

RESOURCE CONSENT APPLICATION

2 Lot Rural Lifestyle Subdivision

Michael and Jane D'Alton

24B Nikau Heights, Masterton

Adamson Shaw

Job Reference: 2840

Proposal Summary

To:	Masterton District Council
Applicant:	Michael and Jane D’Alton
Location:	24B Nikau Heights, Masterton
Legal Description:	Lot 5 DP 76583 held in record of title WN43A/596
The Proposal:	A 2 lot rural lifestyle subdivision
Zoning:	Rural – Primary Production (OWCDP) Rural Lifestyle Zone (PWCDP)
Activity Status:	Non-Complying Activity subdivision under Rule 20.1.7(a) of the Operative Wairarapa Combined District Plan Controlled Activity subdivision under Rule SUB-R2(2) of the Proposed Wairarapa Combined District Plan
Address for Service	Michael and Jane D’Alton C/ AdamsonShaw Ltd PO Box 696 Masterton 5840 Attention: Lucy McWilliam Tel: 06 370 0027 Email: lucym@adamsonshaw.co.nz
Appendices	Appendix A Scheme Plan 2840 SC-01 Rev A Appendix B Record of Title

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1. Introduction

Pursuant to Section 88 of the Resource Management Act 1991 (the Act), Michael and Jane D’Alton (the Applicant) applies to the Masterton District Council for Resource Consent for Subdivision. This application has been prepared by AdamsonShaw in accordance with Form 9 and Schedule 4 of the Act, and incorporates the information required by the Act.

The proposal is described in detail in this document and referenced on AdamsonShaw Scheme Plan, 2840 SC-01 Rev A attached as [Appendix A](#) and other supporting documentation as referred to within this report.

The objective of this application is to provide sufficient information to allow any person to determine the likely outcome of the proposed subdivision, including any actual and potential effects on the environment, and any measures proposed to avoid, remedy, or mitigate those effects. The application will discuss the following matters in relation to the proposed development:

- Consents required
- Description of the site
- Description of the proposed subdivision
- Assessment of relevant planning instruments
- Assessment of effects on the environment
- Mitigation measures and suggested conditions of consent
- Consultation and notification

The information contained in this application and supporting documents demonstrate that the proposed subdivision is appropriate in this location, and will have no adverse effects.

2. Site Description

The application site is located at 24B Nikau Heights, Masterton

2.1 Legal Description

The application site is legally described as Lot 5 DP 76583 held in record of title WN43A/596.

The title has the following interests registered on the title;

- The land has no legal frontage to a road
- Rights of way and rights to convey telephone communications and electricity rights.

A copy of the title is attached at [Appendix B](#).

None of the interests registered on this title will affect the assessment of this application.

2.2 Physical Description

The subject site contains an existing one storey dwelling, large shed/garage, a swimming pool and a typical

residential curtilage located at the northern extent of the property. A pond is also located in the northern corner of the property. Rainwater is stored on site and used for potable water. Wastewater is disposed of onsite and within the newly proposed boundaries.

The site boundaries are generally planted in relatively dense and mature vegetation. A hedge runs through the centre of the site, with the southern portion of the site being grassed.

The site is accessed via an existing sealed vehicle entrance located off Nikau Heights and a sealed accessway (right of way) that also provides access to three other dwellings. Photos of the access are provided in the assessment of environmental effects below.

3. Proposal

The proposal is for a two lot fee simple rural lifestyle subdivision as detailed on AdamsonShaw Scheme Plan 2840 SC-01 Rev A attached at [Appendix A](#). The applicant wishes to construct a new dwelling on proposed lot 1, with immediate family moving into/purchasing the existing dwelling on proposed lot 2.

3.1 Subdivision Details

Table 1: Subdivision Details

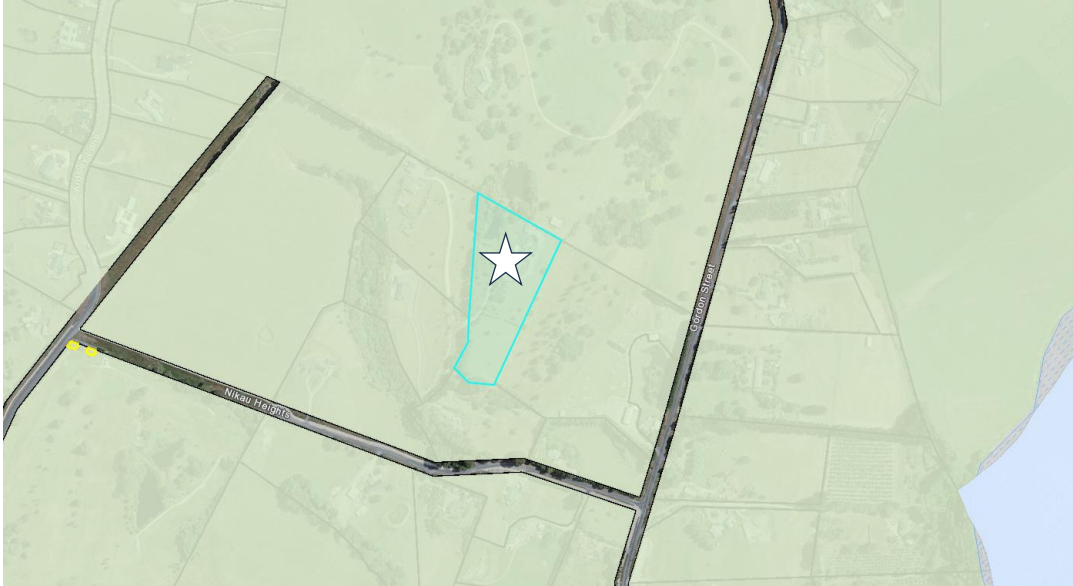
Lot No	Area	Description	Access	Service & Utilities
1	0.5689ha	Fee simple vacant rear lot.	Legal and physical access via an existing sealed vehicle crossing and a sealed right of way. No upgrades are proposed.	Any future dwelling will be serviced via onsite wastewater disposal and tank storage of rainwater.
2	1.43ha	Fee simple rear lot. Contains existing dwelling and ancillary shed/garage.	An additional right of way is proposed over 'C' and will be upgraded to meet NZS4404:2010 requirements.	Existing dwelling is serviced via onsite wastewater disposal and tank storage of rainwater.

