



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**



Tomlinson and Carruthers Surveyors

Reply to Further Information Request

Our Ref	T23/200 (MDC reference RM240068)
Date	03.07.2024
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)

1. ASSESSEMENT OF OBJECTIVE 18.3.1 AND POLICIES 18.3.2 (G) AND (H) OF THE OPERATIVE PLAN

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. There is a larger rural lot across the road at the northern most point of the site. This land belongs to the Masterton Golf Club and has been re-zoned in the proposed plan as Rural Lifestyle (with a minimum lot size of 0.5ha applicable for subdivisions). This rural lot is vacant and is a paddock. It is considered that there will be no adverse effects on the productive use of this site from the proposed subdivision. Notwithstanding, a S221 notice is volunteered to address reverse sensibility.



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

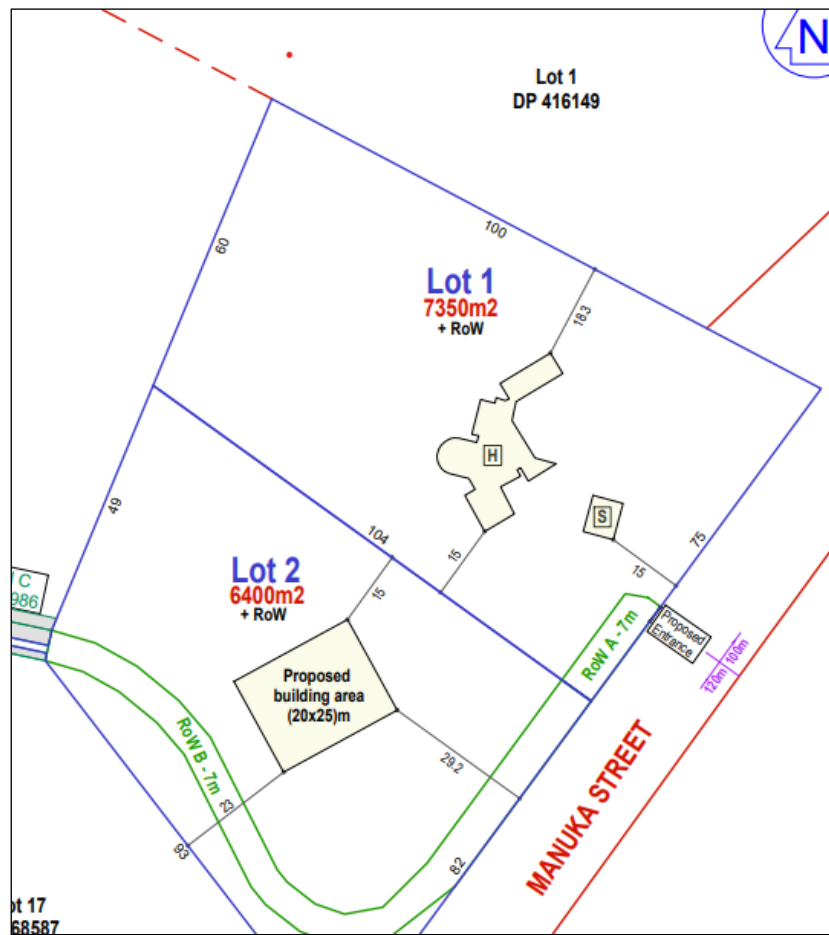
The area is not characterised by open rural character. A dense hedge (higher now than shown below) screens the property from Manuka Road. Further on Ardsley Lane, there are properties with 30m long front boundaries, that are more characteristic of an urban or semi-urban environment.





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

The proposal is to create Lot 1 of 0.73ha and Lot 2 of 0.64ha. 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 (the building area shown is 20x25m, while the requirement is 12x15m) on Lot 2 will meet 25m setback towards the external side boundary 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 Manuka Road and also from Milford Downs respectively. As no new access is proposed, just the upgrading of an existing access, there will be no 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. There is a larger rural lot across the road at the northern most point of the site. This land belongs to the Masterton Golf Club and has been re-zoned in the proposed plan as Rural Lifestyle (with a minimum lot size of 0.5ha applicable for subdivisions). This rural lot is vacant and is a paddock. It is considered that there will be no adverse effects on



the productive use of this site from the proposed subdivision. Notwithstanding, a S221 notice is volunteered to address reverse sensibility.

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.*

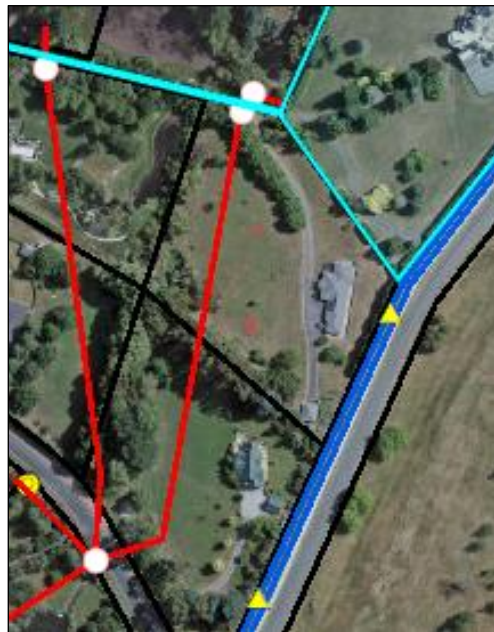
As in (ii), the area is not characterised by open rural character. A dense hedge (higher now than shown below) screens the property from Manuka Road. Further on Ardsley Lane, there are properties with 30m long front boundaries, that are more characteristic of an urban or semi-urban environment. The existing 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 Manuka Street, 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 the 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, whis is, according to Council's GIS, located at theh boundary of 10 Milford Downs, in the back.

