

**Masterton, Carterton and South
Wairarapa District Councils**

Proposed Wairarapa Combined District Plan

Decisions of the Hearings Panel

Decision Report 3

Hearing Stream 3: Rural Zones

8 October 2025

This report contains the Panel's decisions on submissions addressed as part of **Hearing Stream 3**, namely those submissions on the following chapters in **Part 3** of the Proposed Plan:

- General Rural Zone.
- Rural Lifestyle Zone.

This report also contains the Panel's decisions with respect to:

- Sections of the Subdivision chapter relevant to the Rural Zones.
- Definitions relevant to the Rural Zones.
- The spatial extent of the Rural Zones as identified on the Planning Maps.

This report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of decisions on each submitter point

Appendix 3: Amendments to the Proposed Plan¹ – Tracked from notified version (provisions not subsequently renumbered)

Appendix 4: Amendments to the Proposed Plan provision wording – Accepted (provisions renumbered as they will appear in the Decisions Version of the Plan)

This report should be read in conjunction with the **Index Report** and **Report 11** in relation to the rezoning requests.

The Hearings Panel for the purposes of **Hearing Stream 3** comprised Commissioners David McMahon (Chair), Robyn Cherry-Campbell, Frazer Mailman, Brian Jepson, Jo Hayes, Kereana Sims, Craig Bowyer, Brian Deller and Alistair Plimmer.

¹ Changes to General Rural Zone and Rural Lifestyle Zone Chapters. There are changes made through this Decision Report that affect the Subdivision Chapter and Interpretation Chapter. Those changes are shown in the combined chapters in their respective Decision Reports.

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report 3** of twelve Decision Reports prepared by the Hearings Panel appointed to hear and make decisions on submissions to the Proposed Wairarapa Combined District Plan (PDP).
- 1.2 This report contains the Panel's decisions on submissions addressed as part of Hearing Stream 3 namely those submissions on the following chapters in Part 3 of the Proposed Plan but also the relevant parts of Part 1 and Part 2:
 - a. General Rural Zone.
 - b. Rural Lifestyle Zone.
 - c. Sections of the Subdivision chapter relevant to the Rural Zones.
 - d. Definitions relevant to the Rural Zones.
 - e. The spatial extent of the Rural Zones as identified on the Planning Maps.
- 1.3 We have identified a number of overarching issues raised in submissions or by the Panel during the course of the hearing that are common to or traverse the Rural Zones as a whole and that are best addressed directly.
- 1.4 Based on the above, we have structured our discussion of this topic as follows:
 - a. **Section 2** addresses specific matters relating to the higher order policy framework for the Rural Zone provisions, respectively, in a general preamble:
 - i. Application of the NPS-HPL;
 - ii. Implications of Proposed Change 1 to the RPS; and
 - iii. the Strategic Direction Objectives that the PDP sets out with respect to the Rural Environment.
 - b. **Section 3** addresses submissions relating to the Proposed Plan's approach to providing for large lot subdivision in the General Rural Zone.
 - c. **Section 4** addresses submissions relating to the Proposed Plan's approach to providing for small lot subdivision, and specifically:
 - i. The broad mechanics relating to that provision and some discussion on the focus of Reporting Officers on lot 'yield', respectively;
 - ii. The appropriateness of the Rural Lifestyle Zone in terms of both minimum lot sizes and the differing approach proposed in Masterton District, respectively;

- iii. The merits of a proposal for an alternative approach to small lot subdivision in the General Rural Zone;
 - iv. Provision for subdivision of lots of less than 4 hectares in the General Rural Zone;
 - v. Provision for small lot subdivision in the Martinborough Soils Overlay; and
 - vi. Provision for small lot subdivision in the Coastal Environment.
- d. **Section 5** addresses submissions relating to the provision for specific activities in the Rural Zones; namely and respectively:
 - i. Quarrying activities;
 - ii. Activities ancillary to quarrying;
 - iii. Relocatable buildings; and
 - iv. Seasonal worker accommodation.
- e. **Section 6** addresses submissions relating to definitions relevant to the Rural Zones; namely and respectively:
 - i. Agricultural aviation; and
 - ii. Organic composting.
- f. **Section 7** addresses specific rezoning requests relating to the Rural Lifestyle Zone.
- g. **Sections 8, 9 and 10** address all remaining submissions to the General Rural Zone, Rural Lifestyle Zone and rural subdivision provisions, respectively.
- h. In each case, in **Sections 3 to 10**, we:
 - i. provide a summary of the relevant provisions;
 - ii. provide a brief overview of submissions received on the topic;
 - iii. Identify the key issues raised in submissions for our subsequent evaluation; and
 - iv. evaluate the key issues remaining in contention and set out our decisions.

1.5 This Decision Report contains the following appendices:

- a. **Appendix 1: Schedule of attendances** at the hearing on the relevant topics. We refer to the parties concerned and the evidence they presented

throughout this Decision Report, where relevant.

b. Appendix 2: Summary table of decisions on each submission point. For each submission point and further submission point we provide a decision as to whether it should be accepted or rejected.

c. Appendix 3: Amendments to the Proposed Plan – Tracked from notified version. This sets out the final amendments we have determined to be made to the PDP provisions relating to the relevant topics. The amendments show the specific wording of the amendments we have determined and are shown in a 'tracked change' format showing changes from the notified version of the PDP for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors² have referred to specific provisions, and our analysis of these in the Decision Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

d. Appendix 4: Amendments to the Proposed Plan provision wording - Accepted. This accepts all the changes we have determined to the provision wording from the notified version of the PDP as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have added. **Appendix 4** does not include updates to the mapping layer, which can be found in the Decisions Version of the Plan Map Viewer.

1.6 The requirements in clause 10 of the First Schedule and section 32AA of the Act are relevant to our considerations of the submissions to the PDP provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our decisions are summarised; and

² For the purposes of Hearing 3, these were Mr Horrell, consultant planner, and Ms Chambers, agribusiness and environmental consultant.

- iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.
- 1.7 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Reporting Officers, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments contained within the relevant s42A Reports, Summary Statements and/or Reply Statements and may also include the s32 or s32AA assessments provided by submitters where Reporting Officers rely on those. Those reports are part of the public record and are available on the webpage relating to the PDP hearings: <https://www.wairarapaplan.co.nz/hearings>
- 1.8 Where our decisions differ from the recommendations of Reporting Officers, we have incorporated our s32/s32AA evaluation into the body of our report as part of our reasons for the decided amendments, as opposed to including this in a separate table or appendix.
- 1.9 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Higher Order Policy Framework

- 2.1 As we noted in the previous section, we have identified a number of overarching issues that were raised in submissions or by us during the course of the hearing that are common to or traverse the Rural Zones as a whole. These are best addressed initially and directly. With respect to the higher order policy framework guiding the formulation and confirmation of the PDP's rural zone and rural subdivision provisions, these issues relate to the:
- a. application of the NPS-HPL;
 - b. the implications of Proposed Change 1 to the RPS now that the period for referring decisions on submissions to the Proposed Change to the Environment Court has closed; and
 - c. the Strategic Direction Objectives that the PDP sets out with respect to the Rural Environment.
- 2.2 Each of these issues is dealt with in turn in the following sub-sections. We also record that the issues pertaining to the higher order documents have also been canvassed in **Decision Report 1** in terms of their impact on the Strategic Direction Objectives which guide all provisions in the PDP.

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

- 2.3 We consider that it is important to set out our understanding of the application of the NPS-HPL to the PDP. This is in large part because the PDP is obliged to give effect to the NPS-HPL as a higher order policy document. The NPS-HPL took effect in October 2022 and provides national direction on matters relating to the protection of highly productive land for land-based primary production. The NPS-HPL is particularly directive in avoiding the rezoning and subdivision of highly productive land unless specifically provided for³.
- 2.4 The other key reason for setting out our understanding, is that the obligation to give such effect is complicated by the progressive approach to identifying and mapping 'highly productive land' as defined in the NPS-HPL that the NPS-HPL sets out.
- 2.5 This has meant that the Councils involved in preparing the PDP have been obliged to give effect to the NPS-HPL with reference to 'interim' or historical data relating to land use capability, while the process for redefining and mapping highly productive land at a regional level (in the first instance) and then at a district level (in the second instance) has yet to play out. In the notified version of the PDP, the Highly Productive Land Overlay constitutes an 'interim' means for identifying such land and for determining the consent status of activities including subdivision in the rural zones, among other functions.
- 2.6 In that context, we need to assure ourselves that the PDP provisions, including the mapping of the Highly Productive Land Overlay and spatial zoning pattern, are founded on the best available interim data and align as closely as feasible with the

³ Particularly, NPS-HPL Policies 4, 6, 7 and 8

intent of the NPS-HPL, and that there is a clear pathway and process for re-evaluating the 'fit' of those provisions, once the nationally mandated regional process for identifying and mapping highly productive land has been completed.

- 2.7 To assist us in this matter we asked a number of questions of the s42A Reporting Officer for the rural topic, Mr Horrell, during the course of the hearing. In summary, we asked Mr Horrell:
- a. on what basis and with reference to what data was used to inform the 'interim' Highly Productive Land Overlay in the PDP;
 - b. whether recent case law provided direction on the application of the NPS-HPL to the development of district plan provisions and mapping during the 'interim' period;
 - c. what timeframes the Regional Council and District Councils are obliged to work through in identifying highly productive land and mapping this into, firstly, the RPS, and subsequently, the PDP;
 - d. what process is involved in modifying the spatial extent of the Highly Productive Land Overlay in the PDP once the mapping exercise set out above is completed, and subsequent to the PDP being made operative; and
 - e. what direction does the NPS-HPL provide with respect to the prospective rezoning of land to a Rural Lifestyle Zone or Future Urban Zone in the PDP.
- 2.8 Mr Horrell addressed these questions in his Reply Statement⁴. With respect to a. above, the interim basis for identifying highly productive land in the PDP was informed by clause 3.5(7) and the definition 'LUC 1, 2, or 3 land' contained in the NPS-HPL. Mr Horrell explained that, for the purposes of the PDP and the delineation of the Highly Productive Land Overlay, this was interpreted as including any land classed as LUC 1, 2 or 3 within the Rural (Production) or Rural (Special) Zones in the Operative District Plan, excluding land identified for future growth in the South Wairarapa Spatial Plan or the Carterton Urban Growth Strategy⁵.
- 2.9 Mr Horrell further informed us that the NZLRI dataset of LUC land was based on field mapping carried out in the mid to late 1970's at a relatively broad scale, without further ground truthing or revision, although for GIS mapping purposes a scale conversion was carried out in the late 1980's⁶.
- 2.10 It is evident to us that the available data sources are dated and may not reflect a modern interpretation of highly productive land. However, like all local authorities, this is the only data the plan drafters and we have to work with and are obliged to apply to the PDP *at this stage*. It is those limitations that the NPS-HPL acknowledges in setting out a process for its eventual substitution.
- 2.11 As Mr Horrell advised in response to the next question we posed in b. above, recent case law⁷ has confirmed that the mapping of highly productive land during the

⁴ Officer's Reply Statement General Residential Topic (sic), undated

⁵ *Ibid*, paras 12 to 14

⁶ *Ibid*, para 16

⁷ *Blue Grass Limited and Others vs Dunedin City Council* [2024] NZEnvC 83, reconfirmed by *Save the Maitai Incorporated vs Nelson City Council* [2024] NZEnvC 155

interim period must be based on the NZLRI LUC dataset that existed as at the commencement of the NPS-HPL (i.e., 12 October 2022). We accept Mr Horrell's stance⁸ that this then means that the extent of highly productive land must remain 'fixed' with reference to that dataset, until such time as the replacement RPS-led mapping exercise is completed, and without reference to more detailed site-specific mapping or updates of the NZLRI database, even where these may be available.