4. Rules Assessment

The relevant planning documents in relation to this application are the Operative Wairarapa Combined District Plan, the Proposed Wairarapa Combined District Plan and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES). These documents are assessed below.

4.1 Zoning

Under the Operative Wairarapa Combined District Plan the site is located in the Rural – Primary Production zone. The site does not contain any management areas or special features.



Under the Proposed Wairarapa Combined District Plan the site is located in the General Rural Lifestyle zone. The site does not contain any hazards or risks, historical or cultural values, natural environment values or highly productive land.



4.2 Operative Wairarapa Combined District Plan

The subdivision standards specified in section 20.1.1 of the District Plan specify that, among other things, subdivisions must comply with the standards in section 20.1.2 of the District Plan. The proposal has been assessed against the applicable controlled activity standards in Table 2 below.

Table 2: Operative District Plan Standards Assessment

Operative District Plan Rural Standards		
Standard	District Plan	Lots 1 & 2
Lot Standards	All lots shall have a minimum lot area of 4 hectares	Does not comply. Lots 1 – 0.5689 ha Lot 2 – 1.43 ha
Access Standards	All lots shall demonstrate compliance with the District-wide permitted activity land use standards for Roads, Access, Parking and Loading in Section 21.1.25.	Will comply. An existing sealed vehicle entrance and sealed right of way (2.75-3.0m width) will be utilized to provide access to proposed lots 1 and 2. A new right of way 'C' will be created over an existing driveway for lots 1 and 2 and will be upgraded to meet the required standard.
Development Standards	Each lot shall contain a building area that; <ul style="list-style-type: none"> (i) Contains any dwelling house to be located on the lot and complies with the permitted activity land use standards for dwellings. (ii) Has minimum dimensions of 15m by 12m that is clear of any ROW or other easements. 	Complies.
	All lots shall demonstrate compliance with the permitted activity land use standards for the respective environmental zone in Section 4, 5, 6 or 7.	Complies.
	All new water supplies, waste water supplies and storm water	Not applicable.

Operative District Plan Rural Standards		
Standard	District Plan	Lots 1 & 2
	systems shall be provided in accordance with NZS4404:2004.	Water and sewer services will be provided at the time of development.
	All financial contributions shall be in accordance with the requirements of Section 23.	Will comply. One new title will issue therefore one set of contributions is applicable.

The proposed subdivision is unable to meet the lot size requirements for a Controlled Activity under Rule 20.1.1(a), a restricted discretionary activity under Rule 20.1.4(a)(i) or a Discretionary Activity under Rule 20.1.5(f). The application is therefore a Non-Complying Activity under Rule 20.1.7 (a) “Any subdivision that does not comply with the minimum standards for Discretionary Activities in Rule 20.1.6.”

4.3 Proposed Wairarapa Combined District Plan


SUB-R2 Subdivision of land to create additional allotment(s)

1. Activity status: **Controlled**

Where:

- a.** The subdivision complies with or does not increase any existing or previously approved non-compliance with the underlying zone standards;
- b.** Compliance is achieved with SUB-S1 – SUB-S10

Table 3: Proposed District Plan Standards Assessment

Proposed District Plan Rural Subdivision Standards		
Standard		Lots 1-2
SUB-S1 	All allotments created must comply with the minimum allotment size set out in SUB-Table 1: Minimum allotment size. GLZ: Rural Lifestyle Zone – 0.5ha	Complies. Lot 1 – 0.5689ha Lot 2 – 1.43ha
SUB-S2	Building Platforms	Complies.

Proposed District Plan Rural Subdivision Standards		
Standard		Lots 1-2
	All allotments shall contain a building platform that is free of any land used for access, wastewater disposal or stormwater management purposes, and complies with the relevant performance standards of the underlying zone.	<p>Lot 1 contains sufficient room to accommodate a building platform that meets the Rural Lifestyle Zone (RLZ) standards with particular note to RLZ-S3.</p> <p>Lot 2 contains one existing dwelling that can meet the relevant standards for the Rural Lifestyle Zone (RLZ).</p>
SUB-S3	<p>Drinking Water Supply</p> <p>Where a connection Councils reticulated water systems is unavailable, all new allotments must be provided with access to a self-sufficient potable water supply, which shall be in accordance with Council engineering standards.</p>	<p>Complies/Will Comply</p> <p>The existing dwelling has water supply through the tank storage of rainwater.</p> <p>Any future dwellings will also have water supply through the tank storage of rainwater.</p>
SUB-S4	<p>Wastewater Disposal</p> <p>Where a connection Councils reticulated wastewater systems is not available, all allotments must be provided with an on-site wastewater system or an approved alternative means to dispose of swage in a sanitary manner within the net site area of the allotment in accordance with Council Engineering Standards in Masterton</p>	<p>Complies/Will Comply</p> <p>The existing dwelling has onsite wastewater disposal located well within the newly proposed boundaries.</p> <p>A new wastewater disposal system will be installed at the time of building for lot 1.</p>
SUB-S5	Stormwater Management	Complies.

