



Resource Consent Application for:

Milford Heights Trust

10 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	T23/200
Date	25 April 2024
Consent Type	Rural Subdivision
Applicant	Milford Heights Trust
Proposal	2-Lot Subdivision
Location	10 Milford Downs, Masterton
Legal Description	Lot 16 DP 68587 contained within Certificate of Title WN37B/893
Zone	Rural (Primary Production)– Wairarapa Combined District Plan (the Operative Plan) and General Rural 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.

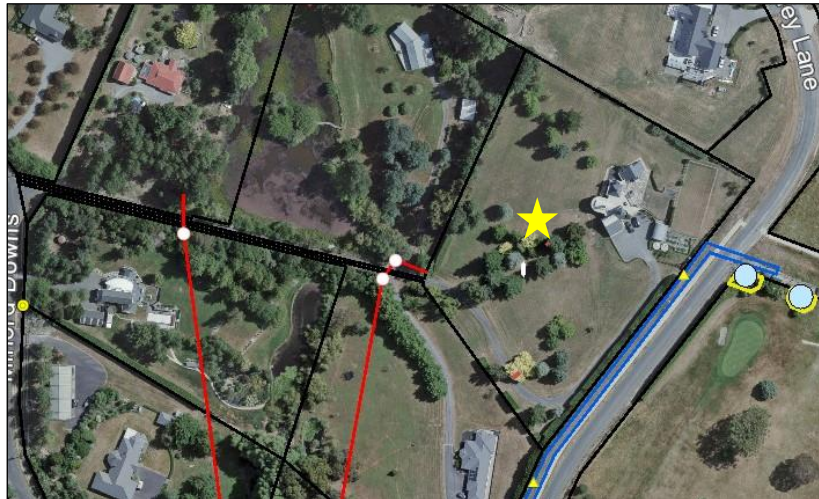
The overall status of the application is **Non-complying Activity**.



2. SITE DESCRIPTION

The site is located on the west side of Manuka Street, Masterton, approximately 3.5km driving distance to 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 16 DP 68587) belongs to the applicant and comprises a total land area of 1.4370ha more or less.

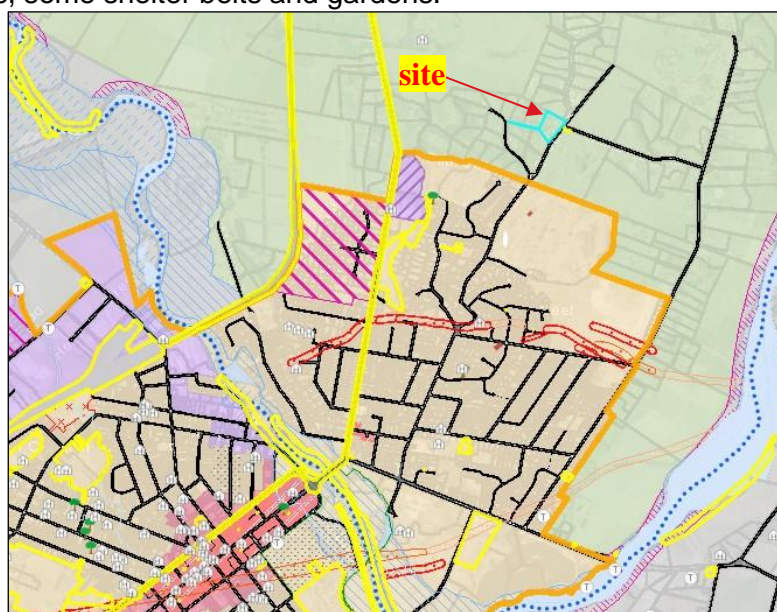


Aerial Photo – 10 Milford Down, Masterton

Courtesy of WCD Viewer

The subject site has an existing dwelling positioned 30m from the road (Manuka Street) and 18m from the closest boundary (to the north) and associated structures close to the dwelling. Access is directly from Milford Downs via a Right of Way and parking is by the existing dwelling.