- 2.12 With respect to c. and d. above, the process and associated timeframes relating to replacement mapping are set out in clauses 3.4 and 3.5 of the NPS-HPL. As Mr Horrell informed us⁹, the NPS-HPL requires the Regional Council to incorporate mapped areas of highly productive land into the RPS within three years of commencement (i.e. by October 2025 at the latest). From that point, District Councils must incorporate maps into district plans within six months with reference to s55(2), RMA and without recourse to a Schedule 1 Plan Change process, and a further 18 months to prepare and notify a Plan Change amending provisions as necessary to give full effect to the NPS-HPL. Having corresponded with Regional Council staff, Mr Horrell relayed their intention to notify a Change to the RPS to include the relevant mapping by 12 October 2025.
- 2.13 In Mr Horrell's view, the 'interim' mapping in the PDP closely aligns with the direction set out in the NPS-HPL; the inference being that changes to that mapping as a result of the RPS-led exercise may be muted. This may prove to be the case, although it is not possible to predict what changes in direction if any might be forthcoming with respect to an anticipated review of the NPS-HPL by the current Government.
- 2.14 Mr Horrell's responses provided us with a reasonable level of assurance that there is at least a clear pathway for revisiting the mapping in the PDP, even if the outcomes of that process cannot be determined at this point.
- 2.15 With respect to the direction the NPS-HPL provides on rezoning for non-productive purposes (refer e. above), it is clear that subdivision of highly productive land for rural lifestyle activities is to be avoided and countenanced only where constraints preclude its productive use for at least 30 years¹⁰. Effectively, as Mr Horrell stressed, this requires consideration of all plausible options over the long term for realizing the productive potential of subject land; a highly onerous but relevant test.
- 2.16 Where rezoning for future urban uses is contemplated, similarly stringent tests are applied. Firstly, there must be a clear demonstration that rezoning of the land in question is required to meet housing demand where no other reasonable and feasible options exist. Assuming this is so then, secondly, the benefits of rezoning must outweigh the costs of surrendering the use of that land for productive purposes¹¹.
- 2.17 The above canvassed advice on the application of the NPS-HPL is helpful to us in considering the appropriateness of the Rural Lifestyle Zone and of requests to extend its application (refer to Sections 3 and 7 of this Decision Report, respectively) but also covered in **Decision Report 11** dealing with rezoning requests for Rural Zone to Rural Lifestyle Zone.

⁸ Officer's Reply Statement General Residential Topic (sic), para 15

⁹ Officer's Reply Statement General Residential Topic (sic), paras 8 to 11

¹⁰ *Ibid*, paras 17 to 18, with reference to NPS-HPL clause 3.10

¹¹ *Ibid*, paras 19 to 20, with reference to NPS-HPL clause 3.6

Implications of Proposed Change 1 to the Regional Policy Statement

- 2.18 Decisions on submissions to Proposed Change 1 to the RPS were released on 5 October 2024, a few working days prior to the commencement of the hearing on the rural topic. The Proposed Change primarily relates to urban development, climate change, freshwater and indigenous biodiversity, which in broad terms are of limited relevance to the rural topic.
- 2.19 At the time of providing his Reply Statement, Mr Horrell had been unable to review the Regional Council's decisions and how it might impact on the rural zones. He was however able to identify that Objective 22 and Policy 56 introduced by the Proposed Change do provide direction on how district plans should manage activities in rural areas and that, on review, he considered that PDP provisions were 'not inconsistent' with that regional direction¹².
- 2.20 As a follow-up, and following the subsequent close of the period for referring the Regional Council's decisions on Proposed Change 1 to the Environment Court, we asked Reporting Officers to provide us with an inventory of the provisions subject to such references (appeals)¹³.
- 2.21 The inventory provided by Reporting Officers in response to that request¹⁴ indicates to us that decisions on a broad range of topics relevant to the preparation of district plans have attracted appeals. These include provisions relating to managing development in rural areas. In these instances, as we have already signaled in the Index Report¹⁵, we consider it appropriate to afford these provisions generally limited weight.
- 2.22 Having taken a position on specific aspects of the higher order policy framework guiding the formulation and confirmation of the PDP's rural zone and rural subdivision provisions, we now briefly outline the nature of those provisions at the level of Strategic Direction Objectives relating to the Rural Environment.

Strategic Direction Objectives Relating to the Rural Environment

- 2.23 The first section in Part 2 (District Wide Matters) of the PDP sets out a series of Strategic Direction Objectives that the accompanying explanation indicates provide guidance on the key strategic or significant matters for the district that are relevant when developing District Plan provisions and, for the purposes of determining resource consent applications, provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to key strategic or significant matters for the district.
- 2.24 One set of five Objectives relates specifically to the Rural Environment and is clearly a 'go to' place for our consideration of submissions on the GRUZ, RLZ and related rural subdivision provisions. In Decision Report 1 we have adopted some amendments to these Objectives. As a reference point for readers of this subsequent Decision Report, we set out the Objectives (as amended and as adopted) as follows:

¹² *Ibid*, paras 33 to 34, with reference to Appendix 4

¹³ Via Minute 9, 4 December 2024

¹⁴ Supplementary Reply Statement – Response to Minute 9: Status of Provisions in Plan Change 1 to RPS, undated

¹⁵ Section 3 in that Report

- a. ***RE-O1 Social and economic well-being:*** *The Wairarapa's rural environment and land use activities in this environment contribute positively to the region's economic and social wellbeing.*
- b. ***RE-O2 Productive capacity:*** *The land and resources of the General Rural Zone are used predominantly for primary production activities and the productive capacity of land is protected from inappropriate subdivision, use and development.*
- c. ***RE-O3 Highly productive land:*** *Highly productive land is protected from inappropriate subdivision, use and development and its use in land-based primary production, both now and for future generations.*
- d. ***RE-O4 Character and amenity values of the rural environment:*** *The character and amenity values of the rural environment is maintained and enhanced.*
- e. ***RE-O5 Rural lifestyle:*** *Opportunities for rural lifestyle subdivision and development are only provided in parts of the rural environment where they do not conflict with:*
 - 1. *protecting the productive capacity of the land;*
 - 2. *the enabling of primary production; or*
 - 3. *existing industry and infrastructure.*

2.25 Our reading of these Objectives, collectively, is that they give priority to the use of rural land for productive purposes and the protection of the productive capacity of rural land, generally, and highly productive land, specifically, to facilitate those purposes. Opportunities for rural lifestyle subdivision and development are only to be provided for where not in conflict with those primary objectives. In this, the Strategic Direction Objectives align with the direction provided by the NPS-HPL, and in turn provide a strategic context for objectives and policies expressed at a zone and district-wide level¹⁶. This is a point we will return to in our consideration of submissions in this Decision Report, especially where those submissions seeking some relaxation in provision for small lot subdivision are concerned.

2.26 For completeness, we take the opportunity at this point to note that, as at the notification of the PDP, certain rules in the GRUZ, RLZ and Subdivision chapters that have the effect of controlling density of development and subdivision in the rural zones took immediate legal effect¹⁷. This was as a result of a successful application by the Councils to the Environment Court in accordance with s86D of the RMA¹⁸, and was intended to inhibit a 'run' of applications for subdivision under the operative District Plan provisions ahead of any change in approach signaled by the PDP (from the Strategic Direction Objectives on down) being confirmed or altered by us, having heard submissions on the topic.

¹⁶ With particular reference to Objectives GRUZ-O1, GRUZ-O3, GRUZ-O4, GRUZ-O5, GRUZ-O6, GRUZ-O7, and Policies GRUZ-P1, GRUZ-P2, GRUZ-P4, GRUZ-P6, GRUZ-P7, GRUZ-P8, GRUZ-P9, SUB-P6 and SUB-P8

¹⁷ Specifically, Rules GRUZ-R8(1) to (3), RLZ-R4(1) to (2), SUB-R1(1) to (5), SUB-R2(2), (10), (11), and (12), SUB-R4(1) to (5) and SUB-R5(1) to (4)

¹⁸ ENV-2023-WLG-000010 refers

3 Approach to Providing for Large Lot Subdivision

Outline of matters addressed in this section

- 3.1 With respect to the PDP's approach to providing for large lot subdivision, this section:
- a. provides a summary of the relevant notified provisions;
 - b. provides a brief overview of submissions received on the provisions;
 - c. identifies key issues raised in submissions for our subsequent evaluation; and
 - d. evaluates the key issues and sets out our decisions.

