



SOUTH WAIRARAPA AND CARTERTON DISTRICT COUNCILS

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF RESOURCE MANAGEMENT ACT 1991

Application No:

160035 (SWDC) & 160010 (CDC)

Consent Type:

Subdivision

Applicant:

s7(2)(a)

Proposal:

4 Lot Rural Subdivision

Location:

357 Summerhill Road, Martinborough

Legal Description:

Part Subdivision 1 and 2 Section 286 Pahaoa District, Part Subdivision 1 and 2 Section 290 Pahaoa District, Section 286A

Pahaoa District

Zone:

Rural (Primary Production) Zone and Rural (Conservation Management) - Wairarapa Combined District Plan 2011

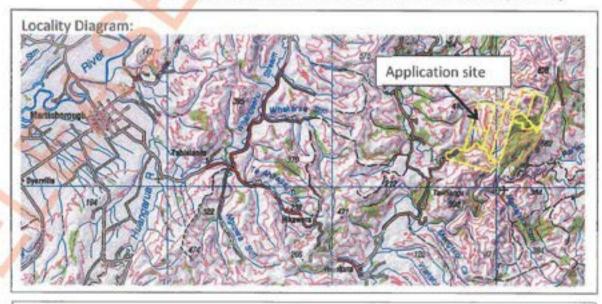
Activity Status:

Wairarapa Combined District Plan

Restricted Discretionary Activity – Rule 20.1.3(b) for a subdivision that does not meet the Controlled Activity access standards

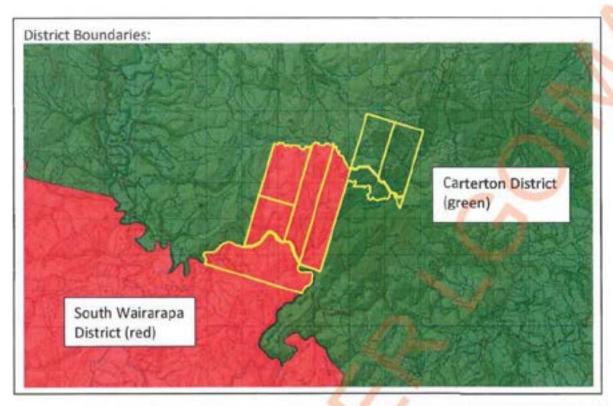
(20.1.2(c) and (d)).

The application is therefore a Restricted Discretionary Activity.



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1.0 APPLICATION

The site is a large rural property located at the end of Summer Hill Road extending in a northwest direction towards Rocky Hills Road. The site is located within the South Wairarapa and the Carterton Districts. The applicants have made an application to both the South Wairarapa and Carterton District Councils and it has been agreed that the South Wairarapa will prepare the s42A report.

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The site adjoins and proposes a right of way over the Rocky Hills Department of Conservation reserve.

It is proposed to subdivide the site into four allotments. The following amalgamations are proposed.

- Lots 1 and 2 will be amalgamated with Section 286 A Pahaoa District
- Lot 3 will be amalgamated with Part Subdivision 1 Section 289 and Section 294
 Pahaoa District
- Lot 4 will be amalgamated with Part Subdivision 1 Section 287 Pahaoa District

The proposal involves land within two certificates of title and, with the proposed amalgamations in place, one additional certificate of title will be created.

A right of way is proposed to run from Summer Hill Road to Rocky Hill Road, one end of the site to the other. This right of way runs through two land parcels outside of the certificates of title containing the application site, the DOC reserve (Lot 5 DP 302340) and Section 376 Pahaoa. Part of this access is within the Wainuioru River. Any parts of the access that fall outside of the application site or Wainuioru River are required to be covered by additional rights of way.

This proposed right of way is over an existing track. It is not proposed to be upgraded to a formation that would meet the District Plan's right of way standards.

2.0 S95A – 95F NOTIFICATION ANALYSIS AND DETERMINATION

2.1 Public Notification

Section 95A(2)(a) of the Resource Management Act 1991 (the Act) states a consent authority must publicly notify an application if the activity will have or is likely to have adverse effects on the environment that are more than minor, the applicant requests notification or a Rule or National Environmental Standard (NES) requires notification. However, under Section 95D(c), an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion must be disregarded. Also under Section 95D(a) any effects on people within the site or adjacent to it are not to be considered for the purposes of public notification.

It was decided not to publicly notify the application for the following reasons:

The proposed allotments are all well above the minimum lot sizes in the rural zone and therefore in terms of development density, the proposal is an anticipated outcome of the District Plan.

The effects of the proposed right of way non-compliance are not considered to extend beyond the site and the sites which the right of way is over.

