, or mitigating reverse sensitivity effects.
GRUZ-P4 Avoid inappropriate subdivision	<p>Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, and amenity values of the zone, by:</p> <ul style="list-style-type: none"> a. limiting small lot subdivision within the General Rural Zone to <u>only</u> areas where <u>the soil resource is fragmented, is not located on any highly productive land, and there is limited productive potential and where</u> it does not compromise the use of land for primary production activities; and b. recognising-avoiding the cumulative effects associated with small lot subdivision on the <u>productive capacity productive use and potential</u> within the General Rural Zone.
GRUZ-P5 Quarrying activities	<p><u>Recognise the local and regional benefits of aggregate extraction in the Wairarapa, and M</u>anage quarrying activities within the General Rural Zone by:</p> <ul style="list-style-type: none"> a. enabling farm quarries; and b. providing for other quarrying activities where it can be demonstrated that:

	<ul style="list-style-type: none"> i. the siting and scale of buildings, structures, machinery, stored material, quarried areas, cut faces, and visual screening maintains the character and amenity values of the General Rural Zone; ii. adverse effects to established sensitive activities will be avoided; iii. there are measures to minimise any adverse noise, vibration, traffic, and lighting effects beyond the boundary, including through the use of setbacks, where appropriate; iv. there are measures to mitigate any adverse effects on character and amenity values of the General Rural Zone from the movement of vehicles; v. it avoids or mitigates any adverse effects on the health and wellbeing of surface waterbodies and their margins; and vi. it internalises adverse effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting-; and vii. <u>where the quarrying activity is located over highly productive land, it is consistent with GRUZ-P9.</u>
GRUZ-P6 Reverse sensitivity	<p><u>a.</u> Avoid or mitigate the potential for <i>reverse sensitivity</i> effects by:</p> <ul style="list-style-type: none"> <u>a-i.</u> avoiding the establishment of any new sensitive activity near existing <i>intensive primary production, primary production activities, waste management facilities-landfills, cleanfills, quarrying activities, and rural industry</i> in circumstances where the new sensitive activity may compromise the operation of the existing activities; <u>b-ii.</u> managing potential reverse sensitivity effects caused by the establishment of new <i>sensitive activities</i> near other <i>primary production</i> activities, including through the use of setbacks and separation distances; <p><u>b. Managing effects to existing sensitive activities and reducing the risk for reverse sensitivity effects by:</u></p> <ul style="list-style-type: none"> <u>e-i.</u> ensuring adequate separation distances between existing sensitive activities and new <i>intensive primary production</i> activities, <i>quarrying activities, landfills, cleanfills, and rural industry</i>; and <u>d-ii.</u> avoiding <i>quarry, landfill, cleanfill-area, and mining</i> activities in proximity to urban areas where the amenity values of urban environments would be diminished.
GRUZ-P8 Activities within the Martinborough Soils Overlay	<p>Manage subdivision, use, and development within the Martinborough Soils Overlay to protect the finite land resource, by:</p> <ul style="list-style-type: none"> a. enabling and promoting primary production activities, in particular viticulture and horticulture; b. providing for the activities that are directly associated with primary production activities including viticulture and horticulture by: <p>...</p>
GRUZ Rules	
GRUZ-R12 Quarrying activities	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with GRUZ-R12(1); b. There is no processing including crushing, screening, washing, and blending on site; and c. A management plan has been prepared for the operation of the quarrying activity. <p>Matters of discretion:</p>

	<ol style="list-style-type: none"> 1. The siting and scale of buildings and visual screening to maintain the character and amenity values of the General Rural Zone. 2. Adverse noise, vibration, access, dust, and lighting effects. 3. Vehicle access design and location. 4. Effects on the safe, effective, and efficient functioning of the transport network from the type, number, and time of day of vehicle movements anticipated. 5. Adverse effects on character and amenity values of the Zone from the movement of vehicles. 6. Adverse effects on visual amenity and character values including use of landscaping. 7. Use of industry best practice and management plans, including monitoring and self-reporting. 8. Measures to remediate the site following closure of quarrying activities. 9. Any bond or financial contributions that to manage any of the effects of other matters of discretion. <u>10. Loss of highly productive land.</u>
GRUZ-R14 Motorising outdoor recreation activities	<ol style="list-style-type: none"> 1. Activity status: <u>Discretionary Restricted discretionary</u> Matters of discretion: <ol style="list-style-type: none"> 1. Hours of operation. 2. Frequency of the activity. 3. Level and frequency of the noise generated. 4. Effects on the safe, effective, and efficient functioning of the transport network, site access, parking, servicing, and traffic generation, including safety for pedestrians, cyclists, and other road users. 5. Location of the activity, including whether it is appropriately located in the General Rural Zone
GRUZ-RX Mining activities	<p><u>GRUZ-RX Mining activities</u></p> <ol style="list-style-type: none"> 1. <u>Activity status: Discretionary</u>
GRUZ-RX Emergency service facility	<p><u>GRUZ-RX Emergency service facility</u></p> <ol style="list-style-type: none"> 1. <u>Activity status: Restricted discretionary</u> Matters of discretion: <ol style="list-style-type: none"> <u>1. Whether the activity has an operational or functional need to locate in the General Rural Zone;</u> <u>2. The effects on the character and amenity of the General Rural Zone;</u> <u>3. Effects on the safe, effective, and efficient functioning of the transport network, site access, parking, servicing, and traffic generation; and</u> <u>4. Potential reverse sensitivity effects and any measures to avoid or mitigate those effects.</u>
GRUZ-RX Educational Facility	<p><u>GRUZ-RX Educational Facility</u></p> <ol style="list-style-type: none"> 1. <u>Activity Status: Restricted discretionary</u> <u>Note: This does not apply to childcare home businesses (refer Home business).</u>