The dwelling is serviced to rural standard. It is connected to the Opaki water supply, and wastewater overflow from the onsite system is into the town's sewer main. A water hydrant is located by the rural access on Manuka Street. The site is landscaped with mature trees, some shelter belts and gardens.



Location : 10 Milford Downs, Masterton

Courtesy of WCDP Viewer



The surrounding area is a mixture of similar lifestyle lot, while the golf course is across the road.

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

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

3. LEGAL DESCRIPTION

The site has the street address of 10 Milford Downs, Masterton and is legally described as Lot 16 DP 368587 within Certificate of Title WN37B/893.

The registrations on the Title include rights of way easements. These will have no impact on the subdivision proposal, and will carry to the subsequent title.

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 Milford Heights Trust to subdivide their property at 10 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	0.7350ha	to contain existing dwelling
Lot 2	0.6400ha	vacant lot

The proposal is to subdivide the existing certificate of title into two fee simple lots that would meet the Proposed Plan lot size standards (min 0.5ha). The proposed areas are rounded and subject to actual physical survey.

Access to both lots will be via a 7-metre wide right of way over Lot 1 in favour of Lot 2 with a new crossing from Manuka Street. There is an existing driveway that will be utilised as the right of way with a small addition from Manuka Street. The crossing will be constructed to the required standards of the Proposed Plan.

Lot 1 would be the north site containing the existing dwelling, which will be 15m from the new internal boundary – compliant with Proposed Plan standards, but not complying with Operative Plan standards. The dwelling has existing use right to the existing unchanging external boundary. Services will remain with the dwelling.

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 amenity and character. 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, or other acceptable way, due to the clay soil.



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 notified.

5.2 Limited Notification

As public notification is required, provisions for limited notifications do not apply.



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.

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 site (Lot 2) could easily accommodate a complying building area for a dwelling and associated buildings, consistent with the surrounding rural amenity and character. and associated services. 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 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. We note the soil is clay and not draining, alternative stormwater solutions will be investigated.

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. A new vehicle crossing onto Manuka Street will be constructed to provide formal access to both Lots.

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 1.4370ha and is used currently as a lifestyle block, with no primary production component. It has an existing dwelling and an existing shed. The subdivision would provide for one additional dwelling on the vacant lot. A future dwelling with associate structures would only occupy up to 7% 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 site, the proposal will have negligible effects on the aesthetic and open space values of the 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.

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.

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 are operative, 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 amenity and character. and associated services.

The existing dwelling on proposed Lot 2 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. Depending on size and orientation, a new dwelling on Lot 2 could meet 25m setback standards towards all boundaries and 10m setback to Manuka Street.

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 as 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 and via a right of way. It is proposed that a new crossing be established from Manuka Street. This crossing will meet required standards, and traffic speeds and visibility of on-coming traffic are unlikely pose a hazard to vehicles using it (and vice versa).

Access to both lots will be via a 7-metre wide right of way over Lot 1 in favour of Lot 2. There is an existing driveway within the accessway.

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 shed within Lot 1 would also meet the 10m setback standard. 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 both lots. 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 there is a fire hydrant in front of the site on Manuka Street, we assume a separate on-site fire fighting water supply will not be required (should this not be the case, both lots can accommodate supply).

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 and via a right of way. It is proposed that a new crossing be established from Manuka Street. This crossing will meet required standards TRS-5 -9, this will be demonstrated at detailed design stage. There are no crossings nearby on Manuka Street, there is only an intersection with Nikau Heights, and this is more than 30m from the proposed crossing.

Access to both lots will be via a 7-metre wide right of way over Lot 1 in favour of Lot 2. There is an existing driveway within the accessway. The accessway will be formed in accordance with the Council's Engineering Development Standard, in particular 3.C.19.4. TR-S10.1 applies (less than 100 daily vehicle movements and TR-8 will be met. TR-S11 will be met (gradient) and TR-S12 does not apply. TR-S13 will be met and also TR-S14. 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.

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 rural-residential allotment which would be appropriate within this peri-urban environment and would not adversely affect the amenity of the area.

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 **Milford Heights Trust** at 10 Milford Downs, Masterton.

The proposal is in accordance with the objectives and policies of the Proposed 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