Proposed District Plan Rural Subdivision Standards		
Standard		Lots 1-2
	All allotments must provide the means for treatment, catchment, and disposal of stormwater from all impervious or potentially impervious surfaces, including but not limited, to structures, compacted soils and sealed surfaces, which shall be in accordance with Councils engineering standards.	<p>Lot 1 is already developed, no additional development proposed as part of this application.</p> <p>Lot 2 will deal with stormwater management at the time of built development.</p> <p>Stormwater from ROW 'C' will be managed as per the appropriate standard at the time of design and construction.</p>
SUB-S6	<p>Network utility services</p> <p>Electricity and telecommunications services shall be provided to the useable area of each new lot where power lines and telecommunications lines pass within 200m of any boundary of any new lot.</p>	<p>Will comply.</p> <p>The existing dwelling has electricity and telecommunications connections.</p> <p>These services will be extended to the boundary of the vacant proposed lot 1.</p>
SUB-S7	All new allotments created must have legal and physical access to a road in accordance with the relevant standards in TR-Transport.	<p>Does not comply</p> <p>An existing sealed vehicle entrance and sealed right of way (2.75-3.0m width) will be utilized to provide access to proposed lots 1 and 2.</p> <p>A new right of way 'C' will be created over an existing driveway for lots 1 and 2 and will be upgraded to meet the required standard.</p> <p>This standard refers to Councils Engineering Development Standard which requires a minimum 4.0m formed width for 1-15 residential units which we can't comply with.</p>
SUB-S8	Esplanade reserves, esplanade strips and access strips	Not applicable.

Proposed District Plan Rural Subdivision Standards		
Standard		Lots 1-2
SUB-S9	<p>Financial Contributions</p> <p>Reserves – A district wide contribution of 3% of the value of the additional allotments created by a subdivision (plus GST)</p> <p>Transport – A district wide transport contribution of 3% of the value of the additional allotments created by a subdivision (plus GST).</p>	<p>Will comply.</p> <p>One new title will issue therefore one set of contributions is applicable.</p>
SUB-S10	<p>Firefighting water supply</p> <p>All new allotments accommodating existing or proposed dwellings must comply with the water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p>	<p>Will comply.</p>

The application can meet all Controlled Activity standards under Rule SUB-R2 except for SUB-S7 which requires a 4.0m formed width for a rural private accessway. However, we note that this standard does not yet have legal effect, and as a result does not affect the overall activity status under the Proposed District Plan.

4.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

The NESCS came into effect on 1 January 2012.

The NESCS classifies as permitted activities (meaning no resource consent is required if stated requirements are met):

- subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.

In Section 5 the activity of subdividing land is under (5):

An activity is subdividing land, which means subdividing land –

- (a) that has boundaries that are identical with the boundaries of the piece of land; or
- (b) that has all the piece of land within its boundaries; or
- (c) that has part of the piece of land within its boundaries.

Further:

Land covered

(7) The piece of land is a piece of land that is described by 1 of the following:

- (a) an activity or industry described in the HAIL is being undertaken on it;
- (b) an activity or industry described in the HAIL has been undertaken on it;
- (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

Further:

(8) If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to –

- (a) remove a fuel storage system in or on the piece of land;
- (b) sample or disturb –
 - (i) soil under existing residential buildings on the piece of land;
 - (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings;
 - (iii) soil that would be under proposed residential buildings on the piece of land;
 - (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings;
- (c) subdivide land in a way that causes the piece of land to stop being production land;
- (d) change the use of the piece of land in a way that causes the piece of land to stop being production land.

Section 6 of the NES prescribes 2 methods that a person may use for establishing whether or not a piece of land is as described in regulation 5(7). Method 1 is by using information held by the Territorial Authority about the area where the piece of land is located such as property files, resource consent databases or other relevant registers including any information available from the Regional Council.

The second method is a preliminary site investigation report stating that an activity or industry described in the HAIL is or is not, and has and has not been undertaken on the piece of land and the likelihood of any activity or industry described in the HAIL being undertaken, or having been undertaken on the piece of land.

Only one method is required to be used and for this application method 1 was considered the most

appropriate.

The subject site is not listed in the Selected Land Use Register held by Greater Wellington Regional Council.

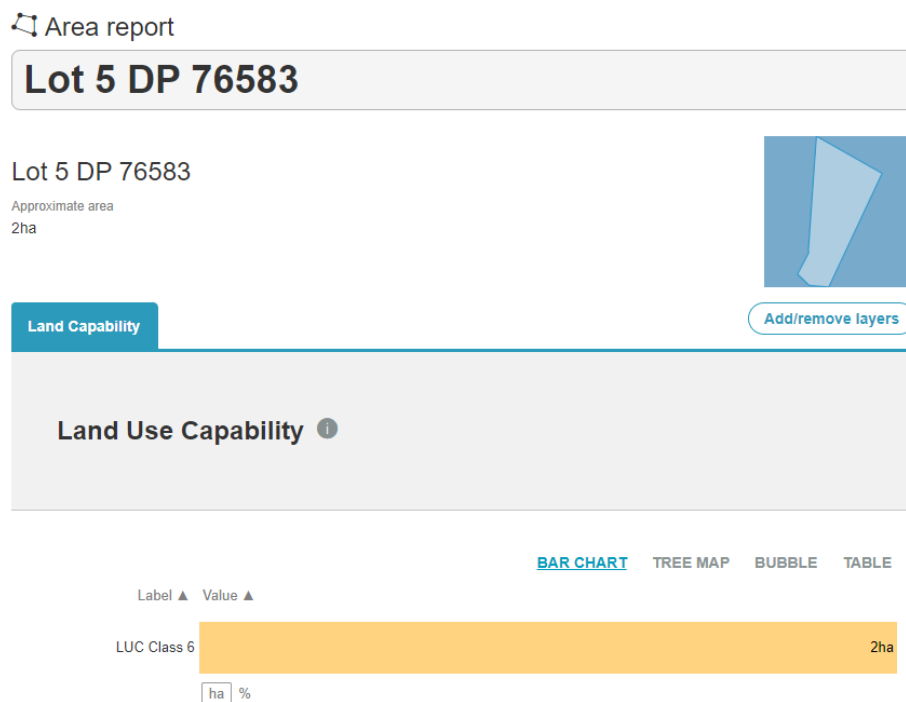
Aerial photos have not identified any HAIL activities and this has been confirmed by the land owner.

Based on the available information as described, **no further action or investigation is required** as it is considered **highly unlikely** that there will be a risk to human health as a result of the proposed subdivision.