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, or alternatively connect to the water main in Manuka Street.





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. There is a larger rural lot across the road at the northern most point of the site. This land belongs to the Masterton Golf Club and has been re-zoned in the proposed plan as Rural Lifestyle (with a minimum lot size of 0.5ha applicable for subdivisions). This rural lot is vacant and is a paddock. It is considered that there will be no adverse effects on the productive use of this site from the proposed subdivision. Notwithstanding, a S221 notice is volunteered to address reverse sensibility.

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. A dense hedge (higher now than shown below) screens the property from Manuka Road. Further on Ardsley Lane, there are properties with 30m long front boundaries, that are more characteristic of an urban or semi-urban environment. The proposed subdivision would allow the establishment of one additional dwelling behind the dense hedge and below road level. This future dwelling would not be visible from the road and unlikely to be visible from any other "vantage point" as the site is surrounded by rural residential development.

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 0.73ha and Lot 2 of 0.64ha. 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 (the building are shown is 20x25m, while the requirement is 12x15m) on Lot 2 will meet 25m setback towards the external side boundary 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. Accesses are existing, the existing dwelling is serviced to rural standard, any any proposed dwelling could be serviced to the same standard, or connection to the existing water main in Manuka Street and to the existing sewer at the back boundary of the property could be assessed for feasibility. These services are already in situ, no upgrade is necessary.

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 accesses to the property from Milfor Downs and Manuka Street are existing and as such, would not have any effect on the 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 more 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 the 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 at the boundary of 10 Milford Downs, in the back.



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. A dense hedge (higher now than shown below) screens the property from Manuka Road. Further on Ardsley Lane, there are properties with 30m long front boundaries, that are more characteristic of an urban or semi-urban environment. 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 Manuka Street, 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 additional lot could be created per property. The location of an existing dwelling would dictate the layout of any future 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, or alternatively connect to the water main in Manuka Street.

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

2. NPS HPL ASSESSMENT

In the original application, the following assessment has been provided:

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.

Council is of the view that under the Operative Plan, the matter has to be assessed in more detail.

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 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.

Note: we have asked that Council provides the NPS HPL assessment the re-zoning (in the Proposed Plan) was based on, and also the court's decision giving this part of the proposed plan immediate effect. We are still waiting for this information.

3. NOTIFICATION ANALYSIS (S95A-95F RMA)

3.1 Public Notification

As indicated in the application:



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.

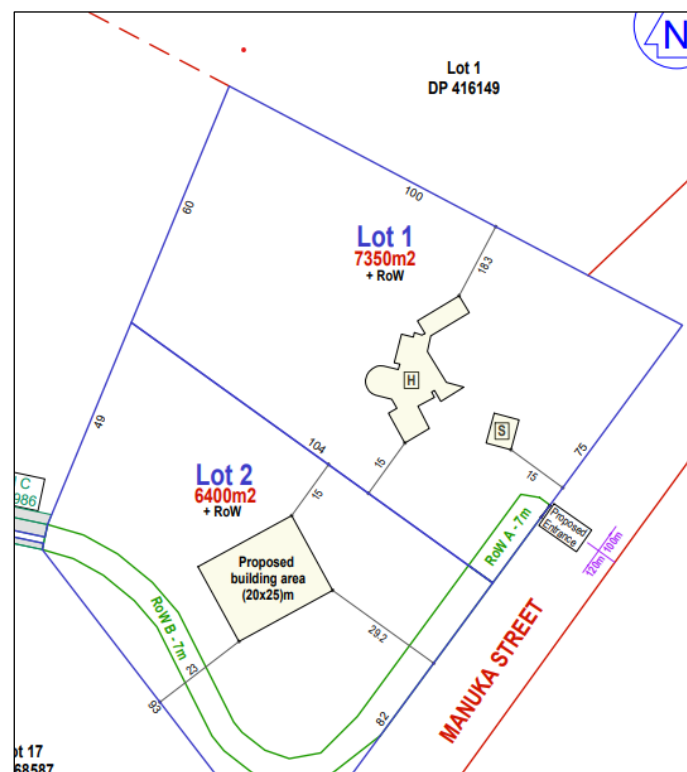
As Step 1 applies no further determination is required from the applicant regarding public notification.

3.2 Limited Notification

As public notification is not required, Council needs not to determine whether there are any affected persons that would warrant limited notification.

4. SETBACK STANDARDS

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 (the building area shown is 20x25m, while the requirement is 12x15m) on Lot 2 will meet 25m setback towards the external side boundary 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).



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