Summary of the relevant notified provisions

- 3.2 In this section we focus on the PDP's approach to providing for 'large lot' subdivision. By that, we essentially mean the minimum lot size that the PDP establishes for 'standard' subdivision in the General Rural Zone.
- 3.3 In the notified version of the PDP, this minimum lot size is established through the application of Rule SUB-R2(2), Standard SUB-S1 and SUB – Table 1. Subdivision in the zone assumes a controlled activity status under the rule if, in part, proposed lots achieve a minimum size of 40 ha.
- 3.4 Where proposals do not achieve that minimum (and are not otherwise catered for by provisions allowing for small lot subdivision addressed in the next section of this Decision Report), they assume the status of a discretionary activity under Rule SUB-R2(10), so long as the proposed subdivision remains directly related to land based primary production and evidence is provided that the subdivision will meet clause 3.8 or 3.10 of the NPS-HPL¹⁹.
- 3.5 Where these pre-conditions are not achieved, subdivision assumes the status of a non-complying activity under Rule SUB-R2(13).
- 3.6 Certainly, applications requiring resource consent as either a discretionary or non-complying activity within the Highly Productive Land Overlay mapped into the PDP would need to be supported by expert assessments of productive capacity and the presence or absence of the Overlay provides potential applicants with some broad signal of the likelihood of a successful outcome in this respect.
- 3.7 Such proposals would be evaluated against the NPS-HPL clauses above as well as their translation into PDP objectives and policies, notably the Strategic Direction Objectives relating to the Rural Environment, as well as the related zone and district-wide objectives and policies that we covered in the previous section.
- 3.8 As we noted earlier, the tenor of the above referenced strategic and policy framework revolves around protecting the use of productive land for primary production by avoiding the subdivision of that land except as provided for in the

¹⁹ Relating to avoiding subdivision of highly productive land and exemptions for highly productive land subject to permanent or long-term constraints, respectively.

NPS-HPL. Under that framework, considerations relating to the maintenance of rural character and rural amenity values would also be brought to bear in considering proposals for rural subdivision.

Overview of submissions

- 3.9 The PDP's approach to providing for large lot subdivision attracted a surprisingly small number of submission points that were further expanded upon in evidence presented on behalf of submitters. Notably, submissions from Federated Farmers²⁰, Mr and Mrs Southey²¹ and other parties sought to reduce the minimum lot size applying in the GRUZ.
- 3.10 Other submitters such as Ms Sebire²² and Mr Wass²³ were concerned about the 'blunt' nature of an imposed minimum. Ms Sebire, for example, sought the removal of a minimum lot size standard entirely and the consideration of all applications for subdivision as a restricted discretionary activity, to provide a greater degree of flexibility, while retaining some means of avoiding fragmentation.
- 3.11 Other submitters supported the retention of the minimum as notified, albeit with reservations²⁴.

Evaluation and decisions on key issues remaining in contention

- 3.12 In its submission, Federated Farmers considered that the 40 ha minimum was too large for efficient rural property management and that a 20 ha minimum would be more reasonable. We heard from principal planner Mr Matich for the Federation on this matter and from Mr Hooper on behalf of Mr and Mrs Southey, who had sought that the minimum lot size be reduced to 10 ha.
- 3.13 Before turning to the evidence presented on behalf of submitters, we note that Mr Horrell had first addressed the matter in his s42 Report²⁵ as follows:
- a. the proposed establishment of a minimum lot size in the PDP is in part a reflection of the relative failure of the Operative District Plan to arrest the loss and fragmentation of rural land, as attested to in technical assessments commissioned for s32 purposes by the Councils;
 - b. part of the solution to this issue has been to develop a more comprehensive approach to addressing pressure for rural lifestyle subdivision (refer to the next section of this Decision Report);
 - c. another part of the solution is seen to be the imposition of the 40 ha lot size minimum in the GRUZ;
 - d. the 40 ha minimum aligns with settings in comparable districts and past subdivision patterns in the Wairarapa Districts;

²⁰ Submitter S214 and Further submitter FS81

²¹ Submitter S248

²² Submitter S257, in part supported by Federated Farmers (Further submitter FS81)

²³ Submitter S222

²⁴ e.g., Horticulture New Zealand (Submitter S221) and New Zealand Pork Industry Board (Submitter S229)

²⁵ Officer's Section 42A Report Rural Zones, 16 September 2024, paras 615 and 622 to 628

- e. the 40 ha minimum represents an attempt to strike a balance between enabling anticipated subdivision for primary production purposes, while ensuring it is sufficiently conservative to avoid inappropriate subdivision, namely rural lifestyle subdivision;
- f. while he acknowledged that the 40 ha minimum did not cater for subdivision for all types of primary production activities, particularly those of a more intensive nature such as pip fruit and viticulture, Mr Horrell noted that the relevant rule at least provided a discretionary activity pathway for these;
- g. were the minimum lot size to be reduced to accommodate those more intensive forms of primary production then the controlled activity status would not allow the Council to decline proposals of a questionable nature and intent; and
- h. on balance, a reduction in the minimum would unbalance the provisions, disfavours the reasonable avoidance of inappropriate subdivision.

3.14 In his evidence on behalf of Mr and Mrs Southey²⁶, Mr Hooper expressed the view that it was not possible to align a minimum lot size with an economically viable unit given the variables inherent in assessing productive potential. Mr Hooper saw a 40 ha minimum as hindering identified opportunities for specialist production such as viticulture, market gardening, flowers, specialty fruits and nuts, truffles, and free range egg farming. He considered that information Mr Horrell had fielded regarding property sales conflated likely examples of specialty production with lifestyle blocks. In his view, a 10 ha minimum represented a more appropriate threshold for applying controlled activity status to productive proposals while dissuading those with no serious intention of using land productively.

3.15 In his evidence on behalf of Federated Farmers²⁷, Mr Matich took issue with Mr Horrell's conclusions regarding comparative minimums in other district plans, which Mr Matich assessed as being closer to averaging 20 ha or less. Mr Matich also speculated that at least some of the many lots of between 20 and 40 ha created since the district plan predating the PDP became operative could be being used for primary production purposes rather than hobby farms. In his view, most of these properties would overshoot the much smaller lot sizes preferred by lifestyle owners and that this implied their more likely use for productive purposes, although he was unable to field conclusive evidence that this was the case.

3.16 In sum, Mr Matich was of the opinion that a 20 ha minimum better catered to the needs of productive farms seeking to purchase or dispose of additional land, where long term leasing was not necessarily a feasible option. At the very least, he considered that a 40 ha minimum was insufficiently justified in s32 terms. Verbally, Mr Matich also suggested to us that a 20 ha minimum aligned with the threshold for the preparation of freshwater farm management plans relating to arable and/or pastoral land uses under the RMA²⁸.

3.17 In response to queries from us at the hearing, Mr Matich subsequently confirmed that none of the district plans he had referenced had been prepared following the commencement of the NPS-HPL and provided a summary of relevant provisions in

²⁶ Statement of Evidence of Russell Hooper on Behalf of Colin and Helen Southey Submission 248, 30 September 2024

²⁷ Statement of Evidence of Peter Matich (Planning), 30 September 2024

²⁸ s217D

those that had. From this supplementary information we were able to determine that in two jurisdictions a 40 ha minimum had been applied²⁹ whereas, in one other jurisdiction, smaller and differentiated minimums had been applied within and outside areas of highly productive land³⁰. Notwithstanding this, Mr Matich remained of the view that a lower 20 ha minimum would be appropriate, applied across the General Rural Zone, without being differentiated between land classified as highly productive and the remainder.

- 3.18 Following Mr Matich's statement, we asked Mr Horrell to comment on the matters raised, including the comparability of settings in other post-NPS-HPL district plans. Mr Horrell attended to these matters in his Reply Statement³¹.
- 3.19 Mr Horrell noted that the plans being referenced by Mr Matich took a similar approach to that proposed in the PDP in terms of the applicable consent status cascade. In his view, the Proposed Timaru Plan most aligned with the PDP in terms of its attempt to strike a balance between protecting land for rural production and catering to the demand for rural lifestyle opportunities and in the consequential nature of its responses relating to lot minimums, rule mechanics and consent status.
- 3.20 As we had asked Mr Matich to do, Mr Horrell then took the time to consider an option whereby the minimum lot size was differentiated between highly productive land and other rural land. In response, he indicated he did not consider this to be an efficient or effective approach to achieving a policy direction which seeks to protect all rural land for primary production. He agreed with Mr Matich that land outside that identified as being highly productive could still be used for productive purposes and, he suggested, might actually require larger holdings to ensure viability was maintained. He remained firmly of the view that a single minimum lot size should be applied to the GRUZ.
- 3.21 Mr Horrell did not consider that a sufficient case had been made that there was demand for subdivision of 20 to 40 ha lot sizes for the purposes of primary production and that, to cater for such, would not achieve the policy intent of the PDP in enabling primary production while avoiding inappropriate subdivision.
- 3.22 Finally, Mr Horrell indicated that he considered the comparison with the threshold for preparing freshwater farm management plans under the RMA to represent a false equivalence. Such plans provided a basis for managing risks to water quality and did not necessarily represent a minimum economically viable unit. Further, the freshwater farm management plan preparation requirements in this respect related not to properties but to 'farms', which could be made up of multiple properties, inclusive of areas leased to others.
- 3.23 Overall, we agree with Mr Horrell that an undifferentiated 40 ha minimum lot size represents the most appropriate means of conforming to national direction and achieving the strategic and zone-based objectives of the PDP and we are satisfied that the discretionary activity pathway provides a reasonable ability to obtain consent for appropriate proposals for productive use that do not comply with that minimum. Accordingly, we adopt the approach proposed in the PDP where large lot subdivision is concerned.

²⁹ Proposed Far North District Plan (July 2022) and Proposed Timaru District Plan (September 2022)

³⁰ Proposed Combined District Plan for the Buller, Grey and Westland Districts (July 2022)

³¹ Officer's Reply Statement General Residential Topic (sic), paras 129 to 137

4 Approach to Providing for Small Lot Subdivision

Outline of matters addressed in this section

- 4.1 In the previous section we focused on the PDP's approach to providing for 'large lot' subdivision. By that, we essentially mean the minimum lot size that the PDP establishes for 'standard' subdivision in the General Rural Zone. Here, we focus on the consenting pathways that the PDP provides (or should provide) with respect to small lot subdivision.
- 4.2 With respect to the PDP's approach to providing for small lot subdivision, this section:
- a. provides a summary of the relevant notified provisions;
 - b. provides a brief overview of submissions received on the provisions;
 - c. identifies key issues raised in submissions for our subsequent evaluation; and
 - d. evaluates the key issues and sets out our decisions.

Summary of the relevant notified provisions

- 4.3 Over the course of and subsequent to the hearing on the rural topic we sought further clarity from Reporting Officers on how the provisions in the PDP are intended to operate with respect to small lot subdivision; i.e., the broad mechanics relating to that provision.
- 4.4 The challenges we (and some interested submitters) faced in reaching this understanding were due in part to the format of the rules in the Subdivision chapter and the way in which these link to policy and assessment considerations located both in that chapter and in the relevant Rural Zone chapters. This is something that Mr Horrell acknowledged in his Reply Statement; suggesting that the confusion could be largely traced to the formatting constraints imposed by the National Planning Standards 2019³².
- 4.5 Based on the clarifications Mr Horrell provided³³ in response to our queries³⁴, we are able to set down our understanding of the broad mechanics of PDP provisions that cater for small lot subdivision, as notified³⁵.
- 4.6 Beyond the ability under Rule SUB-R2(2) to subdivide lots in the General Rural Zone down to a minimum of 40 hectares, three forms of 'small lot' subdivision as a controlled activity are provided for in the General Rural Zone as follows:
- a. Boundary adjustments with a neighbouring property, so long as each lot following the subdivision process is no less than 0.5 ha in area, among other conditions (Rule SUB-R1(2))³⁶.