	<p><u>Matters of discretion:</u></p> <ol style="list-style-type: none"> 1. <u>The effects on the character and amenity of the General Rural Zone;</u> 2. <u>Scale, design, layout and setbacks;</u> 3. <u>Onsite landscaping and amenity;</u> 4. <u>Adverse effects on the safe, efficient and effective operation of the road network;</u> 5. <u>Potential reverse sensitivity effects and any measures to avoid or mitigate those effects.</u>
GRUZ Standards	
GRUZ-S1 Maximum height	<ol style="list-style-type: none"> 1. The maximum height of any building or structure shall be: ... b. 15m above ground level for any frost protection fan...
GRUZ-S3 Minimum setbacks	<ol style="list-style-type: none"> 1. <i>Buildings or structures</i> must not be located within: <ol style="list-style-type: none"> a. 10m of any front road boundary of sealed roads; b-a. 10m of any other boundary; c. 25m of any front boundary of unsealed roads; d-b. 25m of any <i>significant waterbody</i>; and e-c. 10m of any <i>surface waterbody</i>. 2. Residential units must also not be located within: <ol style="list-style-type: none"> a. 25m of any front boundary of unsealed roads; a-b. 40 m of the edge of a plantation forest under separate ownership; b-c. 300m of a boundary with untreated agricultural effluent disposal areas; e-d. 300m of an effluent holding pond; and d-e. 500m of an <i>intensive primary production activity</i> under separate ownership; and <u>f. 500 m of a landfill.</u> <p>Matters of discretion: ...</p> <p><u>8. The extent to which the reduction in setback would impact the character and amenity values of the General Rural Zone.</u></p>
Definitions	
“Highly productive land”	<p>As shown in planning maps and h-HAs the same meaning as in the National Policy Statement for Highly Productive Land (as set out below): means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).</p>
“Seasonal worker accommodation”	Means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a primary production activity, and rural industry <u>or post-harvest facility</u> .
“Rural produce retail”	Means the use of land and/or buildings on, or within which, rural produce grown or produced <u>by the same operation on-site</u> , and products manufactured <u>by them from it</u> , are offered for sale. This includes the further processing of products manufactured <u>by the same operation on-site</u> .

<p>“Horticulture or horticultural activities”</p>	<p><u>Means the production of fruit, vegetables, flowers, and grains.</u> <u>Includes:</u></p> <ul style="list-style-type: none"> • <u>Greenhouses,</u> • <u>Market gardens,</u> • <u>Plant nurseries,</u> • <u>Orchards, and</u> • <u>Vineyards.</u> <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • <u>Forestry, and</u> • <u>Intensive primary production.</u>
<p>“Frost fan”</p>	<p><u>Frost Fan</u> <u>means a land-based device designed or adapted to mitigate frost damage by fanning warmer air over potentially frost affected surfaces and includes;</u></p> <ul style="list-style-type: none"> a. <u>Fan blades;</u> b. <u>Motive source;</u> c. <u>Support structure/tower;</u> d. <u>Plinth; and</u> e. <u>Associated probes and communications and networking devices.</u>
<p>“Mining”</p>	<p><u>has the same meaning as in section 2 of the RMA and Crown Minerals Act 1991:</u></p> <p><u>means to take, win, or extract, by whatever means—</u></p> <ul style="list-style-type: none"> a. <u>A mineral existing in its natural state in land; or</u> b. <u>A chemical substance from a mineral existing in its natural state in land; and</u> <p><u>Includes—</u></p> <ul style="list-style-type: none"> a. <u>The injection of petroleum into an underground gas storage facility; and</u> b. <u>The extraction of petroleum from an underground gas storage facility; but</u> <p><u>Does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a).</u></p>
<p>Mapping amendments</p>	
<ul style="list-style-type: none"> • Amend the extent of GRUZ to include areas of the reduced RLZ as shown in Appendix 8. 	