4.4 National Policy Statement for Highly Productive Land (NPS-HPL)

The National Policy Statement for Highly Productive Land took effect on 17th October 2022. The NPS-HPL requires New Zealand’s most productive land to be identified and managed to prevent inappropriate subdivision, use and development. Highly productive land is land identified as being within a Land Use Capability Class of 1, 2 or 3 that is zoned general rural or rural production.

The subject site has been assessed against the NPS-HPL and is entirely class 6 land. See area report below from the Manaaki Whenua Landcare Research Website which identifies the LUC classes.



Given only LUC Classes 1, 2 and 3 are considered to be highly productive land under the NPS-HPL, no further assessment is required in respect of this application.

4.5 Activity Standards Summary

This proposal does not trigger the requirement for assessment under any Regional Plans, or other higher order planning documents and our assessment under the Operative and Proposed District Plans found

that the consents required are as follows:

- **Subdivision consent** for a two lot rural subdivision being a Non-Complying Activity under Rule 20.1.7(a) of the Operative Wairarapa Combined District Plan.
- **Subdivision consent** for a two lot rural lifestyle subdivision being a Controlled Activity under Rule SUB-R2(2) of the Proposed Wairarapa Combined District Plan.

Overall the proposal is a **Non-Complying Activity**. As specified in section 104B of the Resource Management Act 1991, a consent authority may grant or decline the application and may impose conditions under section 108.

As the proposal is overall a non-complying activity the application must pass at least one of two threshold tests as outlined in section 104D of the Resource Management Act 1991. Either the adverse effects of the activity on the environment will be minor and/or the application is for an activity that will not be contrary to the objectives and policies of the relevant District Plan.

Under section 86B(3) of the Resource Management Act 1991, rules in proposed plans on the following matters have immediate legal effect:

- a. Protects or relates to water, air, or soil (for soil conservation)
- b. Protects areas of significant indigenous vegetation
- c. Protects areas of significant habitats of indigenous fauna
- d. Protects historic heritage
- e. Provides for or relates to aquaculture activities.

None of these matters are relevant to this application.

In addition, and pursuant to Section 86D and by order of the Environment Court, the provisions of the Proposed Wairarapa Combined District Plan relating to rural subdivision and land use also have immediate legal effect from the date the Proposed Plan was publicly notified.

Resource consent is therefore required under both the Operative and Proposed District Plans with Council determining how much weight to give the provisions of each plan.

5. Assessment of Environmental Effects

In accordance with Section 88 of the Resource Management Act, this assessment of environmental effects has been prepared in such detail as corresponds with the scale and significance of the effects that it may have on the environment.

Subject to the purpose and principles set out in Part II of the Act, the consideration of this application by Council will involve a broad overall judgement of whether the proposed activity will promote the sustainable management of resources in a manner or at a rate that enables people and communities to provide for their social, economic and cultural wellbeing and health and safety while avoiding, remedying or mitigating any adverse effects on the environment.

It can be concluded from our assessment of the above matters, and our experience of this type of proposal, that the actual and potential effects of the proposal on the environment primarily relate to:

- Rural Character and Amenity
- Natural Hazards
- Vehicle Access, Parking and Traffic
- Servicing

5.1 Rural Lifestyle Character and Amenity

The subject site is located in the Rural Lifestyle Zone of the Proposed Wairarapa Combined District Plan which is an area identified within the Masterton District specifically for Lifestyle development.

The subject site including the existing dwelling and ancillary buildings are positioned well to accommodate additional development. The buildings are located in the northern extent of the site leaving a large area of undeveloped land to the south. Character and amenity in the Rural Lifestyle Zone is managed through density and consideration of building locations at the time of subdivision. In this case the existing dwelling located on proposed lot 2 is located approximately 65m from proposed lot 1 and the dwelling on the adjacent lot to the south is located approximately 50m from proposed lot 1. Both easily exceed the minimum 30m setback between residential units that standard RLZ-S3 requires as a permitted activity.

The vacant lot 1 is sufficiently large enough to accommodate a generous building platform including onsite services such as wastewater and stormwater disposal systems. This lot also contains relatively dense and mature vegetation along the northern, western and southern boundaries providing a good visual buffer between the existing right of way and existing dwellings to the north and south. Existing vegetation on the adjacent property to the east will provide further screening. See photos below.



Photo 1: Proposed lot 1 – facing south-east



Photo 2: Proposed lot 1 – facing west directly adjacent to the northern boundary

The immediate environment is characterized by rural lifestyle, rather than traditional primary production as the operative zoning suggests. Adjacent properties to the vacant lot 1 range in size from 1.5ha to 3.9ha – none of which are a size to sustain traditional farming activities. The existing level of development has already changed the character of the immediate area from that of a typical working rural environment and subsequently the area now aligns more closely with the lifestyle zoning in the proposed district plan.

The overall scale and appearance of the proposed subdivision is consistent with the intended outcomes of the zone and given the controlled activity status under the Proposed Wairarapa Combined District Plan, it is clear subdivision of this nature is expected and considered appropriate for the area.

5.2 Natural Hazards

In accordance with s106(1)(a) and (b) of the Resource Management Act, consent authorities must consider the potential effects of natural hazards such as site stability, inundation and whether the proposed subdivision is likely to accelerate or worsen any of these matters.

The Wairarapa Combined District Map Viewer (both operative and proposed plans) has not identified any flood hazards, faultlines or erosion zones. The site is not located in any liquefaction zones.

It is my view that the subdivision will not worsen the situation for the subject site or nearby sites, and that section 106(a) and (b) of the RMA are satisfied.

5.3 Vehicle Access, Parking and Traffic

In accordance with s106(1)(c) of the RMA, authorities must consider the provision of legal and physical access as part of any subdivision consent process.

Under the Operative Wairarapa Combined District Plan we are required to assess against NZS4404:2010. The Proposed Wairarapa Combined District Plan references 'Councils Engineering Development Standard' however this does not yet have any legal effect. Therefore, in terms of our assessment of effects of vehicle access, parking and traffic, we have done this in reference to NZS4404:2010.