Therefore the effects on any parties beyond adjacent land owners are considered to be no more than minor and public notification is not required under section 95D.

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2.2 Limited Notification

If public notification is not required, the Council must then determine whether there are any affected persons that would warrant limited notification under Section 95B(1).

Under Section 95(E) of the Act, Council must consider a person to be affected if the activity's adverse effects on that person are minor or more than minor unless an activity with that effect is permitted by a Rule or NES, the effect is not within the matters of control or discretion (as applicable to Controlled and Restricted Discretionary Activities) or that person has given written approval to the proposed activity.

The proposed subdivision meets all but the access requirements of the District Plan. The formation of the rights of way access is proposed to remain as a farm tracks.

A right of way is proposed over existing tracks within the adjoining farm parcel; Section 376 Pahaoa District, CT-WN31D/4 and the Rocky Hills Forest Sanctuary; Lot 5 DP 302340, CT-9245. The proposed right of way formation would affect only the owners of lots that it serves or runs through. The consent of the owners of the land that the right of way runs through will be required prior to registering the right of way. These parties are therefore considered to be part of the proposal.

The proposed access formation is considered to be "fit for purpose" and typical of extensive primary production operations.

The potential effects on adjacent properties are considered to be less than minor.

2.3 Special Circumstances

Section 95A (4) of the Act, requires consideration of whether there are any special circumstances which would warrant the notification of this proposal, or serving of notice. No special circumstances have been identified that would warrant the notification of the proposal.

3.0 S104 ASSESSMENT

The relevant statutory provisions that were considered are the Resource Management Act 1991, the Regional Policy Statement and the Wairarapa Combined District Plan.

3.1 Wellington Regional Policy Statement (RPS)

Objective 22 of the RPS seeks a well-designed and sustainable regional form. Policy 56 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;
- the proposal will reduce aesthetic and open space values in rural areas between and around settlements;

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The subdivision proposes to rearrange existing boundaries within a large rural land area. This will facilitate separate ownership of specific areas of the applicants land.

All of the proposed lots would meet the minimum standard provided for in the District Plan. Thus the open space values of the rural area is retained.

3.2 Wairarapa Combined District 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, 4.3.4
- Policies 4.3.2(d), 4.3.2(e), 4.3.5(a)

3.3 District Plan Analysis

At 4.4 the District Plan lists anticipated environmental outcomes for the rural zone. The following are considered relevant;

- 4.4(a) Protection of primary production as a principal land use and economic driver in the Wairarapa.
- 4.4(b) The efficient use of Rural Zone resources through a diversity of land use and economic activities.
- 4.4(c) Diverse activities in the Rural Zone that are compatible with the rural environment in scale, amenity and character.

At 18.4 the District Plan lists anticipated environmental outcomes for subdivision, land development and urban growth. The following is considered relevant;

18.4(a) Allotments are of a size form and pattern for land uses that are compatible with the values, character and qualities of the immediate environment.

Overall, this large lot rural subdivision is considered to be an anticipated outcome in the rural zone and to meet the relevant objectives and policies of the District Plan;

- the amenity values sought in Objective 4.3.1 and Policies 4.3.2(d) and (e) will be maintained.
- the productive potential of the rural zone will be maintained in line with Objective 4.3.4 and Policy 4.3.5.

In addition to Rural (Primary Production), parts of the site are zoned Rural (Conservation Management). This Rural (Conservation Management) zone aligns with areas of indigenous forest adjoining the Rocky Hills Forest Reserve. This area is Department of Conservation Recommended Area for Protection (RAP) 34 — Rocky Hills Extension but not a Significant Natural Area.

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Rural Policy 4.3.2(b) seeks to "Identify areas within the Rural Zone where the predominant land use is conservation management, and which are primarily managed by public agencies – Rural (Conservation) Zone".

There are two standards in the District Plan relating to the Rural (Conservation) Zone;

- Rural Zone permitted standard 4.5.2(I) Conservation Management

 (i) In the Rural (Conservation) Zone, any activity, undertaken for the use and management of land for conservation and recreation purposes, including the construction of associated structures and earthworks, is in accordance with section 4(3) of the Resource Management Act 1991.
- Subdivision controlled standard 20.1.2(b) Table
 (iii) Rural (Conservation Management) Each lot shall comply with all District-wide Rules.

Based on reference to section 4(3) of the RMA (Act to Bind the Crown), the District Plan does not anticipate land zoned Rural (Conservation Management) to be in private ownership.

There are no recorded archaeological features within the site. The South Wairarapa Maori Standing Committee has viewed the proposal and raised no objections.