Part 2 RLZ Changes

Provision(s)	Officer Recommendation(s)
<p>RLZ Objectives</p>	
<p>RLZ-O3 Enable compatible activities</p>	<p><i>Residential activities, light small scale primary production activities, and ancillary other activities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for.</i></p>

RLZ Policies	
RLZ-P1 Compatible activities	Enable residential activities, primary production, and ancillary other activities that are compatible with the purpose, character, and amenity values of the Rural Lifestyle Zone.
RLZ-P2 Incompatible activities	Avoid activities that are incompatible with the purpose, function, and predominant character of the Rural Lifestyle Zone and/or activities that will result in: <ul style="list-style-type: none"> a. reverse sensitivity effects and/or conflict with permitted activities in the Rural Lifestyle Zone and adjacent zones; b. the establishment of <i>commercial, rural industry, or industrial activities</i> in the Rural Lifestyle Zone that are more appropriately located in the Commercial and Mixed Use Zones, General Rural Production Zone, or General Industrial Zone; c. urbanisation of the Rural Lifestyle Zone as a consequence of residential development; or d. adverse effects, which cannot be avoided, remedied, or mitigated, on: <ul style="list-style-type: none"> i. residential activities or <i>primary production</i> activities; and ii. rural lifestyle character and amenity values.
RLZ Rules	
RLZ-RX Mining activities	RLZ-RX Mining activities <u>1. Activity status: Discretionary</u>
GRZ Standards	
GRUZ-S1 Maximum height	1. The maximum height of any building or structure shall be: ... <ul style="list-style-type: none"> b. 15m above ground level for any frost protection fan...
GRUZ-S3 Minimum setbacks	1. <i>Buildings or structures</i> must not be located within: <ul style="list-style-type: none"> a. 10m of any front road boundary of sealed roads; b-a. 10m of any other boundary; c. 25m of any front boundary of unsealed roads; d-b. 25m of any <i>significant waterbody</i>; and e-c. 10m of any <i>surface waterbody</i>. 2. Residential units must also not be located within: <ul style="list-style-type: none"> a. 25m of any front boundary of unsealed roads; a-b. 40 m of the edge of a plantation forest under separate ownership; b-c. 300m of a boundary with untreated agricultural effluent disposal areas; e-d. 300m of an effluent holding pond; and d-e. 500m of an <i>intensive primary production activity</i> under separate ownership; and <u>f. 500 m of a landfill.</u> <p>Matters of discretion: ...</p> <p><u>8. The extent to which the reduction in setback would impact the character and amenity values of the General Rural Zone.</u></p>
Mapping amendments	
<ul style="list-style-type: none"> • Amend the extent of RLZ as shown in Appendix 8. 	

Part 3 Rural Subdivision Changes

Provision(s)	Officer Recommendation(s)
SUB Chapter Introduction	
<p>...</p> <p>This chapter contains several policies and rules that relate to subdivision within the General Rural Zone and Rural Lifestyle Zone that give effect to Strategic Direction Objectives and align with the outcomes sought in those zones.</p> <p>...</p>	
SUB Policies	
SUB-P5	<p>Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity of the General Rural Zone as directed through GRUZ-O1, GRUZ-O2 and GRUZ-P3. by:</p> <ul style="list-style-type: none"> a. enabling and promoting openness and predominance of vegetation; b. enabling and promoting a productive working landscape; c. enabling primary production and ancillary activities; d. providing for varying forms, scale, and separation of <i>structures</i> associated with primary production activities; e. managing the density and location of residential development; f. ensuring allotments can be self-serviced; g. retaining a clear delineation and contrast between the Wairarapa's rural areas and urban areas; and f. avoiding, remedying, or mitigating reverse sensitivity effects.
SUB-P6	<p>Avoid subdivision in the General Rural Zone that will result in sites that are of a size, scale, or location that is contrary to the anticipated purpose, character, or amenity values of the zone by:</p> <ul style="list-style-type: none"> a. limiting small lot subdivision within the General Rural Zone to only areas where the soil resource is fragmented, is not located on highly productive land, and it does not compromise the use of land for primary production activities (including through reverse sensitivity effects); and b. avoiding the cumulative effects associated with small lot subdivision on the productive use and potential within the General Rural Zone.
SUB Rules	
SUB-R2(2) Subdivision of land to create additional allotment(s)	<p>2. Activity status: Controlled</p> <p>Matters of control: ...</p> <p>15. Management of potential reverse sensitivity effects on existing lawfully established land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to primary production, network utilities and significant hazardous facilities.</p>
SUB-R2(6) Subdivision of land to create additional allotment(s)	<p>6. Activity status: Restricted discretionary</p> <p>Matters of discretion: ...</p> <p>6. Management of potential reverse sensitivity effects on existing lawfully established land uses such as noise, odour, dust, and visual</p>