Proposed lots 1 and 2 will utilise an existing vehicle entrance and sealed right of way that is also used by three other dwellings (24, 24A and 24C Nikau Heights). NZS4404:2010 requires a 6m legal width and a 2.5m movement lane for 1-6 dwelling units.

The existing vehicle entrance, as shown in the image below, is sealed and meets the requirements of Appendix 5 of the Operative Wairarapa Combined District Plan. No upgrades to this vehicle entrance are proposed.



Image 1 – Existing vehicle entrance of Nikau Heights

The existing right of way is sealed and formed to a good standard. It is 2.75-3.0m in width and meets the legal and movement lane requirements of NZS440:2010. From the beginning of the right of way to the vehicle entrance to 24B, there are two separate locations where passing is achievable – see photos below. No upgrades to the existing right of way are proposed.



Image 2 – Existing right of way (entrances to 24 and 24A)



Image 3 – Existing right of way (entrance to 24B)



Image 4 – Existing right of way (access to 24B)

A new right of way is proposed over a short portion of the existing metal driveway and is labelled as 'C' on the scheme plan attached at [Appendix A](#). This will be upgraded to a sealed standard and will comply with NZS4404:2010. Plans will be provided to Council for comment and approval prior to construction and will be certified on completion in respect of design, construction and supervision.

Both lots are large enough to accommodate onsite parking and manoeuvring so that vehicles can enter and exit the sites in a safe and efficient manner.

Overall, any potential adverse traffic safety, access and parking effects have been assessed and are considered to be less than minor.

5.4 Servicing

Proposed lot 1 will dispose of wastewater and stormwater onsite in a similar manner to that of the existing dwelling on proposed lot 2. A report from a suitably qualified and experienced professional will be provided to determine the appropriateness of onsite wastewater disposal prior to any development. We also suggest this be included as a condition of consent should the application be granted.

Tank storage of rainwater will provide potable water supply for proposed lot 1 as is typical for most rurally zoned lots.

6. Statutory Assessment

In accordance with the 4th schedule of the RMA this section provides an assessment against Part II of the RMA, the applicable higher order planning documents and the relevant objectives and policies of the applicable Council planning documents.

6.1 Part II of the Resource Management Act 1991

We consider that the proposal is entirely consistent with the main purpose of the Act, which is the sustainable management of resources. In particular, the proposal can be incorporated into the local

environment and will provide for the social and economic needs of the applicant. In doing so, any adverse effects upon the environment and the amenity and character of the area and the neighbouring properties will be no more than minor.

We have considered the matters of national importance and do not believe that any of the particular matters are applicable to the subject site. The vegetation growing on the site are typical of the area and are not considered to be significant (s6(b) &9c)). The site is not subject to natural hazards.

In terms of other matters listed in section 7, the proposal is considered to be an efficient use and development of the land resource. The effects of the proposal on the amenity of the surrounding residents and the character of the area has been assessed, and has been found to be no more than minor (s7(c) & (f)).

The proposal is not considered to be contrary to the principals of the Te Tiriti o Waitangi (s8).

Overall, it is considered that the proposed activity would be consistent with Part II of the Act.

6.2 Operative District Plan Objectives and Policies

I have considered the relevant objectives and policies of Chapter 4 – Rural Zone and Chapter 18 - Subdivision, Land Development and Urban Growth in the preparation of this application.

The following objectives and policies are considered relevant to the proposal;

Objective 4.3.1– To maintain and enhance the character and amenity values of the Rural Zone, including natural character, as appropriate to the predominant land use and consequential environmental quality of different rural character areas within the Wairarapa.

- **Policy 5.3.2(a)** – Identify areas within the Rural Zone where the predominant land use is primary production, which needs to operate and develop effectively – Rural (Primary Production) Zone.
- **Policy 5.3.2(d)** – Maintain and enhance the amenity values, including natural character of the differing Rural character areas through appropriate controls over subdivision and the bulk, location and nature of activities and buildings, to ensure activities and buildings are consistent with the rural character, including an appropriate scale, density and level of environmental effects.
- **Policy 5.3.2(e)** – Manage subdivision, use and development in a manner which recognises the attributes that contribute to rural character, including; openness and predominance of vegetation, productive working landscapes and varying forms, scale and separation of structures associated with primary production activities.

Objective 18.3.1 – 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.

- **Policy 18.3.2(a)** – Manage subdivision and land development in a manner that is appropriate for the character and qualities of the environmental zone in which it is located, while recognising that such change may alter the character and qualities.
- **Policy 18.3.2(b)** - Enable subdivision where it is compatible with the physical characteristics of the site, provided any adverse environmental effects are avoided, remedied or mitigated.
- **Policy 18.3.2(d)** - Set minimum allotment sizes for the Residential and Rural Zones that provide a baseline for maintaining the character, scale and intensity of development of their Zones, including their servicing capacity, while recognising the differing constraints, qualities and characteristics within each zone.
- **Policy 18.3.2(h)** – Allotments below the minimum standards in the Rural Zone shall avoid all of the following outcomes:
 - 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.
 - The allotment sizes and/or pattern of the subdivision would not maintain the open rural character, particularly from public roads and vantage points.
 - Allotments are unable to accommodate the likely use in the accordance with the other requirements of the plan.
 - The subdivision would not require an extension or upgrading of any service or road that is not in the economic interest of the District.
 - The subdivision would compromise the safe and efficient use of the road network.
 - The proposal is unlikely to be able to satisfactorily and reliably dispose of effluent.
 - The proposal is unable to provide a potable supply of water.
- **Policy 18.3.2(i)** – Protect the quality, character and values of the Wairarapas 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.

