

# SUBMISSION ON A NOTIFIED RESOURCE CONSENT APPLICATION

FORM 13 - Pursuant to Sections 95A, 95B, 95C, 96, 127(3), 137(5)(c) and 234(4) of the Resource Management Act 1991



## Submitter

Name	Simon O'Donoghue
Contact Person (If different from above)	
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Home Phone	
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## Details of the Proposal to which this Submission Relates

Name of Applicant	G Beatson
Address of Proposal	9 Milford Downs Masterton
Application No.	RM 240079
Description of Proposal	2 Lot Subdivision

## Details of Submission

My submission:

- |  |  |
|--|--|
| <input type="checkbox"/> Supports the whole proposal           | <input type="checkbox"/> Supports part of the proposal |
| <input checked="" type="checkbox"/> Opposes the whole proposal | <input type="checkbox"/> Opposes part of the proposal  |

In the event this application is subject to a Resource Consent Hearing. Do you wish to be heard in respect of your submission?

Yes     No

If others make a similar submission I will consider presenting a joint case with them at the hearing

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## Submission Statement

The specific parts of the Proposal that this submission relates to.

Please see attachement

## Decision you want the Council to make:

Grant the Consent     Decline the Consent     Grant the Consent with Conditions

Please See Attachment

## Signature

To be signed by the submitter or person authorised to sign on behalf of the submitter.

*Simon J O'Donoghue*

Name Simon O'Donoghue

Date 03/09/2024

## Important notes for the Submitter

1. In accordance with the Privacy Act 1993, submissions will be made available for viewing by Council and members of the public.
2. This form is for your convenience only. You may make a submission that addresses the points above in a letter or other suitable format.
3. Submissions will not be returned, so please keep a copy.
4. A copy of your submission must be sent to both Council and to the applicant.

Date:

To: Masterton District Council  
Via Email – [planningadmin@mstn.govt.nz](mailto:planningadmin@mstn.govt.nz)

### **Submission on a Notified Resource Consent Application**

Council reference	RM240079
Applicant	G Beatson
Address	9 Milford Downs, Masterton
Proposal	Two lot rural subdivision
Submission details	My submission <b>opposes</b> the whole proposal. I wish to be heard in respect of this submission and will consider presenting a joint case with any other submitter at a hearing.

### **Submission Statement**

The specific parts of the proposal that this submission relates to are;

- Weighting of the Operative and Proposed District Plan (Objectives, policies and rules)
- Ability to service the proposed lots satisfactorily
- Effects on amenity and character of the rural zone

### **Weighting of Operative and Proposed District Plan**

The Proposed Wairarapa Combined District Plan was publicly notified in October 2023. Submissions have closed however hearings have not yet been held in respect to Rural subdivision. By order of the Environment Court, the provisions of the Proposed District Plan relating to rural subdivision and land use have immediate legal effect. Both the Operative and Proposed District Plans are therefore required to be considered. In respect of this application, we consider a greater weighting should be placed on the Operative District Plan objective, policies and rules for the following reasons;

- The rural lifestyle zone is a completely new zone and is subject to a number of submissions which have questioned the new zoning. Hearings to determine these submissions have not been held, and are not scheduled until early 2025.
- The new zoning and associated objectives and policies represent a significant policy shift when compared to the provisions of the operative plan. The operative plan zones this site, and surrounding properties, as rural primary production.
- The new rural lifestyle zoning has not been subject to any meaningful, independent decision making.

- There are submissions on the Proposed District Plan that oppose the Rural Lifestyle Zone in its entirety.

When considering the objective and policies of the Operative Plan there is a clear directive to avoid the creation of small lots that would not maintain an open rural character. Historically Council have not supported applications of this nature.

Objectives 13.3.2 (h) of the Operative District Plan is quite clear that any allotments below the minimum standards in the Rural Zone shall *avoid* the outcomes detailed in i.-viii. The proposed subdivision will not maintain the open rural character of the Rural Zone (ii) and is likely unable to satisfactorily (and reliably) dispose of effluent (vii) and will likely lead to ad hoc development that create adverse effects on rural character and amenity (viii). Objective 18.3.2(i) has not been referenced at all in the application. This objective states; "Protect the quality, character and values of the Wairarapa rural environment from the cumulative effects of intensification by limiting subdivision below the rural minimum area standards to situations where there are special circumstances that would not create a precedent." It is our view that the proposed subdivision would create a precedent which would in turn result in an intensification of the surrounding environment beyond what is considered acceptable for a rural zone. The Proposed Plan could not be considered a special circumstance in this case given it has not been subject to any meaningful decision making as part of the Proposed Plan hearing and submission process.

#### **Ability to service the proposed lots**

The application does not contain a detailed site investigation which would determine whether or not any new lot could satisfactorily dispose of wastewater and stormwater on site. For this reason it is unclear whether Rule 21.1.2(e)(iii) of the Operative Plan and Standard SUB-S4 and SUB-S5 of the Proposed Plan can be complied with. We know that the clay soils in this area are not good for drainage which is further confirmed by several failing sewage systems in Ardsley Lane where these systems are used.

We are currently extending our newly purchased home and our property shows that there is no drainage on site when digging out the footings as there is solid red clay for over 1 meter deep, We also collect our roof water with the watertank overflow joined to field drains which only seem to carry the overflow to the end of any drainage and just seep down hill to another swale drain.

I also note that as we are at the bottom of the laneway and the run off from all the properties uphill from us including 10 Milford Downs exceeds the capacity of the excising swale drain which in turn runs overflow water down our Driveway, Please attached photo dated 04/09/2024 after 24.8mm of rain between midnight and 8am.

Existing Council sewer services in the immediate area are unable to accommodate any additional connections which has also been previously confirmed by Council Engineers.

There has been no reference to the Masterton groundwater community drinking protection area which is located on this site (and within the wider Rural Lifestyle Zone). On-site wastewater systems within this area require a Greater Wellington Regional Council resource consent (as noted in the GWRC submission on the proposed plan).

In respect to roading and traffic, if further subdivision is permitted (with a consequential increase in pedestrian numbers) in the Milford Downs area, Council will then come under pressure to upgrade the roading corridor to include residential type services such as curb and channel, footpaths and streetlights. Who then pays for this?

### **Effects on amenity and character of the rural zone**

The Milford Downs area, while not used for large scale primary production activities, does display characteristics of the rural zone. The 1ha sites provide for open spaces with a private, rural feel and many properties do provide for small scale grazing of sheep. The rural 'feel' is further influenced by the exclusion of footpaths and streetlights. Should the proposed subdivision go ahead it will create a precedent, allowing further subdivision which will cumulatively remove the existing rural character and amenity values currently present. The proposed 5000m<sup>2</sup> lots will display characteristics more like a large residential site, leaving no rural features or characteristics.

### **Decision requested**

We want Council to decline the consent in its entirety.

