

RM240068
Your ref: T23/200

21/06/2024

Milford Heights Trust
c/- Tomlinson & Carruthers Surveyors
PO Box 246
Masterton



Email: edita@tcsurvey.co.nz

Dear Editia

Resource consent application – Further information required.

Application number	RM240068
Applicant	Milford Heights Trust
Address	10 Milford Downs, Masterton
Proposed activity	2- Lot Rural Subdivision (to be processed as a publicly notified application)

Masterton District Council has reviewed your application for a 2 -Lot Rural Subdivision located at 10 Milford Downs, Masterton.

Under section 92 of the Resource Management Act 1991 (RMA), the Masterton District Council requests further information detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

S104D matters:

1. Given it has been determined the activity is non-complying under rule 20.1.7 (a) of the operative WCDP (2011) further assessment is required under the relevant policies and objectives of the plan as follows:

18.3.1 Objective SLD1 – Effects of Subdivision & Land Development

To ensure subdivision and land development maintains and enhances the character, amenity, natural and visual qualities of the Wairarapa, and protects the efficient and effective operation of land uses and physical resources.

(g) To provide for the subdivision of rural land for rural-residential purposes through minimum standards that seek to:

- i. Avoid or mitigate any significant potential adverse effects on the viability and operational requirements of any productive use of any adjacent rural or industrial land;*
- ii. Ensure allotment sizes and the pattern of subdivision maintains the open rural character, particularly from public roads;*
- iii. Ensure allotments are able to accommodate the likely use in accordance with the other requirements of the Plan;*
- iv. Avoid adverse effects on the safe and efficient use of roads, and pedestrian and cycling networks;*
- v. Satisfactorily avoid or mitigate the potential reverse sensitivity effects in relation to either nearby industrial and rural productive activities, activities allowed by the zoning, or anticipated urban growth;*

- vi. *Ensure the actual and potential effects on rural character, amenity and natural values will not be compromised by intensive and ad hoc urban development and/or through the cumulative effects of rural-residential development;*
- vii. *Ensure the sewage effluent from all lots can be effectively disposed without any potential adverse effects on the environment.*
- viii. *Ensure a potable water supply is available on each allotment.*

(h) *Allotments below the minimum standards in the Rural Zone shall avoid all of the following outcomes:*

- i. *The proposed subdivision is likely to have a 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;*
- ii. *The allotment sizes and/or pattern of the subdivision would not maintain the open rural character, particularly from public roads and vantage points;*
- iii. *Allotments are unable to accommodate the likely use in accordance with the other requirements of the Plan;*
- iv. *The subdivision would require an extension or upgrading of any service or road that is not in the economic interest of the District;*
- v. *The subdivision would compromise the safe and efficient use of the road network;*
- vi. *Any exacerbation 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;*
- vii. *The proposal is unlikely to be able to satisfactorily and reliably dispose of effluent;*
- viii. *The proposal is likely to 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;*
- ix. *The proposal is unable to provide a potable supply of water*

(I) *Ensure that subdivision and land development adjoining State Highways other arterial roads and the Wairarapa railway, avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the roading and networks.*

NPS-Highly Productive Land:

2. In the matter of Highly Productive Land and consideration NPS-HPL, you have stated “as council zoned this site and the wider area as Rural Lifestyle with a minimum lot size of 0.5ha, we consider that the provision of the NPS do not apply”. The application has been received and will be processed under the operative WCDP (2011) as a non-complying activity, in the rural primary production zone, therefore subject to the NPS-HPL. Further assessment of the actual and potential effects of the proposed subdivision against the NPS-HPL is required to enable Council to fully understand and consider the effects of the proposal.

Please provide an assessment that addresses all the matters under Clause 3.8(1)(a) and 3.8(2) of the NPS-HPL. This assessment should include (but is not limited to):

- An assessment of the productive capacity of the subject land in accordance with the definition of “productive capacity” under the NPS-HPL.
- An assessment of whether the proposed subdivision of land into smaller allotments capable of separate ownership will retain the overall productive capacity of the subject land over the long-term (30 years).
- An assessment of whether the development of the vacant allotment that is enabled by the proposed subdivision (including the development of a dwelling and ancillary works such as formed physical access, ancillary buildings and structure, impervious surfaces, drinking water supply systems, effluent disposal systems, stormwater disposal systems, amenity landscaping, and fencing) can be reasonably undertaken in a manner that retains the overall productive capacity of the subject land over the long-term (30 years).
- An assessment of whether the proposed subdivision (including the use and development of the land enabled by the proposed subdivision) will lead to cumulative loss of the availability and productive capacity of highly productive land within the district.
- An assessment of whether the proposed subdivision (including the use and development of the land enabled by the proposed subdivision) will have any actual or potential reverse sensitivity effects on surrounding land-based primary productive activities, and if it does, any proposed methods that would be provided by the subdivision to avoid or mitigate these effects.

Using the above assessment could you please provide an assessment of the application against the relevant objectives and policies of the NPS-HPL.

Note that the Ministry for the Environment guidance document *National Policy Statement for Highly Productive Land: Guide to implementation (March 2023)* provides guidance on matters that may be relevant to the preparation and consideration of resource consent applications on highly productive land, including supporting assessment of productive capacity.

3. Section 95 Assessment

It is acknowledged that the applicant has requested that the application be Publicly Notified. However, there is no reference to this matter in the application. Please add reference to s95A matters in your application.

4. Development assessment – setbacks

Please clarify what setbacks will meet the requirements under the operative WCDP (2011). As I understand it the existing dwelling is to be retained on proposed Lot 1 (as identified on the scheme plan), however the discussion in your AEE talks about the existing dwelling on proposed Lot 2?

In accordance with Section 88B(a) of the Resource Management Act 1991 we will postpone processing your application any further until we receive this information. Once we have received the requested information, we will consider its adequacy and notify potentially affected parties.

You can object to this request for further information in accordance with Section 357 by writing to the Council within 15 working days of receiving this request.

Please do not hesitate to contact me if you have any questions or concerns regarding the above request or the further processing of the application.

If you have any queries regarding your application, or the resource consent process please contact me at: rosanneh@mstn.govt.nz

Kind Regards,

Prepared by:



..... Date: 21st June 2024
Rosanne Heyes
Intermediate Resource Planner- Masterton District Council