³² Officer's Reply Statement General Residential Topic (sic), para 33

³³ *Ibid*, paras 21 to 33

³⁴ Verbally at the hearing and also via Minute 10 (5 December 2024)

³⁵ Our queries also related to amendments to create additional consenting pathways for small lot subdivision recommended by Reporting Officers or otherwise requested by submitters. This is something we turn our minds to later on in this section.

³⁶ This rule also applies in the Rural Lifestyle Zone

- b. Subdivision of a surplus dwelling; again so long as the sole additional lot created is no less than 0.5 ha in area, among other conditions (Rule SUB-R5(1)).
 - c. Subdivision of existing lots less than 4 ha in area as they existed at the PDP's notification, again so long as the additional lot(s) created are no less than 0.5 ha in area, and the resulting balance lots are at least 1.5 ha or 2.5 ha in size where one or two additional lots are created, respectively, among other conditions (Rule SUB-R4(1)). Those conditions include that the site in question must not be located in the Masterton District, or HPL or Martinborough Soils Overlays.
- 4.7 The intent of these rules is to cater for, respectively, the amalgamation and creation of more productive lots, farm succession, and lifestyle subdivision in the South Wairarapa and Carterton Districts (where the Rural Lifestyle Zone does not apply).
- 4.8 The various consenting pathways existing at notification are illustrated in the figure on the following page, drawn from Mr Horrell's Reply Statement.
- 4.9 It is the Rural Lifestyle Zone itself that represents the final piece in the puzzle of provisions catering for small lot subdivision in the notified version of the PDP. As inferred from the above, this zone only applies to identified areas in the Masterton District. Via Rule SUB-R2(2), it provides for the subdivision of lots in the zone down to a minimum of 0.5 hectares.
- 4.10 The stated reason for the differing approach taken in South Wairarapa and Carterton Districts (absent the application of the RLZ) is explained in the relevant s32 Report:
- "While various locations within South Wairarapa and Carterton Districts were considered, it was determined that there are significant constraints to identifying areas suitable to apply the Rural Lifestyle Zone. This conclusion was on the basis that there is not contiguous land suitable for rural lifestyle without fragmenting productive land or resulting in significant reverse sensitivity effects. Following this, alternative options were considered for South Wairarapa and Carterton Districts, including the 4ha rule."³⁷*
- 4.11 The appropriateness of this differentiated approach is something we explore further later in this section of our Decision Report.
- 4.12 For completeness, we note that Rule SUB-R3 caters to the creation of small lots for the purposes of public works, network utilities, reserves and access.

³⁷ Section 32 Evaluation Topic Report - Rural, October 2023, Section 8.1

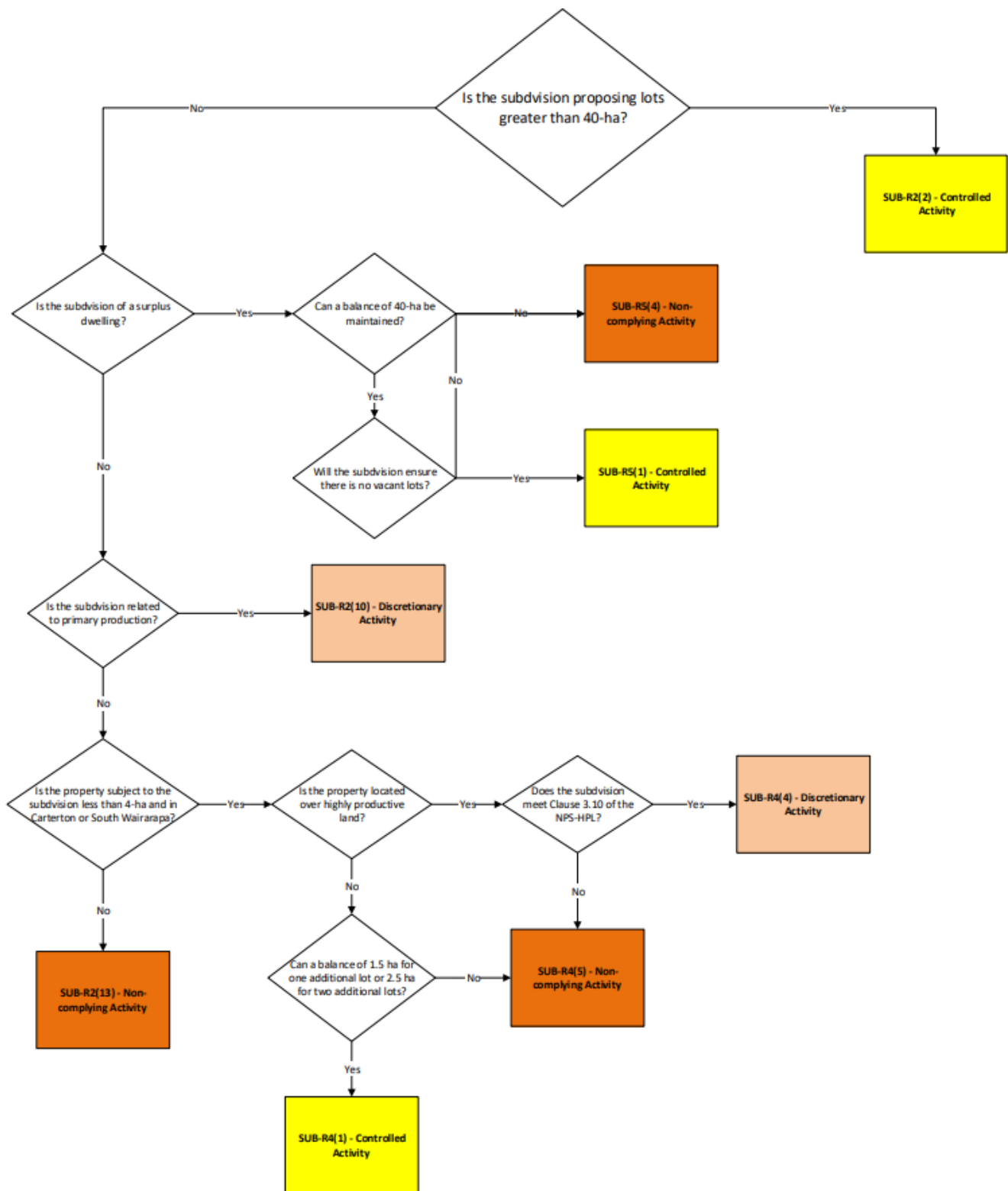


Figure 1: Diagram of Subdivision Rules (Source: Appendix 3, Officer’s Reply Statement on the rural topic)

- 4.13 Throughout both the relevant s32 and s42A Reports on the rural topic, there are numerous references to the enabled lot 'yield' in relation to rural subdivision. Questions regarding the relevance of this consideration and/or outcome were raised in evidence from submitter Ms McGruddy³⁸, who observed that there was no policy that refers to or requires a certain yield.
- 4.14 Consequently, we asked Mr Horrell to address this matter in his Reply Statement. Mr Horrell indicated³⁹ that theoretical calculations of small lot yield resulting from the application of controlled activity rules allowed for comparison with projected demand for rural dwellings across the Wairarapa over the life of the PDP. Mr Horrell acknowledged that there were no explicit references to 'yield' in PDP policies, however, Strategic Direction Objective RE-O5 did, in his view, 'require'⁴⁰ 'opportunities for rural lifestyle subdivision and development' to be 'provided for'.
- 4.15 Our view is that Strategic Direction Objective RE-O5 is not written in a manner fully enabling of small lot subdivision as suggested by Mr Horrell's use of the word 'require'. Rather, the objective sets out the limited or 'only' circumstances in which such subdivision is provided for. In that context, we do not agree that the primary 'objective' of Strategic Direction Objective RE-O5 is to provide 'opportunities' for rural lifestyle living⁴¹. The fundamental point of the objective as notified and as noted in Section 2 of this Decision Report is to protect productive capacity and avoid conflict with the enablement of primary production. At the very least, as we observed, in issuing Minute 13⁴², the intent of the objective is couched within a broader aim of enabling primary production, protecting productive capacity and highly productive land, and maintaining and enhancing the character of the rural environment (Strategic Direction Objectives RE-O2 to RE-O5 refer).
- 4.16 Having said that, we do not disagree with Mr Horrell's position that enabled yield can be used as a quantitative measure to determine to what extent anticipated demand is being catered for, as an indirect outcome of the objective and as a test of the relative efficiency and effectiveness of the PDP provisions.

Overview of submissions

- 4.17 The PDP's approach to providing for small lot subdivision attracted a number of submission points that were further expanded upon in evidence presented on behalf of submitters. Broadly speaking, submitters sought amendments or additions to consenting pathways for small lot subdivision across the General Rural Zone and the Rural Lifestyle Zone. More specifically, submission points related to:
- a. the appropriateness of the minimum lot size in the Rural Lifestyle Zone⁴³;
 - b. the differing approach proposed in Masterton District involving the sole application of the Rural Lifestyle Zone⁴⁴;

³⁸ Submitter S144

³⁹ Officer's Reply Statement General Residential Topic (sic), paras 36 to 38

⁴⁰ Our *emphasis*

⁴¹ As set out in Decision Report 1, we have adopted some amendments to Strategic Direction Objective RE-O5 to improve its structure and sense; these changes do not however alter its intent.

⁴² Minute 13, 13 December 2024

⁴³ Submitters including GWRC (S94) and AdamsonShaw (S152)

⁴⁴ Submitters including Ms McGruddy (S144) and AdamsonShaw (S152)

- c. alternative approaches to small lot subdivision in the General Rural Zone⁴⁵;
- d. provision for subdivision of lots larger than 4 hectares in size in the General Rural Zone⁴⁶;
- e. the efficiency, effectiveness and spatial extent of provisions relating to the Martinborough Soils Overlay⁴⁷; and
- f. limitations on subdivision in the Coastal Environment⁴⁸.