Discussion

The proposed subdivision is unable to meet the minimum 4ha lot size requirements and therefore is not in keeping with the scale and appearance of subdivision *typically* anticipated within the rural zone under the Operative Wairarapa Combined District Plan. It is however clear to see that the receiving environment is already well below the 4ha minimum lot size and as such better aligns with the Rural Lifestyle Zone proposed under the Proposed District Plan.

While zoned rural – primary production, the subject site is not used for primary production purposes given the lot is only 2.0ha in size. The majority of surrounding lots are also used solely for ‘lifestyle’ purposes

and do not exhibit any typical characteristics associated with primary production and working rural environments.

The vacant lot 1 has relatively dense and mature vegetation along three of its four boundaries providing a visual buffer between the site and its surrounding neighbours. As a result any future development will have minor effects on the surrounding character and amenity.

Subdivision and development will bring about change to an area, and it is recognised that the change should be generally consistent with the environmental outcomes sought for that particular zone. In this instance, the lots are not of sizes which are consistent with typical rural primary production zoning, however they are consistent with surrounding land use and compatible with the physical characteristics of the site. No reverse sensitivity issues are expected however a reverse sensitivity clause could be registered on the title should the consent be granted.

Additional residential development is proposed, and the existing compliant vehicle crossing can continue to be utilised as can the existing right of way. The vacant lot is of a size that ensures appropriate wastewater and stormwater disposal can easily be accommodated on site. Potable water for a future dwelling will be by tank storage of rainwater.

In our view the proposal is an efficient use of the subject site and will not create any adverse effects on rural character and amenity.

6.3 Proposed District Plan Objectives and Policies

Objective RLZ-O2 – Character of the Rural Lifestyle Zone

The predominant character of the Rural Lifestyle Zone is maintained which includes:

- a. Low density residential living on rural lifestyle blocks, characterized by predominately 1- to 2 storey buildings and high levels of on-site amenity, privacy and large area for landscape planting and small-scale primary production activities

Policy RLZ-P1 – Compatible activities

Enable residential activities, primary production, and ancillary activities that are compatible with the purpose, character, and amenity values of the Rural Lifestyle Zone.

Policy RLZ-P3 – Rural Lifestyle Character

Provide for subdivision, use and development that supports the purpose, character and amenity of the Rural Lifestyle Zone by:

- a. Maintaining low density of single detached residential unit on a site, maintaining larger rural lifestyle lot sizes, and providing for high quality and spacious on site amenity;
- b. Maintaining building height and form that achieves the planned built character of predominately 1- to 2- storey residential units, buildings, and structures within a spacious rural lifestyle setting;

- c. Building height, bulk and location maintains a reasonable level of sunlight access and privacy and to minimize visual dominance effects to the adjacent sites;
- d. Buildings 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:
 - i. Be self sufficient in the provision of on-site 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
 - v. Avoiding, remedying, or mitigating reverse sensitivity effects.

Objective SUB-01 – Subdivision and development design

Subdivision and developments create allotments and patterns of land use and development that:

- a. Provide for the anticipated purposes, character and amenity of each zone and the qualities and values of the site(s) including natural features and landscapes, waterbodies, indigenous biodiversity, historic heritage, and sites and areas of significance to Maori.
- b. Provide for a variety of housing types that cater for the range of community needs, such as affordability, accessibility and lifestyle.
- c. Are well functioning, accessible, integrated and connected with adjoining neighborhoods
- d. Provide accessible and well-designed open space areas
- e. Protect cultural, heritage and natural values; and
- f. Respond to the risks of natural hazards and is resilient to climate change.

Objective SUB-02 – Servicing

Subdivision and developments are serviced to provide for the likely or anticipated use of the land while avoiding, remedying or mitigating adverse effects on the environment by ensuring:

- b. Subdivisions in Rural Zones are capable of being serviced via on-site water, wastewater, and stormwater measures when development occurs on site.

Policy SUB-P1 – Creation and design of allotments

Allow subdivision and development that results in the efficient and productive use of land, provides for the needs of the community, and supports the policies of the District Plan for the applicable zones, where the design;

- a. Reflects patterns of development that are consistent, compatible, and reinforce the role, function, and existing or planned character and qualities of the zone as set out by the Objectives and Policies of the applicable zone.
- b. Maintains the integrity of the zone with lot sizes sufficient to accommodate intended land uses;
- c. If within the urban boundary, provides adequate public open space that is accessible, useable and well-designed and encourages social interaction, neighborhood cohesion, and a sense of place;
- d. Has legal and physical access to each allotment created by the subdivision;
- e. Creates esplanade reserves and access where land adjoins MHWS and/or rivers whose bed has an average width of 3m or more.
- f. Ensures the staging of the subdivision relative to building construction is efficient and appropriate to the scale and complexity of the overall development; and
- g. Results in good urban design outcomes by using measures to enhance urban environments such as Crime Prevention Through Environmental Design, energy efficiency, and transport connectivity measures.

Discussion

We have considered the relevant objectives and policies of the PWCDP. The proposal meets minimum lot size requirements and can be serviced appropriately in respect of the existing dwelling and any future dwelling on proposed lot 1.

All lots have legal and physical access to a legal road, and while there is a non-compliance in respect to the access standards of the Proposed District Plan, these don't yet have any legal effect. The access standards that do have legal effect (NS4404:2010) can be met ensuring safe and efficient movement of vehicles to and from the lots.

The proposed boundary between lots 1 and 2 follows an existing hedge line which already physically separates the site into two individual spaces. Consideration has been given to dwelling setbacks ensuring the vacant lot 1 contains an appropriate building platform that meets all relevant zone standards.

The site is unique in that it is surrounded by mature vegetation on all boundaries which assists in providing high levels of on-site amenity and privacy for both future owners and neighbouring properties.

7. Notification and Consultation

The Resource Legislation Amendment Act (2017) has introduced a number of changes to the question of notification. More specifically, Sections 95A and 95B have been amended to introduce a new 'step by step' process that Council must follow when determining whether to publicly or limited notify any application. These steps are addressed below.

Step 1 in Section 95A details the requirements for mandatory public notification. None of these apply to this proposal.