	effects, including reverse sensitivity effects relating to <u>primary production</u> , network utilities and significant hazardous facilities.
SUB-R2(10) Subdivision of land to create additional allotment(s)	10. Activity status: Discretionary Where: a. Compliance is not achieved with SUB-S1; b. The subdivision is directly related to land based primary production; and c. <u>Where the subdivision is located on highly productive land</u> , E evidence is provided that the subdivision will meet clause 3.8 or 3.10 of the National Policy Statement for Highly Productive Land.
SUB-R4(1) Subdivision of land less than 4ha in the General Rural Zone	1. Activity status: Controlled Where: a. The allotment subject to subdivision is located within either the South Wairarapa or Carterton District; b. The allotment is not located on <i>highly productive land</i> or within the Martinborough Soils Overlay; c. The allotment subject to subdivision is less than 4ha in area <u>as at 11 October 2023</u> ; d. No provision is used more than once and no retention of rights occurs; e. Either: i. one additional allotment is created and the balance area remaining from the record of title subject to subdivision is no less than 1.5ha; or ii. two additional allotments are created and the balance area remaining from the record of title subject to subdivision is no less than 2.5ha; <u>f. The additional allotment is no less than 0.5ha.</u> f-g. Compliance is achieved with: ... i g-h. There is no direct access to State Highway 53, State Highway 2, any Limited Access Road, Masterton Heavy Traffic Bypass, or the Wairarapa Railway. Matters of discretion: ... 15. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u> , network utilities and significant hazardous facilities.
SUB-R4(2) Subdivision of land less than 4ha in the General Rural Zone	2. Activity status: Restricted discretionary Matters of discretion: ... 6. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u> , network utilities and significant hazardous facilities.
SUB-R4(4) Subdivision of land less than 4ha in the General Rural Zone	5. Activity status: Discretionary Where: a. Compliance is not achieved with SUB-R4(1)(b) <u>or SUB-R4(1)(e)</u> ; and

	<p>b. <u>Where the subdivision is located on highly productive land</u>, Eevidence is provided that the subdivision will meet clause 3.8 <u>or 3.10</u> of the National Policy Statement for Highly Productive Land.</p>
SUB-R4(5) Subdivision of land less than 4ha in the General Rural Zone	<p>5. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-R4(1)(a), (c), <u>or (d)</u>; or</p> <p>b. Compliance is not achieved with SUB-R4(1)(b) and is not otherwise provided for by SUB-R4(4).</p>
SUB-R5(1) Subdivision of a surplus residential unit	<p>736. Activity status: Controlled</p> <p>Where:</p> <p>e. No vacant allotments are created <u>allotment vacant of a residential unit is created</u> following the subdivision. ...</p> <p>Matters of discretion: ...</p> <p>15. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u>, network utilities and significant hazardous facilities.</p>
New Rule: SUB-R5(X) Subdivision of a surplus residential unit	<p><u>4. Activity status: Restricted discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is not achieved with SUB-R5(1)(e).</u></p> <p><u>Matters of discretion:</u></p> <p><u>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, and SUB-P6.</u></p> <p><u>2. The ability to achieve on-site servicing in compliance with Council's engineering standards.</u></p> <p><u>3. Integration with the character and amenity of the existing township.</u></p> <p><u>4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</u></p> <p><u>5. Management of construction effects, including traffic movements, hours of operation, noise, earthworks, and erosion and sediment control.</u></p> <p><u>6. Management of potential reverse sensitivity effects on existing land uses, including network utilities, or significant hazardous facilities.</u></p> <p><u>7. Any effects to primary production and productive capacity, including any loss of highly productive land.</u></p> <p><u>8. Infrastructure capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.</u></p> <p><u>9. The matters referred to in sections 108 and 220 of the Act.</u></p>
SUB-R5(3) Subdivision of a surplus residential unit	<p>3. Activity status: Restricted discretionary ...</p> <p>Matters of discretion: ...</p> <p>6. Management of potential reverse sensitivity effects on <u>existing lawfully established</u> land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <u>primary production</u>, network utilities and significant hazardous facilities.</p>
SUB-R5(4) Subdivision of a surplus residential unit	<p>4-5. Activity status: Non-complying</p> <p>Where:</p> <p>a. compliance is not achieved with SUB-R5(1)(a), (b), (c), <u>or (d)-or-(e)</u>.</p>

**Appendix 2: Recommended Changes to the General Rural Zone,
Rural Lifestyle Zone, and Subdivision Chapters, and Rural
Definitions**

Appendix 3: Recommended Responses to Submissions and Further Submissions

Appendix 4: AgFirst Assessment of Rural Lifestyle Zone against NPS-HPL

**Appendix 5: Letter from Alec Birch, Masterton District Council –
Comments on Feasibility for On-site Servicing in Rural Lifestyle
Zone**

Charles Horell

Boffa Miskell Limited



Hi Charles,

Following our meeting, this letter outlines my experience and understanding of any constraints to on-site servicing on the land that is proposed to be zoned as Rural Lifestyle.

Position and Experience

I am a Rural Road Engineer at Masterton District Council and have been working in this position for 21 years. I have worked on the Masterton Roding network constantly for 29 years. I am also a local resident and have been living in the Masterton area for 40 years. In my position, I regularly review subdivision and resource consent proposals.

I am very familiar with the land subject to the Rural Lifestyle Zone and have observed first hand any issues relating to subdivision construction in the soils present on those sites. My roles have also required detailed knowledge of potential issues arising from weather events in particular but also seismic events.

Question for Proposed District Plan

I understand that submissions have raised concern over the ability to provide for on-site wastewater and stormwater on the land within the Rural Lifestyle Zone. They have indicated that there are existing issues in the area regarding stormwater and wastewater disposal. They have suggested that the Masterton District Council reticulated servicing could be provided as an alternative to this.