The proposed subdivision meets the minimum area and dimension requirements of the District Plan. The proposed access, being farm tracks, does not meet the District Plan's access standards (rule 21.1.2(c)).

The application should therefore be considered as a restricted discretionary activity under rule 20.1.3(b).

At 20.1.3(b) the District Plan restricts discretion to the following matters;

- Development and site characteristics;
- (ii) Design, location and construction of vehicle crossings, entranceways, access and roads;
- (iii) Availability of alternative private or public access, parking or loading areas;
- (iv) Design, layout, number and standard of parking and loading areas;
- (v) Financial contributions.

The subdivision will create large farm lots and will provide rights of way over established farm tracks. The proposed access, parking and loading areas are considered fit for the primary production purpose and acceptable in this circumstance. The site can cater for all parking and loading requirements required for primary production activities within the site. No alternative private or public access, parking or loading areas are required.

Council's Roading Manager has viewed the proposal and noted that the right of way easement should reflect its "agricultural" use. A condition of consent requiring this intended agricultural use to be stated in the right of way easement documents will ensure that the access standard is clear to users.

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Therefore, the matters which the District Plan restricts discretion to in 20.1.3(b) are considered to be addressed.

The District Plan contains provisions around indigenous vegetation (permitted standards 21.1.6). Future owners of the site would need to comply with these standards or seek resource consent.

The Wainuloru River, which adjoins Lot 1 is not listed as a significant waterbody in Appendix 1.9 of the District Plan. Therefore an esplanade reserve is not a requirement under the District Plan.

One Section 23 (Financial Contributions) sets out the infrastructure, reserve fund and roading contributions that can be imposed These contributions are to offset the additional pressure on the environment and community resources.

Once the allotments are amalgamated as proposed, this subdivision will create one additional certificate of title. Therefore one roading and reserve fund contribution will be levied as a condition of consent.

It is considered that the proposal would maintain the integrity of the objectives and policies of the District Plan for the reasons given above.

There are no other matters considered relevant to the assessment of this proposal.

4.0 CONCLUSION

It is considered the proposal will have no more than minor adverse effects on the environment, no parties are considered to be adversely affected, and that it is consistent with the relevant objectives, policies and assessment criteria of the Wairarapa Combined District Plan.

5.0 DECISION

That the South Wairarapa District Council and Carterton District Council hereby grant subdivision consent, to application no. 160035 pursuant to Section 104C of the Resource Management Act 1991, subject to the following conditions:

CONDITIONS

That;

Standard Conditions

 Except as amended by the conditions below, the subdivision shall proceed in accord with the Scheme Plan prepared by AdamsonShaw Ltd titled "Lots 1-4 being proposed subdivision of Pt Sbdn 2 Sec 289, Pt Sbdn 1 Sec 290, Pt Sbdn 2 Sec 286 Pahaoa District and easements over Secs 294, 286A & Pt Sec 286 Pahaoa District and Lot 5 DP 302340", plan ref 1614 SC-01 Rev A (dated 12-2-16) and information submitted as part of the application.

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 The consent holder shall pay all costs incurred by the Council in respect of the approval and/or Certification of the Survey Plan (S223) and the completion of conditions (S221 and S224(c)) for the subdivision and in the perusal, preparation, execution and registration of any related document(s).

Amalgamation Condition/Covenant Against Transfer of Allotments

 Pursuant to Section 220 of the Resource Management Act and the requirements of the District Land Registrar, the following amalgamation condition shall be shown on the survey plan prior to s223 approval:

That Lots 1 and 2 hereon and Sec 286A Pahaoa District shall be held together and one computer freehold register to issue for all parcels. See CSN 1378690.

Lot 3 hereon and Pt Subdn 1 Sec 289 and Sec 294 Pahaoa District shall be held together and one computer freehold register to issue for all parcels. See CSN 1378690.

Lot 4 hereon and Pt Subdn 1 Sec 287 Pahaoa District shall be held together and one computer freehold register to issue for all parcels. See CSN 1378690.

Easements

- 4. Right-of-way easements shown on the Scheme Plan providing access to all lots shall be shown in a Memorandum of Easements endorsed on the survey plan. Pursuant to Section 297(2)(a) of the Property Law Act 2007, the easement instrument shall state that the right of way is intended for agricultural purposes and not for residential vehicles, or words to that effect. A plan showing the position of the existing access formation between Summer Hill Road and Lot 3 in relation to boundary positions shall be shown on a plan submitted at time of s223 application.
- The Section 223 approval shall be subject to the granting or reserving of the easement(s) set out in the Memorandum hereon.
- The consent holder shall register appropriate easements over all existing and proposed public and private services and/or service lines at their own cost and these shall be shown on the survey plan prior to s223 approval.
- 7. Any easements in respect of which the land is the dominant tenement that would become redundant as a result of the subdivision, may be extinguished, or be extinguished in relation to any specified allotment or allotments, with a table of easements to be extinguished being included with the survey plan.