Evaluation and decisions on key issues remaining in contention

4.18 It is evident from our hearing and reading of the evidence presented to us on this topic inclusive of the Reporting Officer's Reply Statement that the following issues remained unresolved to a greater or less extent at the close of the hearing and require a determination from us:

- a. The appropriateness of the Rural Lifestyle Zone in terms of both minimum lot sizes and the differing approach proposed in Masterton District;
- b. The merits of a proposal for an alternative approach to small lot subdivision in the General Rural Zone;
- c. Provision for subdivision of lots larger in size than the 4 hectare threshold in the General Rural Zone;
- d. Provision for small lot subdivision in the Martinborough Soils Overlay; and
- e. Provision for small lot subdivision in the Coastal Environment.

4.19 We address each of the above five issues in sequence in the following sub-section. We conclude with some overall findings in relation to the '*Appropriate mix of provisions*' providing for small lot subdivision.

Minimum lot sizes in the Rural Lifestyle Zone

4.20 As noted above, questions over the appropriateness of the minimum lot size applying in the Rural Lifestyle Zone were raised in submissions from GWRC and AdamsonShaw. We heard evidence on behalf of these submitters from Mr O'Brien (for GWRC)⁴⁹ and Ms McWilliam (for AdamsonShaw)⁵⁰.

4.21 Mr O'Brien was concerned that the 0.5 ha minimum lot size would not create a sufficiently low density of development able to support on-site treatment and disposal of wastewater (in environments where no access to reticulated wastewater systems is available). While the Regional Council was not opposed to the application

⁴⁵ Submitters including AdamsonShaw (S152)

⁴⁶ Submitters including Ms McGruddy (S144) and Mr and Mrs Tomlinson (S181)

⁴⁷ Submitters including Martinborough Holdings Ltd (S53), Dublin Street Wines (S82), Ms Selby-Neal and Mr Laird (S125), Mr Milne (S126), the Wairarapa Winegrowers Association (S136) and Antilles Ltd (S148)

⁴⁸ Submitters including Mr and Mrs Southey (S248)

⁴⁹ Submitter Statement on Behalf of Greater Wellington Regional Council – Hearing Stream 3, 9 October 2024

⁵⁰ Statement of Evidence of Lucy Ellen McWilliam on Behalf of AdamsonShaw Ltd – Submission S152, Planning, 29 September 2024

of the zoning, it was Mr O'Brien's view that a one hectare minimum would provide a suitable basis for managing the cumulative effects of individual wastewater systems.

- 4.22 Witnesses for AdamsonShaw were similarly concerned about the 0.5 ha minimum, which they were concerned could lead to a pattern and density of development inconsistent with the current nature of lifestyle properties in the area and collectively contribute to a deleterious impact on that area's character.
- 4.23 In his Reply Statement, Mr Horrell indicated that he agreed that the submitters had raised valid concerns and recommended that the minimum lot size in the RLZ be increased to one hectare, providing a more robust basis for managing cumulative effects on character and wastewater management⁵¹.
- 4.24 At the time, Mr Horrell acknowledged that such a change would have an impact on lot yield generated by the RLZ (i.e., a reduction in total yield), but that the implications of this needed to be understood in the context of other recommended (or requested) amendments to PDP provisions providing for small lot subdivision.
- 4.25 While we were potentially minded to accept such a recommendation, we were interested in understanding whether Reporting Officers considered that the same minimum lot size (i.e., 1 ha) should be applied to the various consenting pathways for small lot subdivision in the General Rural Zone (as summarised in paragraph 4.6 above) for the purposes of ensuring the feasibility of on-site servicing and for reasons of general consistency⁵².
- 4.26 Mr Horrell attended to this matter in his Supplementary Reply Statement⁵³. There, he noted that the recommendation to increase the minimum lot size in the RLZ was intended to address submitter concerns regarding development density and cumulative effects in relation to that particular zone. By contrast, submitters had not raised similar issues where provision for small lot subdivision in the GRUZ was concerned and, there, the balance lot requirements would ensure such effects did not arise. He was also of the view that changing the minimum lot size in the GRUZ would deleteriously impact on the yield enabled by the 'less than 4 ha in area' rule and its attendant balance lot requirements.
- 4.27 For the above reasons Mr Horrell recommended no consequential changes to other provisions; suggesting also that there was limited scope provided in submissions to do so and that, to do so, could prejudice landowners and submitters who would no longer be subject to a more enabling framework. He did, however, suggest that the balance lot requirements would need to be altered if we were nevertheless of a mind to increase the minimum lot size applying in the GRUZ.
- 4.28 Having considered this matter at length, we have determined that the increase in the minimum lot size to 1 ha in the Rural Lifestyle Zone as recommended by Mr Horrell should be adopted but that its application to other forms of subdivision provided for in the PDP should not, with reference to the reasons Mr Horrell sets out above, relating to a lack of scope, primarily, but additionally the consequential impacts on yield. We have not been presented with any evidence to suggest that the retention

⁵¹ Officer's Reply Statement General Residential Topic (sic), paras 97 to 98

⁵² Via Minute 10, 5 December 2024

⁵³ Supplementary Reply Statement – Minute 10 & 13: Further Directions Associated with Hearing 3 (Rural Zones), 17 January 2025, paras 14 to 19 and 24

of a 0.5 ha minimum in these circumstances would have a deleterious impact on the feasibility of on-site wastewater servicing, which to our minds is understandable given the dispersed nature of subdivision that would result from the application of these provisions (in comparison to the 'grouping' effect of the RLZ).

- 4.29 In light of those other recommended (or requested) amendments to PDP provisions providing for small lot subdivision, we further asked Reporting Officers to consider the most appropriate mix of provisions for achieving the broad intent of the Strategic Direction Objectives relating to the Rural Environment in a scenario where an increase in the minimum lot size to one hectare in the RLZ was adopted⁵⁴.
- 4.30 Mr Horrell's supplementary response on this matter is something we turn our minds to in the context of all the options for providing for small lot subdivision (refer to the *'Appropriate mix of provisions'* in the final sub-section).

Different approach in the Masterton District

- 4.31 Turning next to the differing approach to provision for small lot subdivision in the Masterton District represented by the application of the Rural Lifestyle Zone, absent also the consenting pathways applying only in other districts (including the 'less than 4 ha in area' rule referred to in paragraph 4.6.c. above), we initially asked Mr Horrell whether the combined approaches could 'co-exist' in Masterton District.
- 4.32 This was a question we sought to pose having heard from the witnesses for AdamsonShaw⁵⁵ and also Ms McGruddy⁵⁶, who shared a concern over the reliance on RLZ in the Masterton District as opposed to the facility to subdivide lots of less than 4 ha in area in other districts.
- 4.33 In response, Mr Horrell explained⁵⁷ that while the Councils' initial preference during the evolution of the PDP might have been to apply the RLZ to suitable locations in the South Wairarapa and Carterton Districts in line with the National Planning Standards 2019, the eventual approach developed for those districts had emerged from the identification of significant constraints to applying the RLZ in those areas, as also alluded to in the s32 Report (refer paragraph 4.10 above).
- 4.34 Mr Horrell calculated that the extension of broader consenting pathways to the Masterton District, in combination with the retention of the RLZ, could serve to increase available lot yield commensurate with demand, in a scenario where overall yield was reduced as a result of an increase in the minimum lot size in the RLZ, as previously recommended by Reporting Officers and adopted by us (refer previous page). However, he took the view that the application of both approaches would undermine the intent of the Strategic Direction Objectives and in particular, RE-O2 relating to the protection of productive capacity⁵⁸.
- 4.35 As to why the broader consenting pathways available in those other districts was also not extended to Masterton District, Mr Horrell indicated⁵⁹ that the spatial pattern of sub-4 ha lots could result in a presumably inappropriate level of sporadic

⁵⁴ Via Minute 13, 13 December 2024

⁵⁵ Submitter S152

⁵⁶ Submitter S144

⁵⁷ Officer's Reply Statement General Residential Topic (sic), para 104

⁵⁸ *Ibid*, paras 102 to 103

⁵⁹ *Ibid*, paras 105 to 106

development around the Masterton urban area with limited access to services. He remained of the view, as expressed in his Reply Statement, that the RLZ should accordingly be retained as the sole method of providing for rural lifestyle subdivision and development in the Masterton District.

- 4.36 As indicated in paragraph 4.29 above, we sought to further test the thinking of Reporting Officers following the hearing as to the most appropriate mix of provisions for achieving the broad intent of the Strategic Direction Objectives relating to the Rural Environment. As part of this, we asked Reporting Officers to advise to what extent, if any, would the adoption and extension of the 'less than 4 ha in area' rule in isolation or in combination with other options across all three districts including Masterton District assist in delivering (or exceeding the delivery of) the yield required to meet anticipated demand for rural lifestyle subdivision and, by extension, assist in achieving the (partial) intent of Strategic Direction Objective RE-O5⁶⁰.
- 4.37 Again, Mr Horrell's supplementary response on this matter is something we turn our minds to in the context of all the options for providing for small lot subdivision (refer to the *'Appropriate mix of provisions'* in the final sub-section).

Alternative approach in the General Rural Zone

- 4.38 We turn now to our consideration of the merits of an alternative approach to providing for small lot subdivision in the General Rural Zone proposed by AdamsonShaw⁶¹.
- 4.39 The proposed approach as outlined by Ms McWilliam would enable the subdivision of up to two lots of no less than 0.5 ha each, where the balance area remaining is not less than 40 ha. Similar conditions requiring the location of the subject land outside the Highly Productive Land and Martinborough Soils Overlays would apply to proposals to assume a restricted discretionary activity status.
- 4.40 We initially asked Mr Horrell to consider the merits of such a proposal, which he did so in his Reply Statement⁶². While he acknowledged that the proposed restricted discretionary activity status would enable the Councils to consider applications on a case-by-case basis, the proposal did not efficiently or effectively respond to the issue that, broadly speaking, the Strategic Direction Objectives sought to address; namely, the fragmentation of large land holdings. He further noted that the 'surplus dwelling' subdivision Rule SUB-R5(1) already largely catered for farm succession, which this proposal was intended to address.
- 4.41 Nevertheless, to support our consideration of the proposal, Mr Horrell helpfully provided a draft rule providing for the relief sought, inclusive of thirteen matters of discretion, in his Reply Statement.
- 4.42 Following the hearing, and in association with other recommendations and proposals that we received evidence on, we asked Reporting Officers to consider further the potential place of this particular proposal in the context of a hypothetical scenario where we adopted both it and those other options and (potentially) applied them to all three districts, with reference to the most appropriate mix and means for

⁶⁰ Via Minute 13, 13 December 2024

⁶¹ Submitter S152

⁶² Officer's Reply Statement General Residential Topic (sic), paras 142 to 143

achieving the Strategic Direction Objectives. We also sought to understand whether, should we be minded to adopt the pathway, we would have clear scope to do so, arising from an original submission, as opposed to presented evidence only⁶³.