You have asked for my advice in relation to the ability to provide for on-site servicing based on my experience and understanding of the sites. I cannot comment on the specific design requirements of a wastewater or stormwater system for a residential unit. However, based on my understanding of the area through both my work and living in the area, I do not consider would be significant constraints to establishing on-site servicing. There are site specific constraints within many of the properties such as topography, surface runoff and high-water tables, but in my opinion, these constraints are isolated and there would remain sufficient room within an allotment to avoid those areas and establish onsite servicing subject to proposed lot sizes remaining as proposed.

If you have any questions in relation to this advice, feel free to get in contact with me.

Your sincerely,

A handwritten signature in blue ink, appearing to read 'Alec Birch', is located below the text 'Your sincerely,'.

Alec Birch


Rural Road Engineer

Appendix 6: Evaluation of Rural Lifestyle Rezoning Requests

Appendix 7: Map of Submissions relating to the Martinborough Soils Overlay

Appendix 8: Recommended Changes to the Extent of the Rural Lifestyle Zone

RLZ – Rural Lifestyle Zone

This chapter contains rules that have legal effect. They are identified with a red gavel symbol  next to the provision reference number.

The purpose of the Rural Lifestyle Zone is to provide an area for rural lifestyle living, while allowing for the nearby Rural Zone's continued function as a productive working zone that is not compromised by ad hoc or sporadic rural lifestyle activities.

The Rural Lifestyle Zone comprises areas identified within the outer edges of Masterton where there is a higher concentration of rural living facilitated through smaller allotment sizes or where there is capacity to accommodate new rural living opportunities. In addition, this land is not suited to conventional residential subdivision because of the absence or limited accessibility of reticulated services. Also, some of this land may have physical limitations to more intensive development such as on-site servicing, topography, ground conditions, instability, or natural hazards where more intensive development may cause or exacerbate adverse effects on the environment.

Subdivision, use, and development in the Zone is expected to provide a transition from residential areas to the other rural zones, while retaining a sense of spaciousness and prevailing rural character. This reflects the use of land and *buildings* for *residential activities* and small-scale rural production activities in a rural setting. For this reason, rural lifestyle character and amenity are managed through density and the consideration of *building* locations at the time of subdivision, in addition to the use of *building* setback controls from boundaries. Rural activities and home businesses and activities that are complementary to the rural activities of the *site* are provided for.

Rural lifestyle areas, being close to urban areas, can attract other activities that are not appropriate including: general residential living at urban densities, stand-alone retail or commercial activities, and industrial activities. Such activities are discouraged from the Rural Lifestyle Zone as they can reduce rural character and amenity, and lead to reverse sensitivity and cumulative adverse effects. They also erode the use and function of the Town Centre, Neighbourhood Centre, Residential, Mixed Use, and Industrial Zones.

Objectives

RLZ-O1	Purpose of the Rural Lifestyle Zone
<p>The Rural Lifestyle Zone is used primarily for a residential lifestyle within a rural environment on lots smaller than those of the General Rural Zone, while still providing for <i>primary production</i> to occur.</p>	
RLZ-O2	Character of the Rural Lifestyle Zone
<p>The predominant character of the Rural Lifestyle Zone is maintained, which include:</p> <ul style="list-style-type: none"> a. low density residential living on rural lifestyle blocks, characterised by predominantly 1- to 2-storey <i>buildings</i> and high levels of on-site amenity, privacy, and large areas for landscape planting and small-scale <i>primary production</i> activities; b. a diversity of topography and land quality, including land without significant <i>primary production</i> values; and c. a general absence of urban <i>infrastructure</i>. 	
RLZ-O3	Enable compatible activities
<p><i>Residential activities</i>, light <u>small scale</u> <i>primary production</i> activities, and ancillary <u>other</u> activities that are compatible with the character and amenity values of the Rural Lifestyle Zone are provided for.</p>	

Policies

RLZ-P1	Compatible activities
<p>Enable <i>residential activities</i>, <i>primary production</i>, and ancillary <u>other</u> activities that are compatible with the purpose, character, and amenity values of the Rural Lifestyle Zone.</p>	
RLZ-P2	Incompatible activities
<p>Avoid activities that are incompatible with the purpose, function, and predominant character of the Rural Lifestyle Zone and/or activities that will result in:</p> <ul style="list-style-type: none"> a. reverse sensitivity effects and/or conflict with permitted activities in the Rural Lifestyle Zone and adjacent zones; b. the establishment of <i>commercial</i>, <i>rural industry</i>, or <i>industrial activities</i> in the Rural Lifestyle Zone that are more appropriately located in the Commercial and Mixed Use Zones, <u>General</u> Rural Production Zone, or General Industrial Zone; 	