Step 2 details situations where public notification is precluded (if not required under step 1). Section 95A(5)(b)(ii) precludes public notification if the activity is a controlled activity. The proposal is for a non-complying activity and the subdivision of land. The application is therefore not precluded from public notification under step 2.

Step 3 requires public notification if the consent authority determines that the activity will have or is likely to have adverse effects on the environment that are more than minor. No effects that are more than minor have been identified, and therefore public notification is not considered necessary under this step.

Step 4 is the last step and relates to the consideration of special circumstances and whether these would warrant notification.

It is considered that there are no special circumstances in this instance. In the absence of any demonstrable adverse effects either on the environment, or on any person, it would be difficult to sustain an argument for public notification on the basis of special circumstances. As a result of the above assessment, public notification of the proposal is not appropriate in accordance with Section 95A of the Act, as amended.

If the application is not publicly notified under section 95A, the following steps must be followed under section 95B to determine whether to limited notify the application.

Step 1 requires notification to certain affected protected customary rights groups. There are no such groups affected by the proposed activity. In addition, the proposal is not known to be on or adjacent land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

Step 2 precludes limited notification where a rule specifies. This is not applicable in this case.

Step 3 outlines situations where affected persons must be notified if such notification is not precluded under step 2. The following assessment addresses whether there are any affected persons that the application is required to be limited notified to. In determining whether a person is an affected person:

- A person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor);
- Adverse effects permitted by a rule in a plan may be disregarded; and
- The adverse effects on those persons who have provided their written approval must be disregarded

Based on the assessment in this report, it is concluded that the adverse effects on the environment resulting from the proposed subdivision are less than minor.

There is no national environmental standard that requires public notification.

We do not believe that there are any unusual circumstances that would warrant the notification of this application, however, upon consulting with the Masterton District Council prior to lodgment of this application, they have advised the application should be publicly notified.

8. Suggested Conditions of Consent

We anticipate that the standard conditions imposed by Council upon subdivisions of this nature will be sufficient to ensure that the activity is carried out in accordance with this application and that its effects are appropriately managed. We further proposed the following;

- Pursuant to section 221 of the Resource Management Act 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles at no cost to the Council:
 - Lots 1 and 2 are located within a Rural environment. Any purchaser of these allotments should expect noise, smell and activities associated with a working rural environment and should not expect Council to respond to any complaints in respect to permitted rural activities.
- Pursuant to section 221 of the Resource Management Act 1991, the following condition shall be secured by way of a Consent Notice registered on the title of Lot 1 at no cost to Council:
 - A wastewater design report prepared by a suitably qualified person shall be provided at the time of building consent to erect any new habitable buildings on Lot 1 which certifies that the proposed disposal system and effluent field are suitable for the subject site.
 - Stormwater from buildings, sealed areas and other structures within the development shall be collected and controlled within lot 1. Any application for building consent to erect a new habitable building on lot 1 shall include a site specific stormwater design report prepared by a Suitably Qualified Professional.

We request that a draft set of conditions is circulated for review and comment prior to any final notice being issued. We request this review under S91D of the Resource Management Act 1991.

9. Conclusion

The proposal is for a two lot rural subdivision. A lot size non-compliance under the Operative Wairarapa Combined District Plan has elevated the activity status to non-complying. The proposal is considered to be a controlled activity under the Proposed Wairarapa Combined District Plan.

As the proposal is overall a non-complying activity the application must pass at least one of two threshold tests as outlined in section 104D of the Resource Management Act. Either the adverse effects of the activity on the environment will be minor and/or the application is for an activity that will not be contrary to the objectives and policies of the relevant District Plan.

The assessment of environmental effects has concluded that any adverse effects of the proposed subdivision are no more than minor. The proposal is considered to be in general compliance with the objectives and policies of both the Operative and Proposed District Plans.

We seek that Council takes a positive approach to this application and supports it with appropriate conditions imposed.

Kind Regards,



Lucy McWilliam

Senior Planner

for **AdamsonShaw** on behalf of the applicant

Appendix A

AdamsonShaw Scheme Plan – 2840 SC-01 Rev A



PROPOSED SCHEDULE OF EASEMENTS			
SHOWN	PURPOSE	SERV TEN	DOM TEN
A		LOT 4 DP 76583	LOT 1 & 2 HEREON, LOTS 6 & 7 DP76583
B	RIGHT OF WAY RIGHT TO CONVEY WATER, TELEPHONE & TRANSMIT ELECTRICITY	LOT 7 DP 76583	LOT 1 & 2 HEREON, LOT 6 DP 76583
C		LOT 1 HEREON	LOT 2 HEREON

AMENDMENTS	DATE
EXISTING EASEMENTS ADDED	29/03/20

CLIENT: D'ALTON
**LOTS 1 & 2 BEING PROPOSED
 SUBDIVISION OF LOT 5 DP 76583**
 COMPRISED IN RT: WN43A/596

411 Queen St, Masterton
p 06 370 0027

enquire1@adamsonshaw.co.nz
www.adamsonshaw.co.nz

JOB NO.	2840
SHEET No.	SC-01
SCALE	1:1000 @A3
REV	A

DO NOT SCALE - PLEASE ASK.