- 4.43 On the matter of scope, it was Mr Horrell's view, as expressed in his Supplementary Reply Statement⁶⁴, that sufficient scope to adopt the pathway, potentially across all three districts, was provided by AdamsonShaw's broad request for the "*addition of rules for small lot subdivision*" and that Ms McWilliam's proposal could be entertained in this context.
- 4.44 Having considered the evidence before us, we have reached a determination that the alternative approach proposed by the submitter should not proceed. While we acknowledge that the submitter's original submission provides us with the necessary scope to adopt it, we conclude that to do so would be to 'double-up' on the existing facility effectively catering for farm succession as a controlled activity that Rule SUB-R5(1) as notified provides across all three districts. In our view, the mechanics of the notified rule more closely align with the strategic direction for rural land than the alternative approach does.

4 Hectare threshold in the General Rural Zone

- 4.45 The next matter for our consideration is proposals to alter Rule SUB-R4(1) (as referred to in paragraph 4.6.c. above), to enable additional opportunities for the subdivision of lots larger in size than the 4 hectare threshold in the General Rural Zone.
- 4.46 This is a matter on which we heard evidence from both Ms McGruddy and Ms Tomlinson⁶⁵. Collectively, they were concerned that:
- a. the 4 ha threshold excluded a large number of properties that might only be marginally above that threshold;
 - b. as non-complying activities, proposals to subdivide such properties would be subject to the same considerations and tests as proposals to subdivide much larger lots; and
 - c. greater nuance and flexibility was required in such situations with a view to creating opportunities to subdivide relatively small properties for rural lifestyle purposes.
- 4.47 Ms McGruddy presented us with an alternative proposal that would see the threshold for the subdivision of relatively small lots as a controlled activity increased to either 6 or 8 hectares, with the rule applied to all Districts, including Masterton. She suggested that a restricted discretionary activity status might be appropriate for proposals to subdivide lots at the larger end of the scale, to provide the Councils with a sufficient basis for control.
- 4.48 Mr Horrell acknowledged in his Reply Statement that the construction of Rule SUB-

⁶³ Via Minute 13, 13 December 2024

⁶⁴ Supplementary Reply Statement – Minute 10 & 13: Further Directions Associated with Hearing 3 (Rural Zones), 17 January 2025, paras 26 to 28

⁶⁵ Submitters S144 and S181, respectively

R4(1) took somewhat of a 'black and white' approach, did not leave much room for 'exceptions', and would see proposals being treated the same whether the subject properties were close to or significantly above the 4 ha threshold⁶⁶.

- 4.49 Mr Horrell went on to provide us with a spatial analysis of the location of candidate properties and on this basis calculated that various scenarios involving adjustments to the rule (incorporating the application of different thresholds to different groupings of districts) could enable between a two-fold and four and a half-fold increase in lot yield.
- 4.50 Having considered alternative thresholds and different scenarios, Mr Horrell remained of the interim opinion that 4 ha was an appropriate threshold for a controlled activity applied only in the Carterton and South Wairarapa Districts, for the following reasons:
- a. the spatial distribution of candidate lots in the 4 to 8 hectare range suggested to him that the Council's needed the ability to consider proposals on a case-by-case basis and potentially decline them where they would result in poorly connected or isolated development;
 - b. available evidence suggested certain forms of primary production could remain economically viable on lots in the 4 to 8 hectare range;
 - c. the expanded opportunities for rural lifestyle subdivision realized by increases in the threshold would not be outweighed by losses in productive capacity and emergent reserve sensitivity effects; and
 - d. the RLZ should remain the primary means of providing for rural lifestyle opportunities in Masterton District (thereby reinforcing his earlier conclusion; refer paragraphs 4.31 to 4.37 in this Decision Report).
- 4.51 Having taken this position, Mr Horrell did, however, suggest that further nuance could be provided through the addition of a new rule providing for the subdivision of lots of less than 6 ha as a restricted discretionary activity, accompanied by a clause precluding public notification. This, in his view, would provide the Councils with the ability to consider such proposals on a case-by-case basis, and proponents with a reasonable degree of certainty over the processing of applications. The application of a 6 ha threshold, as opposed to an 8 ha threshold, more accurately recognised and provided for 'marginal' situations, and also aligned with his recommendations in relation to small lot subdivision in the Martinborough Soils Overlay. Mr Horrell provided a s32AA evaluation in support of this recommendation⁶⁷.
- 4.52 As an interim position, we indicated we were willing to consider Mr Horrell's proposal further, with or without the constraints he proposed with respect to a 6 ha (as opposed to 8 ha) threshold and its limited application to districts other than Masterton.
- 4.53 However, in order to further improve our understanding of the mechanics of Mr Horrell's proposal, were we minded to adopt it or some version of it, we posed a

⁶⁶ Officer's Reply Statement General Residential Topic (sic), paras 144 to 152

⁶⁷ *Ibid*, paras 153 to 157

number of questions, traversing the intended relationship between the proposed rule and rules as notified that specify a default activity status for non-compliant subdivision proposals, and whether further drafting amendments were required in this respect⁶⁸.

- 4.54 Mr Horrell attended to this matter in his Supplementary Reply Statement⁶⁹. He clarified that the proposed additional rule that he was recommending would sit in the cascade in conjunction with the existing SUB-R4 rule as notified, with the former only being brought to bear on proposals to subdivide lots within a 4 to 6 ha range. To clarify this intent, he proposed further amendment to the title of the rule to further simplify and broaden its scope to 'existing small allotments' and to clause (c) of the new rule (SUB-R4(2)) to clarify the area range within which it applied and to the title of the broader rule (SUB-R4) to remove reference to lot sizes (thereby letting the conditions specify the relevant parameters).
- 4.55 Mr Horrell also acknowledged⁷⁰ that other subdivision rules⁷¹ sought to apply a restricted discretionary activity status but solely in relation to specific non-compliances with conditions or standards relating to other matters, such as proposals for direct access to the State Highway. He did not propose any amendments to merge the respective rules given what he saw as a need to separate out (and not conflate) relevant matters of discretion. However, he did recommend further amendments to Rules SUB-R4(4) and SUB-R4(5) to reference non-compliance with the relevant standards and clarify the operation of the rule cascade.
- 4.56 At this point we are able to say that we agree with and adopt Mr Horrell's recommendation and accompanying s32AA evaluation to introduce a new restricted discretionary rule catering for the subdivision of lots in the 4 to 6 ha range, inclusive of the further amendments he recommended in his Supplementary Reply Statement as summarised above to clarify its application relative to other rules. We consider that this proposal provides for subdivision within an acceptable margin while retaining an appropriate level of control and without undermining the strategic intent of the PDP.
- 4.57 We had also asked Mr Horrell to consider the implications of the proposal in policy terms, relative to other consenting pathways for small lot subdivision, either provided at notification, via Reporting Officer recommendation or as sought by submitters⁷².
- 4.58 Specifically, we asked Mr Horrell to indicate to what extent, if any, the adoption of the proposal in combination with other options including the 'alternative approach' described in paragraphs 4.38 to 4.44 above, potentially across all three districts, would assist in delivering (or exceeding the delivery of) the yield required to meet anticipated demand for rural lifestyle subdivision and the broader outcomes sought by the Strategic Direction Objectives relating to the enabling of primary production, the protecting of productive capacity and highly productive land, and the maintaining and enhancing of the character of the rural environment.

⁶⁸ Via Minute 10, 5 December 2024

⁶⁹ Supplementary Reply Statement – Minute 10 & 13: Further Directions Associated with Hearing 3 (Rural Zones), 17 January 2025, paras 10 to 11

⁷⁰ *Ibid*, paras 20 to 23

⁷¹ e.g., Rules SUB-R4.2 and SUB-R4.3

⁷² Via Minute 13, 13 December 2024

- 4.59 Once again, Mr Horrell's supplementary response on this matter is something we turn our minds to in the context of all the options for providing for small lot subdivision (refer to the '*Appropriate mix of provisions*' in the final sub-section). There, we set out the reasons for our decision to apply both the existing, notified facility for subdivision of lots less than 4 ha as a controlled activity and the proposed facility for subdivision of lots in the 4 to 6 ha range as a restricted discretionary activity across all three Wairarapa Districts, inclusive of Masterton.

Martinborough Soils Overlay

- 4.60 Provisions relating to the Martinborough Soils Overlay attracted a number of submissions. Broadly speaking, these submissions sought to relax the subdivision provisions to enable smaller lot subdivision for viticultural purposes and/or to remove the overlay from certain properties in close proximity to the Martinborough township that the submitters considered no longer provided a viable basis for viticultural production.
- 4.61 Submitters fielded a number of witnesses to present evidence in support of their submissions at the hearing. More specifically, we heard from:
- a. Mr Aburn, planner, for the Wairarapa Winegrowers' Association⁷³, Martinborough Holdings Ltd⁷⁴ and Aburn Popova Trust⁷⁵;
 - b. Mr Lam, viticulturalist, as chairperson of the Wairarapa Winegrowers' Association;
 - c. Mr Porter, as director of Martinborough Holdings Ltd and proprietor of Porters Pinot Wines⁷⁶;
 - d. Mr Milne, retired soil scientist, for Martinborough Holdings Ltd;
 - e. Mr Mackay for Dublin Street Wines⁷⁷; and
 - f. Ms Selby-Neal and Mr Laird⁷⁸.
- 4.62 In its original submission, the Association had sought that the PDP better provide for subdivision for viticultural purposes, while seeking that visitor accommodation be accorded non-complying activity status in the Overlay, due to reverse sensitivity issues. Together with Martinborough Holdings and Mr Milne⁷⁹, it had also sought the removal of the property at 10 Nelsons Road from the Overlay.
- 4.63 Porter Pinot Wines and the Trust had sought that the Overlay be retained over the property at 34 Vintners Lane, in response to a submission from Antilles Ltd⁸⁰ seeking its removal.