<p>c. urbanisation of the Rural Lifestyle Zone as a consequence of residential development; or</p> <p>d. adverse effects, which cannot be avoided, remedied, or mitigated, on:</p> <ul style="list-style-type: none"> i. residential activities or <i>primary production</i> activities; and ii. rural lifestyle character and amenity values. 	
RLZ-P3	Rural lifestyle character
<p>Provide for subdivision, use, and development that supports the purpose, character, and amenity of the Rural Lifestyle Zone, by:</p> <ul style="list-style-type: none"> a. maintaining low density of single detached residential unit on a <i>site</i>, maintaining larger rural lifestyle lot sizes, and providing for high quality and spacious on-<i>site</i> amenity; b. maintaining <i>building height</i> and form that achieves the planned built character of predominantly 1- to 2- storey <i>residential units, buildings, and structures</i> within a spacious rural lifestyle setting; c. <i>building height</i>, bulk, and location maintains a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjacent <i>sites</i>; d. <i>buildings</i> are setback from road and side boundaries to maintain the spacious landscape character of the area; e. ensure allotments are of large enough size to: <ul style="list-style-type: none"> i. be self-sufficient in the provision of on-<i>site</i> water supply, wastewater, and stormwater disposal; ii. be in keeping with the spacious landscape character of the area; iii. not exacerbate any physical limitations such as land instability; and iv. provide for setbacks from primary production activities; and f. avoiding, remedying, or mitigating reverse sensitivity effects. 	


Rules

RLZ-R1	<i>Buildings and structures, including construction, additions, and alterations</i>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with: <ul style="list-style-type: none"> i. RLZ-S1; ii. RLZ-S2; and iii. RLZ-S3.

	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Where compliance is not achieved with RLZ-R1(1).</p> <p>Matters of discretion:</p> <p style="padding-left: 40px;">1. The effect of non-compliance with the relevant standard and the matters of discretion of any standard that is not met.</p>
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RLZ-R2	Demolition of <i>buildings</i> and <i>structures</i>
	<p>1. Activity status: Permitted</p> <p>Note: Refer to TEMP-R1 for permitted activity standards for activities ancillary to or incidental to construction and demolition.</p>

RLZ-R3	<i>Relocatable buildings</i> (excluding any building that is not to be used as a <i>residential unit</i>)
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with:</p> <p style="padding-left: 80px;">i. GRUZ-S1;</p> <p style="padding-left: 80px;">ii. GRUZ-S2;</p> <p style="padding-left: 80px;">iii. GRUZ-S3;</p> <p style="padding-left: 80px;">iv. GRUZ-S6; and</p> <p style="padding-left: 80px;">v. GRUZ-S8.</p>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Where compliance is not achieved with RLZ-R3(1).</p> <p>Matters of discretion:</p> <p style="padding-left: 40px;">1. The effect of non-compliance with the relevant standard and the matters of discretion of any standard that is not met.</p>

RLZ-R4 	Residential activities
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="margin-left: 40px;">a. Compliance is achieved with:</p> <p style="margin-left: 80px;">i. RLZ-S4; and</p> <p style="margin-left: 80px;">ii. RLZ-S5.</p>
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p style="margin-left: 40px;">a. Compliance is not achieved with RLZ-R4(1).</p>

RLZ-R5	Primary production, excluding quarrying activities, intensive primary production, and rural industry
	<p>1. Activity status: Permitted</p>

RLZ-R6	Conservation activities
	<p>1. Activity status: Permitted</p>

RLZ-R7	Rural produce retail
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="margin-left: 40px;">a. Compliance is achieved with:</p> <p style="margin-left: 80px;">i. RLZ-S1.</p> <p style="margin-left: 80px;">ii. RLZ-S2;</p> <p style="margin-left: 80px;">iii. RLZ-S3; and</p> <p style="margin-left: 80px;">iv. RLZ-S7.</p> <p style="margin-left: 40px;">b. There is no more than one <i>building</i> or <i>structure</i> used for the <i>rural produce retail</i> activity per <i>site</i>.</p>
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p style="margin-left: 40px;">a. Compliance is not achieved with RLZ-R7(1).</p>

RLZ-R8		<i>Shelterbelts and small woodlots</i>
		<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with:</p> <p style="padding-left: 80px;">i. RLZ-S7.</p>
		<p>2. Activity status: Discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with RLZ-R8(1).</p>

RLZ-R9		<i>Home business</i>
		<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with:</p> <p style="padding-left: 80px;">i. RLZ-S1;</p> <p style="padding-left: 80px;">ii. RLZ-S2;</p> <p style="padding-left: 80px;">iii. RLZ-S3;</p> <p style="padding-left: 80px;">iv. RLZ-S4; and</p> <p style="padding-left: 80px;">v. RLZ-S5;</p> <p style="padding-left: 40px;">b. No more than 50m² of total <i>gross floor area</i> of all <i>buildings</i> on a <i>site</i> is used for the <i>home business</i>;</p> <p style="padding-left: 40px;">c. No more than 2 persons (fulltime equivalent) who reside off the premises may be employed in the activity; and</p> <p style="padding-left: 40px;">d. No outdoor storage of goods and materials.</p>
		<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with RLZ-R9(1).</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The effect of non-compliance with the relevant standard and the matters of discretion of any standard that is not met. 2. Whether the activity is compatible with the character of the surrounding neighbourhood. 3. The intensity and scale of the activity and adverse effects on the amenity of neighbouring properties and the surrounding neighbourhood, particularly visual, noise, and privacy effects. 4. Effects on the safe, effective, and efficient functioning of the transport network, <i>site</i> access, parking, servicing, and traffic