Financial Contributions

The following contributions are paid:

Reserve fund contribution of 2.0% plus GST of the market land value of the land within Lots 1, 2 and Section 286 A Pahaoa District assessed by independent valuation.

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Roading contribution of 3.0% plus GST of the market value of the land within Lots 1, 2 and Section 286 A Pahaoa District assessed by independent valuation.

NB: The consent holder must provide the valuation at no cost to Council. The valuation shall state whether it is GST exclusive or inclusive. The valuation shall be determined based on the approved s223 survey plan and the valuation must not be any older than 3 months at time of application for s224 Certificate.

NB: The maximum amount of total combined contribution for reserves and roading in the Rural Zone shall be \$7,500 (plus GST) per allotment created by a subdivision.

The consent holder may advise Council that they wish to have the contributions assessed at the maximum amount and this would avoid the need to obtain a valuation.

Maori Heritage

 If Taonga (treasure or prized possession, including a natural resource, having tangible or intangible value) is discovered on site, work shall cease immediately and the consent holder shall notify Heritage New Zealand, South Wairarapa District Council, Rangitaane O Wairarapa Iwi Authority and Ngati Kahungunu ki Wairarapa.

Work on the site shall not recommence until an inspection is carried out by Iwi representatives, Council and Heritage New Zealand, and all appropriate actions to remove the Taonga and record the site are completed, and written approval to recommence work is given by the Council.

10. If during construction activities, any Koiwi (skeletal remains) or similar material is discovered on site, work shall cease immediately and the consent holder shall notify the New Zealand Police, Heritage New Zealand, South Wairarapa District Council, Rangitaane O Wairarapa Iwi Authority and Ngati Kahungunu ki Wairarapa.

Work on site shall not recommence until an inspection is carried out by Iwi representatives, Council, Heritage New Zealand and the New Zealand Police and all appropriate actions to remove the Koiwi and appropriate ceremonies have been conducted by Iwi are completed and written approval to recommence work is given by the Council.

Notes:

 This resource consent will lapse if not given effect to in accordance with Sections 125, 223 and 224 of the Resource Management Act 1991.

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- All conditions must be complied with before a s224c Resource Management Act
 Certificate will be issued. The application for s224c Certification must list each
 condition of consent and advise when the condition was complied with. Where
 relevant, the name of the person(s) who completed the physical works and their
 certification of those works shall be provided.
- Any work on buildings and private drainage (including on site wastewater systems and remedial work) may require a building consent.
- 4. Dwellings should have at least 30,000 litres of potable water storage or access to an equivalent potable water source (e.g. bore water). The New Zealand Fire Service recommends that water storage and delivery systems be installed in accordance with the Code of Practice for Fire Fighting Water Supplies, SNZ PAS 4509:2003. The Fire Service advises that often the best method to achieve compliance with SNZ PAS 4509:2003 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses NZS 4517:2003, in each new dwelling.

This information should be passed on to future owners of the individual lots within the subdivision. The NZFS have qualified staff, experienced in this area, and would be happy to assist and/or advise.

The District Plan has rules relating to "indigenous vegetation and habitats".The owners of the lots in this subdivision should make themselves aware of these provisions.

The Council grants the Consent for the following reasons:

- The effects of the proposal, with the conditions imposed, are considered to be no more than minor.
- The proposal is in accordance with the objectives and policies of the Wairarapa Combined District Plan, and with the purpose of the Act.
- iii) No parties are considered to be adversely affected by the proposal.

Prepared by:

Russell Hooper

Resource Management Planner - South Wairarapa District Council

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Approved for and on behalf of the South Wairarapa District Council by:

Murray Buchanan
Group Manager, Planning and Environment - South Wairarapa District Council

DATED at Martinborough this 29th day of August 2016

Approved for and on behalf of the Carterton District Council by:

Edita Babos
Senior Planner – Carterton District Council

Dated at Caterton this 30th day of August 2016





Title Plan - LT 503510

Survey Number LT 503510

Surveyor Reference 1614 57(2)(a)

Surveyor Christopher Neil Galbreath Survey Firm Adamson Shaw (Masterton)

Surveyor Declaration

Survey Details

Dataset Description Lots 1 - 4 being Subdivision of Part 1 & 2 Sec 286 Pahaoa District, Part Lots 1 & 2 Sec 290 and Part