⁷³ Submitter S136

⁷⁴ Submitter S53

⁷⁵ Submitter 48 and Further submitter S62

⁷⁶ Further submitter FS15

⁷⁷ Submitter S82

⁷⁸ Submitter S125

⁷⁹ Submitter S126

⁸⁰ Submitter S148

- 4.64 Dublin Street Wines had sought the removal of the Overlay from the properties at 142, 142A and 142B Dublin Street, whereas Ms Selby-Neal and Mr Laird had sought the removal of the Overlay from the property at 101A Shooting Butts Road. Additionally, we were also in receipt of a submission from Mr Milne⁸¹ seeking the removal of properties from the Overlay located between Hinakura and Shooting Butts Road.
- 4.65 To assist us in our consideration of these requests we posed a number of questions to Mr Horrell at the conclusion of the second day of the hearing, regarding the origin of the Overlay and the mechanics of its operation, relative to other PDP provisions.
- 4.66 In his Reply Statement⁸², Mr Horrell explained that the Overlay had come about following a review of the Operative District Plan provisions and early engagement with the primary production sector. Feedback from the Association and others had led Council officers to conclude that land suitable for viticulture and horticulture immediately surrounding Martinborough should be protected for those purposes from inappropriate subdivision, use and development.
- 4.67 According to Mr Horrell⁸³, mapping of areas to be subject to the Overlay was based on information regarding current use for viticulture and/or exhibiting the climatic and soil characteristics suitable for viticulture. Our understanding from the evidence presented to us is that, in this respect, the NZLRI LUC system does not provide a suitable basis identifying such land, as grapes for the purposes of wine production are generally best located on less fertile and well drained soils combined with areas exhibiting certain climatic conditions. A map provided by Mr Horrell showed that all land proposed to be subject to the Overlay fell into the LUC 3 class or lower (i.e., no land subject to the Overlay was classes as LUC 1 or 2)⁸⁴.
- 4.68 As part of the mapping exercise, the boundaries of the Overlay were essentially 'smoothed' through the addition of properties to provide a contiguous and 'cohesive' boundary. Although Mr Horrell suggested that the addition of these 'buffer' properties also provided a basis for managing reverse sensitivity effects, he strongly emphasised that they were not intended to manage interface effects on the outside edge of the Overlay⁸⁵.
- 4.69 As to how the Overlay provisions are intended to operate, Mr Horrell drew our attention to, in particular, Policies GRUZ-P7 and P8, which seek to protect land (and associated 'buffers') within the Overlay and require that subdivision, use and development within it be managed in a way that enables and promotes primary production (in particular viticulture)⁸⁶. Relevant rules⁸⁷ then limit subdivision in the Overlay to a 40 ha minimum as a controlled activity, with an opportunity to propose smaller lots where it can be demonstrated it will be used for productive purposes (as a discretionary activity). In the notified version of the PDP, visitor accommodation is provided for as a discretionary activity across the GRUZ without any elevated status being given to the activity in the Overlay⁸⁸.

⁸¹ Submitter S126

⁸² Officer's Reply Statement General Residential Topic (sic), para 43

⁸³ *Ibid*, paras 44 and 45

⁸⁴ *Ibid*, Map 1A, Appendix 6

⁸⁵ *Ibid*, para 51

⁸⁶ *Ibid*, para 46

⁸⁷ Rules SUB-R2 and SUB-R4

⁸⁸ Rule GRUZ-R15

- 4.70 The evidence presented by Mr Aburn was that while the Association remained broadly supportive of the Overlay's identification and intent, it was of the view that the provisions as notified did not in fact serve to support the on-going use of the land for viticultural purposes and was therefore misaligned with the enabling policy intent.
- 4.71 While Mr Horrell acknowledged that the 40 ha lot minimum did not provide for viticulture, he was not supportive of the revised minimum lot size of 4 ha requested by the Association as, in his view, this would not provide an adequate basis for resisting pressure to subdivide that land for lifestyle purposes, given the controlled activity status that would apply.
- 4.72 Having heard from the planning witnesses for the Council and Association we directed them to conference⁸⁹, asking them to consider whether:
- a. the notified rule framework appropriately aligned with and implemented the relevant policy direction relating to the Overlay;
 - b. a specific subdivision rule for viticultural purposes was needed and if so what metric and activity status should be applied; and
 - c. should any other constraints be placed on non-viticultural land uses in the Overlay.
- 4.73 Mr Horrell and Mr Aburn were able to reach an agreed position on most of the matters to which our queries related, as set out in their subsequent JWS⁹⁰. Specifically, they agreed that:
- a. the provisions as notified do not enable subdivision for viticultural purposes and the 40 ha minimum is not reasonable in that context;
 - b. it would be appropriate to provide for said subdivision by way of a specific rule in the Overlay;
 - c. a minimum lot size of 6 ha would enable reasonable subdivision for viticultural purposes while discouraging subdivision for inappropriate purposes;
 - d. a restricted discretionary activity status for said subdivision would be appropriate, subject to a pre-condition imposed by way of a legal mechanism (such as a consent notice) requiring no changes to inappropriate land use in the future; and
 - e. the addition of a new clause to Policy GRUZ-P8 was warranted to encapsulate the above approach.
- 4.74 The planning witnesses also reported the outcomes of a discussion they had regarding the merits of including a public notification clause in the new rule. On balance, they agreed that it should not be included, and that it would be more administratively efficient to let the Councils to arrive at a notification determination on a case-by-case basis.

⁸⁹ Via Minute 6, 21 October 2024

⁹⁰ Joint Witness Statement Planning Topic Planning Experts, 13 November 2024

- 4.75 For completeness, we note that Mr Horrell had also indicated his continued comfort with a discretionary activity status for visitor accommodation applying in the Overlay and beyond, on the basis that the activity posed no greater risk in reverse sensitivity terms than any other non-viticultural activity and the status as notified allowed the Councils to decline proposals if necessary⁹¹.
- 4.76 We are minded to accept and adopt the amendments jointly recommended by Mr Horrell and Mr Aburn in the above respects. In the absence of an accompanying s32AA evaluation in relation to these recommended amendments, we asked the planning witnesses to provide one⁹².
- 4.77 In response, Mr Horrell provided us with a Supplementary Reply Statement incorporating a s32AA evaluation canvassing two options; both the *status quo* notified provisions and those recommended by him and Mr Aburn⁹³. That evaluation finds that the recommended provisions would be more efficient and effective in achieving PDP objectives, and realise economic benefits while reducing economic costs. We consider that the changes proposed better align with the policy intent of the Overlay than the notified approach and that the creation of a restricted discretionary consenting pathway for subdivision represents a suitably efficient and effective means on enablement while retaining a necessary level of control.
- 4.78 There is one aspect relating to the Overlay provisions that we have not been convinced should be retained, however, relating to the identification and protection of 'buffer' properties, via reference in Policy GRUZ-P7 and inclusion of these properties within the Overlay mapping. We do not think that the desire of Council officers for 'coherent' mapping justifies the imposition of attendant controls on properties that are not suited to viticultural use.
- 4.79 Our position is that the reference to 'buffer' area in Policy GRUZ-P7 should be removed and all properties mapped into Overlay for 'buffer' purposes should be excluded from the Overlay. Helpfully, Mr Horrell attached a map to his Reply Statement indicating the amended extent of the Overlay, were we minded to remove these areas⁹⁴. This is the mapping we adopt for the purposes of confirming the extent to the Overlay.
- 4.80 Our position on buffer areas naturally has a bearing on our consideration of requests from submitters to remap the Overlay to exclude their properties (refer to paragraphs 4.62 to 4.64 above). Mr Horrell had initially recommended that the properties at Nelsons Road, Shooting Butts Road and between Hinakura and Shooting Butts Roads be retained within the Overlay on the grounds that to exclude them would create a patch or fragmented mapping pattern⁹⁵. For the reasons outlined above, we do not agree that this provides a sufficient rationale for their retention, and on balance we prefer the evidence presented by or on behalf of the submitters explaining the rationale for their removal.
- 4.81 The one exception that Mr Horrell was prepared to countenance was the removal of the Dublin Street properties. He agreed that the inclusion of the properties

⁹¹ Officer's Hearing Introduction Summary Statement Rural Topic, undated, paras 63 to 64 and Officer's Reply Statement General Residential Topic (sic), para 57

⁹² Via Minute 16, 24 January 2024

⁹³ Supplementary Reply Statement Minute 16: Further Directions Associated with Hearing 3 (Rural Zones), 30 January 2025

⁹⁴ Officer's Reply Statement General Residential Topic (sic), Map 6, Appendix 6

⁹⁵ *Ibid*, paras 49 to 53

represented an anomaly and that they should be removed from the Overlay⁹⁶, a conclusion that we accept and adopt.

- 4.82 Finally, we agree with Mr Aburn and Mr Horrell⁹⁷ that the Overlay should be retained over the property at Vintners Lane, noting that we were not presented with any evidence in support of the request by the original submitter for its removal.

Coastal Environment

- 4.83 The final substantive matter pertaining to small lot subdivision that we need to address relates to its provision in the Coastal Environment.

- 4.84 We had heard evidence during Hearing 3 from Mr Hooper on this matter, on behalf of Mr and Mrs Southey⁹⁸, and also from Ms McWilliam on behalf of AdamsonShaw⁹⁹ at Hearing 6 on the Coastal Environment.

- 4.85 Mr Hooper had questioned the approach of making specific provision for small lot subdivision in areas subject to the Coastal Environment Overlay, on the grounds that enabling development in these areas would support the viability of small, isolated communities such as Ngawi.

- 4.86 Mr Horrell's response on this matter is worth quoting at length:

*"... the subdivision rules intentionally limit small allotment subdivision in the Coastal Environment in line with Policy CE-P5. This policy directs ... further residential development ... to the existing settlements for rural lifestyle subdivision and development to be avoided. This direction seeks to preserve the coastal environment values and align with the Strategic Direction in protecting productive capacity."*¹⁰⁰

- 4.87 We agree with Mr Horrell in this respect, noting also the relevance and application of Strategic Direction Objective NE-O4 which seeks that "[t]he special qualities of the Wairarapa coastal environment are recognised and protected from inappropriate subdivision, use, and development."

- 4.88 Allied to AdamsonShaw's general opposition to the application of the RLZ in Masterton District and the absence in that district of more general opportunities for small lot subdivision applying in other districts, Ms McWilliam considered that an appropriate means of addressing this would be to apply the alternative approach to small lot subdivision requested by AdamsonShaw.

- 4.89 It is this alternative approach that we gave consideration to in paragraphs 4.38 to 4.44 above. We have already determined there that the alternative approach should not proceed.

- 4.90 Consequentially, we do not recommend any changes to the PDP provisions in response to the requests by submitters as expanded on in evidence at this stage.