	<p>generation, including safety for pedestrians, cyclists, and other road users.</p> <p>5. Whether the activity is appropriately located in the Rural Lifestyle Zone or other more appropriate zone.</p>
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RLZ-R10	<i>Papakāinga</i>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <ol style="list-style-type: none"> i. RLZ-S1; ii. RLZ-S2; iii. RLZ-S3; iv. RLZ-S4; and v. RLZ-S5; <p>b. The <i>gross floor area</i> of all <i>community facilities</i> does not exceed 200m² per <i>site</i>.</p>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with RLZ-R10(1).</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The effect of non-compliance with the relevant standard and the matters of discretion of any standard that is not met. 2. The adverse effects on the amenity values of nearby residential properties and public places, including privacy and cumulative effects of other nearby <i>non-residential activities</i>. 3. The extent to which the activity may adversely impact on traffic generation, road safety, parking, and access, including a safe pick up and drop off area. 4. The extent of impervious surfaces and landscaping. 5. <i>Infrastructure</i> requirements.

RLZ-R11	<i>Intensive primary production</i>
	<p>1. Activity status: Discretionary</p>

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RLZ-R12	<i>Rural industry</i>
	1. Activity status: Discretionary

RLZ-R13	Commercial boarding of cats, dogs, and other domestic pets
	1. Activity status: Discretionary

RLZ-R14	<i>Quarrying activities</i>
	1. Activity status: Non-complying


<u>RLZ-R15</u>	<u><i>Mining activities</i></u>
	1. <u>Activity status: Non-complying</u>

RLZ-R156	<i>Commercial and industrial activities not otherwise provided for</i>
	1. Activity status: Non-complying

RLZ-R167	Any activity not otherwise provided for in this chapter
	1. Activity status: Discretionary

Standards

RLZ-S1	Maximum height	
<p>1. The maximum height of any <i>building</i> or <i>structure</i> shall be 10m.</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The location, design, and appearance of the <i>building</i> or <i>structure</i>. 2. Visual dominance, shading, and loss of privacy for, <i>residential units</i> on adjacent <i>sites</i>. 3. Bulk and dominance of the <i>building</i> or <i>structure</i>. 4. Whether an increase in <i>building height</i> results from <i>site</i> constraints or a response to <i>natural hazard</i> mitigation. 5. Whether topographical or other <i>site</i> constraints make compliance with the standard impractical. 	
RLZ-S2	Maximum <i>height in relation to boundary</i>	
<p>1. 3m <i>height</i> at the boundary with a 45° recession plane on all side and rear boundaries.</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The location, design, and appearance of the <i>building</i>. 2. Visual dominance, shading, and loss of privacy for, <i>residential units</i> on adjacent <i>sites</i>. 3. Bulk and dominance of the <i>building</i>. 4. Whether an increase in <i>building height</i> results from <i>site</i> constraints or a response to <i>natural hazard</i> mitigation. 5. Whether topographical or other <i>site</i> constraints make compliance with the standard impractical. 	

RLZ-S3	Minimum setbacks	
<p>1. All <i>buildings</i> and <i>structures</i> must not be located within:</p> <ul style="list-style-type: none"> a. 10m of any boundary; b. 25m of a <i>significant waterbody</i>; and c. 5m of any <i>surface waterbody</i>. <p>2. <i>Residential units</i> must also not be located within:</p> <ul style="list-style-type: none"> a. 30m from another <i>residential unit</i>, and b. 20m from any other <i>building</i>. <p>Exceptions to boundary setbacks:</p> <p>3. Rainwater tanks with a diameter not exceeding 3.5m and <i>height</i> above <i>ground level</i> not exceeding 3m.</p> <p>4. Up to two <i>accessory buildings</i> within the boundary setback, with a maximum <i>gross floor area</i> of 10m² each.</p> <p>Exceptions to other setbacks:</p> <p>5. RLZ-S3(2)(b) does not apply to a garage from a <i>residential unit</i>.</p> <p>This standard RLZ-S3 does not apply to:</p> <ul style="list-style-type: none"> 1. bridges and river crossings. 2. fences. 3. Water intake, pump shed, and any associated water conveyance <i>infrastructure</i>. 	<p>Matters of discretion:</p> <ul style="list-style-type: none"> 1. The extent to which <i>building</i> design, siting, and external appearance adversely impacts on rural lifestyle character and amenity. 2. <i>Site</i> topography and orientation and whether the <i>building</i> can be more appropriately located to minimise adverse visual amenity effects or maintain, enhance, or restore indigenous biodiversity values. 3. Effect on nearby properties, including outlook, privacy, shading, and sense of enclosure. 4. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the <i>site</i>. 5. The ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design. 6. The extent to which the reduction in setback would impact on the future ability for road widening requirements. 7. Whether the setback may result in conflict and/or reverse sensitivity effects with other permitted activities occurring on adjacent properties. 	
RLZ-S4 	Number of <i>residential units</i>	
<p>1. A maximum of:</p> <ul style="list-style-type: none"> a. one <i>residential unit</i> per <i>site</i>; and b. one minor <i>residential unit</i> that has a <i>gross floor area</i> of no more than 80m² per <i>site</i>. 	<p>Matters of discretion:</p> <ul style="list-style-type: none"> 1. Whether the <i>residential unit(s)</i> have been designed to share a single vehicle access point and driveway. 2. The extent to which the <i>residential unit(s)</i> and vehicle access point design, siting, 	