Appendix B

Record of title WN43A/596



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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R. W. Muir
Registrar-General
of Land

Identifier **WN43A/596**
Land Registration District **Wellington**
Date Issued 24 August 1993

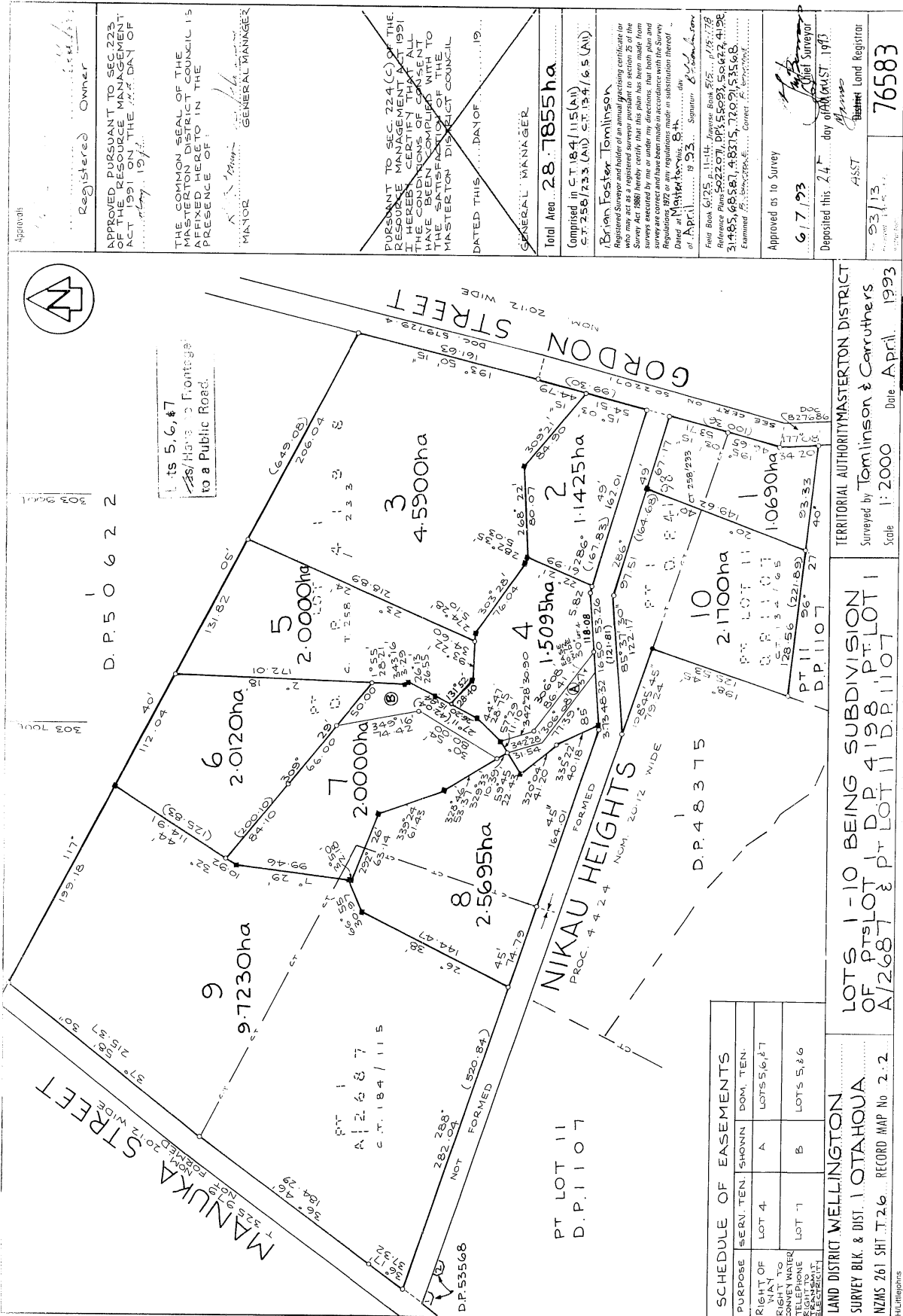
Prior References
WN258/233

Estate Fee Simple
Area 2.0000 hectares more or less
Legal Description Lot 5 Deposited Plan 76583
Registered Owners
Michael James D'Alton and Jane Dascombe D'Alton

Interests

The within land has no frontage to a legal road - see Resolution B306133.2

Appurtenant hereto are rights of way and rights to convey water, transmit telephone communications and electricity rights specified in Easement Certificate B306133.5 - 24.8.1993 at 9.33 am



SCHEDULE OF EASEMENTS		
PURPOSE	SERV. TEN. SHOWN	DOM. TEN.
RIGHT OF WAY TO EASEMENT	LOT 4	LOTS 5, 6, 7
RIGHT OF WAY TO TELEPHONE	LOT 7	LOTS 5, 6, 6

LAND DISTRICT WELLINGTON
 SURVEY BLK. & DIST. 1 OTAHOUA
 NZMS 261 SHT. T. 2.6 RECORD MAP No. 2.2

TERRITORIAL AUTHORITY MASTERTON DISTRICT
 Surveyed by Tomlinson & Carruthers
 Scale 1:2000 Date April 1993

Approved as to Survey
 6/7/93
 Deposited this 24 day of April 1993
 ASST
 93/13
 76583

Registered Owner
 APPROVED PURSUANT TO SEC 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 19th DAY OF February 1993.
 THE COMMON SEAL OF THE MASTERTON DISTRICT COUNCIL IS AFFIXED HERETO IN THE PRESENCE OF:
 MAJOR
 GENERAL MANAGER

PURSUANT TO SEC. 224 (C) OF THE RESOURCE MANAGEMENT ACT 1991 I HEREBY CERTIFY THAT ALL THE INFORMATION CONTAINED HEREIN HAS BEEN COMPILED WITH THE SATISFACTION OF THE MASTERTON DISTRICT COUNCIL
 DATED THIS ... DAY OF ... 19...

GENERAL MANAGER
 Total Area 28.7855ha
 Comprised in C.T. 184/115 (A1)
 C.T. 256/733 (A1) S.T. 134/65 (A1)
 (Brian Foster Tomlinson
 Registered Surveyor and holder of an annual practising certificate for the Survey Act 1988 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and certificate comply with the provisions of the Resource Management Act 1991 and Regulations 1992 or any regulations made in substitution thereof.
 Dated at Masterton this 8th day of April 1993. Signature: B. Foster Tomlinson
 Firm Book 6/25, p. 1144, Journal Book 2/2, p. 29, 7/8
 Reference Plan 502207, DP 55693, 50472, 4196
 31483, 68581, 488315, 76091, 53568
 Examined by: ... Correct ...