Lot 2 Sec 289 Blk X Wainuioru SD and Easements over Pt 1 Sec 287, Sec 286A and Sec 376 Pahaoa

District, Sec 294 Blk X Wainuioru SD and Lot 5 DP 302340

Status Initiated

Land District Wellington Survey Class B

Submitted Date Survey Approval Date

Deposit Date

Territorial Authorities

Carterton District

South Wairarapa District

Comprised In

CT 9245

CT WN31D/4

CT WN20A/807

CT WN30/198

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 503510	Fee Simple Title	231.3000 Ha	756077
Lot 2 Deposited Plan 503510	Fee Simple Title	41.8500 Ha	756077
Lot 4 Deposited Plan 503510	Fee Simple Title	230.9000 Ha	756079
Area A Deposited Plan 503510	Easement		
Area B Deposited Plan 503510	Easement		
Area C Deposited Plan 503510	Easement		
Area D Deposited Plan 503510	Easement		
Area E Deposited Plan 503510	Easement		
Area F Deposited Plan 503510	Easement		
Area G Deposited Plan 503510	Easement		
Area H Deposited Plan 503510	Easement		
Area I Deposited Plan 503510	Easement		
Lot 3 Deposited Plan 503510	Fee Simple Title	256.3000 Ha	756078
Total Area		760.3500 Ha	



Prepared by: Chris Galbreath Licensed Cadastral Surveyor chris@adamsonshaw.co.nz

16. Sep. 2016

Wellington	
Plan Number	
LT 503510	
Territorial Authority	
South Wairarana District Council	l

Amalgamation Conditions:

Carterton District Council

That Lots 1 and 2 (hereon) and Section 286A Pahaoa District shall be held together and one Computer Freehold Register to issue for all parcels. See CSN 1378690.

That Lot 3 (hereon), Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District shall be held together and one Computer Freehold Register to issue for all parcels. See CSN 1378690.

That Lot 4 (hereon) and Part 1 Section 287 Pahaoa District shall be held together and one Computer Freehold Register to issue for both parcels. See CSN 1378690.

Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to convey water	ı	Lot 4 (hereon)	Lot 2 (hereon)

 VÁRITASIARA
 411 Queen Street
 PO Box 696
 Masterton 5840
 p. 06 370 0027

 ÉMARIL enquire1@adamsonshaw.co.nz
 VÁRITARIA www.adamsonshaw.co.nz

 Wellington
 Karori
 Porirua
 Øarasaşa

***************************************	Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement	
	Α	Section 376 Pahaoa District (CT WN31D/4)	Lots 1 and 2 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 3 (hereon) and Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District (CT WN30/198) Lot 4 (hereon) and Part 1 Section 287 Pahaoa District (CT WN20A/807)	
	В	Part 1 Section 287 Pahaoa District (CT WN20A/807)	Lots 1 and 2 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 3 (hereon) and Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District (CT WN30/198) Lot 4 (hereon)	
Agricultural right of way	v	Lot 4 (hereon)	Lots 1 and 2 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 3 (hereon) and Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District (CT WN30/198) Part 1 Section 287 Pahaoa District (CT WN20A/807)	
	D	Lot 2 (hereon)	Lot 1 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 3 (hereon) and Part Lot 1 Section 289 and Section 294 Block X Wainuloru Survey District (CT WN30/198) Lot 4 (hereon) and Part 1 Section 287 Pahaoa District (CT WN20A/807)	



Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
	Е	Section 286A Pahaoa District (CT WN20A/807)	Lots 1 and 2 (hereon) Lot 3 (hereon) and Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District (CT WN30/198) Lot 4 (hereon) and Part 1 Section 287 Pahaoa District (CT WN20A/807)
Agricultural right of way	F	Lot 5 DP 302340 (CT 9245)	Lots 1 and 2 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 3 (hereon) and Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District (CT WN30/198) Lot 4 (hereon) and Part 1 Section 287 Pahaoa District (CT WN20A/807)
	G	Lot 3 (hereon)	Lots 1 and 2 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 4 (hereon) and Part 1 Section 287 Pahaoa District (CT WN20A/807) Part Lot 1 Section 289 and Section 294 Block X Wainuioru Survey District (CT WN30/198)
	н	Section 294 Block X Wainuioru Survey District (CT WN30/198)	Lots 1 and 2 (hereon) and Section 286A Pahaoa District (CT WN20A/807) Lot 3 (hereon) and Part Lot 1 Section 289 Block X Wainuioru Survey District (CT WN30/198) Lot 4 (hereon) and Part 1 Section 287 Pahaoa District (CT WN20A/807)