	<p>and external appearance adversely affects rural lifestyle character and amenity.</p> <ol style="list-style-type: none"> 3. <i>Site</i> topography and orientation and whether the <i>residential unit(s)</i> and vehicle access point can be more appropriately located to minimise adverse visual amenity effects. 4. Effect on nearby properties, including outlook and privacy. 5. Whether the <i>residential unit(s)</i> and the vehicle access point can be more appropriately located to maintain, enhance, or restore indigenous biodiversity values. 6. The ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design. 7. The ability to service the activity including any demand on reticulated services where available.
RLZ-S5	On-site services
<ol style="list-style-type: none"> 1. Wastewater and stormwater treatment and disposal systems must be contained within the site that the supply or system serves and be connected to a septic tank or soakage field or an approved alternative means to dispose of wastewater in a sanitary manner in accordance with Section 5.2.6 of the Wellington Water Regional Standard for Water Services May 2019. 2. Any wastewater that is to be disposed to ground from any <i>on-site</i> servicing must be to land that is not subject to instability or inundation or used for the disposal of stormwater. 3. Where there is no connection with the Council's reticulated water supply, the 	<p>There are no matters of discretion for this standard.</p>

<p><i>site</i> must have access to a self-sufficient potable water supply, which shall be in accordance with the Council's water policy.</p> <p>4. Where a connection to Council's reticulated system is not available, an onsite firefighting water supply, and access to that supply, must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p>	
RLZ-S6	Transport requirements for <i>rural produce retail</i>
<p>Must comply with RTS 3: Guidelines for Establishing Rural Selling Places.</p>	<p>There are no matters of discretion for this standard.</p>
RLZ-S7	Shelterbelts and small woodlots
<p>Trees associated with <i>shelterbelts and small woodlots</i> must be setback or managed so that they maintain a minimum distance of their own <i>height</i> from any <i>residential unit</i> on an adjoining <i>site</i>, where the <i>building</i> exists at the time of planting.</p>	<p>There are no matters of discretion for this standard.</p>
RLZ-S8	Relocatable buildings
<p>1. Building Inspection Report</p> <p>a. Prior to the building being relocated onto a site, a building consent(s) shall be obtained that covers all of the matters listed below; and</p> <p>b. A building inspection report prepared by a Council Building Officer or other Licensed Building Practitioner shall accompany the building consent application. The report is to identify all reinstatement work required to the exterior of the building and an estimate of the costs for the external refurbishment works after relocation; and</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Whether the <i>building</i> is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other <i>buildings</i> in the vicinity. 2. The requirement for any screening and landscape treatment. 3. The bulk, design and location of the building in relation to the requirements of the zone.

<p>c. The <i>building</i> shall be placed on permanent foundations approved by the building consent, no later than two months from the date the building is moved to the site; and</p> <p>d. All other work required to reinstate the exterior of any <i>relocatable building</i>, including painting if required, shall be completed within twelve months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations; and</p> <p>e. The owner of the site on which the <i>relocatable building</i> is placed shall certify that the reinstatement work will be completed within the twelve-month period. The site owner shall be responsible for ensuring this work is completed.</p> <p>2. The transportation route and any traffic management plans shall be provided to the Council no later than 10 working days before relocating the <i>building</i>.</p> <p>3. Previous Use</p> <p>a. Any <i>relocatable building</i> intended for use as a residential unit or for visitor accommodation must have previously been designed, built and used as a residential unit or for visitor accommodation.</p> <p>4. Performance Bond</p> <p>a. A refundable performance bond of 125% of the cost of external reinstatement works identified in the Building Inspection Report under Performance Standard RLZ-S8(2) in cash to be lodged with the</p>	<p>4. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.</p> <p>5. The imposition of a performance bond to ensure compliance with the consent conditions.</p>
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<p>Council along with application for building consent as a guarantee that external reinstatement works are completed.</p> <p>b. The bond shall be lodged in terms of the form of Deed annexed as Appendix 6 to the District Plan.</p> <p>c. Subject to the provisions of the Deed, the bond will be refunded after the Council has inspected and confirmed compliance with external reinstatement requirements.</p> <p>Note: The Council will in good faith consider the partial release of the bond to the extent that reinstatement works are completed (i.e. on a proportional basis).</p>	
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Appendix 9: Property Distribution Maps