⁹⁶ *Ibid*, para 55

⁹⁷ *Ibid*, para 54

⁹⁸ Submitter S248

⁹⁹ Submitter S152

¹⁰⁰ Officer's Reply Statement General Residential Topic (sic), para 139

- 4.91 As noted above, the policy framework and provisions relating to subdivision in the Coastal Environment were the subject of consideration as part of Hearing Stream 6 and that, having considered the queries raised by submitters at that hearing, Mr Horrell had sought to explain the way in which the rural subdivision and Coastal Environment provisions overlapped and mutually applied in his Supplementary Reply Statement on the rural topic¹⁰¹. We thank him for providing further clarification.

Appropriate mix of provisions

- 4.92 Having settled the above matters, we are now in a position to draw together and consider the remaining supplementary replies of the Reporting Officer and reach a finding on the appropriate mix of provisions relating to small lot subdivision in the PDP. As the reader will recall, this includes considerations of potential 'yield' and the policy framework guiding provision for small lot subdivision in the context broader Strategic Direction Objectives relating to the enabling of primary production, the protecting of productive capacity and highly productive land, and the maintaining and enhancing of the character of the rural environment.
- 4.93 Mr Horrell's responses and recommendations in this respect are set out in paragraphs 29 to 40 of his Supplementary Reply Statement. There, he started by providing us with a detailed assessment of the potential yield delivered by all three consenting pathways before us¹⁰², including in a scenario where they would apply only in South Wairarapa and Carterton Districts, or across Masterton District as well (but in no case within the Highly Productive Land Overlay). In doing so, he also considered scenarios wherein the minimum lot size in the RLZ was also increased to 1 ha as he recommended¹⁰³, in combination with one or more of these pathways.
- 4.94 His calculations suggested that either the adoption of the 'alternative approach' proposed by AdamsonShaw¹⁰⁴ or the application of rules allowing for subdivision of less than 4 ha lots and between 4 ha and 6 ha lots across all three districts would generate a surplus of opportunities for lifestyle purposes above anticipated demand.
- 4.95 In response to a query from us asking him to identify any sources of duplication in the consenting pathways before us, Mr Horrell did suggest that there appeared to be at least a duplication of intent with respect to the 'surplus dwelling' subdivision Rule SUB-R5(1) catering for farm succession, and the 'alternative approach' proposed by AdamsonShaw. To address this, should we be minded to adopt that alternative, he recommended either the removal of the entirety of the former or the removal of the restricted discretionary activity component from that rule.
- 4.96 As we have already set out in paragraphs 4.38 - 4.44, we have decided not to adopt the 'alternative approach' proposed by AdamsonShaw for the reasons outlined there.
- 4.97 Mr Horrell then gave consideration to the most appropriate mix of provisions with reference to the PDP's overall strategic direction. It was at this point that it appeared that he had adjusted his position as to the overall tenor of that strategic direction.

¹⁰¹ Supplementary Reply Statement – Minute 10 & 13: Further Directions Associated with Hearing 3 (Rural Zones), 17 January 2025, paras 41 to 44

¹⁰² i.e., the 'less than 4 ha rule' encapsulated in notified SUB-R4.1 (referred to as 'Pathway 3a' in our Minutes), the restricted discretionary activity pathway for lots of between 4 and 6 ha proposed by Mr Horrell ('Pathway 3b') and the 'alternative approach' proposed by AdamsonShaw ('Pathway 4').

¹⁰³ Referred to as 'Pathway 4' in our Minutes

¹⁰⁴ NB: Mr Horrell refers to 'Pathway 5' in para 32 of his Supplementary Reply Statement but we clarified by way of Minute 16 (dated 30 January 2025) that this was an error and that he meant to refer to 'Pathway 4'.

4.98 As alluded to in paragraphs 4.13 to 4.16 of our report, we observed that Mr Horrell had previously emphasised what he saw as a requirement of Strategic Direction Objective to provide for rural lifestyle opportunities. Whereas, in his supplementary reply he suggested that this was at most a secondary direction couched within a primary objective of enabling primary production and protecting the productive capacity of rural land (in combination with the further direction as to that 'limited provision' set out in Policy GRUZ-P4). The more conservative position that he appears to have landed on aligns more closely with our own interpretation of the overall broad direction which the Strategic Direction Objectives provide and, ultimately, goes to our own finding as to the appropriate mix of provisions to achieve this direction.

4.99 Reflecting on that strategic direction, Mr Horrell concluded that:

*"The current approach that has been adopted in the PDP to meet this strategic direction has been to provide for rural lifestyle in locations where resource (productive capacity) is already fragmented. This translates through the Pathways ... [allowing for subdivision of less than 4 ha lots and between 4 ha and 6 ha lots] ... that limit subdivision to small landholdings that are unlikely to support productive use, and ... [the RLZ, attendant the increased minimum lot size] ... that confines lifestyle development to localised area of land where the resource has been fragmented. Both of those Pathways have been supported by technical assessment, including AgFirst's assessment that considers productive capacity."*¹⁰⁵

4.100 In sum, then, Mr Horrell concluded that pathways allowing for subdivision of less than 4 ha lots (largely as notified) and between 4 ha and 6 ha lots (as recommended) should proceed, albeit limited in their application to the South Wairarapa and Carterton Districts only, whereas the RLZ should remain the means of providing for lifestyle opportunities in Masterton District alone. Conversely, he recommended that AdamsonShaw's alternative approach should not proceed.

4.101 Mr Horrell's reasons for arriving at this position can be briefly summarised as follows:

- a. the alternative pathway proposed by AdamsonShaw would not demonstrate avoidance of fragmentation of productive land or provision of small lots in 'appropriate locations' sought to be achieved under the PDP policy framework, would represent a substantive change in approach, and would potentially give rise to natural justice questions; and
- b. the combination of pathways as notified and as otherwise recommended by Reporting Officers provides sufficient opportunities for rural lifestyle subdivision, with a predicted deficit in Masterton District potentially resolvable in the context of rezoning requests (Hearing Stream 13).

4.102 Broadly speaking, and as signaled at appropriate points in this section of our Decision Report, we agree that the alternative pathway proposed by the submitter should not proceed, whereas the pathways as notified and as modified by the Reporting Officer and also as recommended to be added (for lots between 4 and 6 ha in area) should proceed, as, collectively, these proposals most closely align with our interpretation of the strategic direction provided by the PDP and higher order NPS-HPL, while providing adequate opportunities for rural lifestyle development in that context.

¹⁰⁵ Supplementary Reply Statement – Minute 10 & 13: Further Directions Associated with Hearing 3 (Rural Zones), 17 January 2025, para 39

- 4.103 There is one exception to this finding. As signaled in paragraph 4.56, we have determined that both the existing, notified facility for subdivision of lots less than 4 ha as a controlled activity and the proposed facility for subdivision of lots in the 4 to 6 ha range as a restricted discretionary activity should be applied across all three Wairarapa Districts, inclusive of Masterton District. This extension to the Masterton District would apply alongside the application of the RLZ in that district.
- 4.104 Practically, these amendments involve the deletion of clause (a) in Rule SUB-R4(1) as notified and clause (a) in Rule SUB-R4(2)¹⁰⁶ to remove the pre-conditions requiring lots subject to subdivision being located within either the South Wairarapa or Carterton District(s). It also involves a consequential amendment to default Rule SUB-R4(5)¹⁰⁷ to remove references to those clauses.
- 4.105 In our view, the extension of these provisions provides a direct means of addressing the shortfall in opportunities for rural lifestyle subdivision identified by Reporting Officers; a shortfall exacerbated in the first instance by our adoption of a recommendation by Mr Horrell to reduce the spatial extent of the RLZ to better align with the zoning requirements of the NPS-HPL¹⁰⁸ and, secondly, by our decision to increase the minimum lot size for the RLZ to 1 ha, also as recommended by Reporting Officers. According to Mr Horrell, both the sub-4A ha and 4 to 6 ha pathway, if adopted across all three districts, together with an increase in the minimum lot size to 1 ha in the RLZ applying in Masterton District alone, may realise a surplus above demand in the order of 1,394 lifestyle lots over the life of the Plan¹⁰⁹. While the facilitation of any particular yield is a secondary consideration as we have already determined, we find that these additional facilities will not undermine the strategic intent of the PDP or higher order documents, as they apply only to existing lots that cannot reasonably be considered to be suitably sized for productive use.
- 4.106 We consider that sufficient scope to make these changes is provided by the general relief sought in relation to 'marginally' sized lots in Ms McGruddy's submission¹¹⁰. In s32AA terms we consider that the extension of these pathways to Masterton District represents the most efficient and effective means of achieving the strategic intent of the PDP and higher order direction, refining as it does the balance struck between protecting productive potential and maintaining rural character and amenity, while not inhibiting opportunities to reasonably use land for lifestyle or other purposes that could not be used productively due to its existing fragmentation. We consider that the risks of acting in this way are low as the facility does not extend to land parcels of a size that retain some reasonable prospect of productive use.
- 4.107 To summarise, then, we consider that the following package of provisions (which we refer to as pathways) represent the most appropriate mix facilitating small lot subdivision and should proceed:
- a. the retention of the boundary adjustment pathway (Rule SUB-R1) as notified, inclusive of its application across the General Rural Zone in all three districts (also as notified);

¹⁰⁶ A rule that Mr Horrell proposed be inserted, and as adopted and provisionally renumbered by us

¹⁰⁷ SUB-R4(6) as renumbered

¹⁰⁸ Refer to **Section 9** in this Decision Report where the basis for this recommendation is further outlined.

¹⁰⁹ Supplementary Reply Statement – Minute 10 & 13: Further Directions Associated with Hearing 3 (Rural Zones), 17 January 2025, paras 31 to 32 and Table 3. This is described as 'Scenario 2A' in Mr Horrell's Supplementary Reply Statement. The figure of 1,394 lots is made up of 607 lots in South Wairarapa and Carterton Districts and 787 lots in Masterton District.

¹¹⁰ Submitter S144

- b. the retention of the 'less than 4 ha lot' pathway (Rule SUB-R4(1)) subject to the amendments recommended by Mr Horrell and its further applications across the General Rural Zone in all three districts as decided by the Panel;
- c. the addition of the 4 to 6 ha pathway 2 as recommended by Mr Horrell (Rule SUB-R4(2) as provisionally renumbered by us) and its further applications across the General Rural Zone in all three districts as decided by the Panel;
- d. the retention of the 'surplus dwelling' lot pathway (Rule SUB-R5) as notified subject to the amendments recommended by Mr Horrell, inclusive of its application across the General Rural Zone in all three districts (also as notified); and
- e. in Masterton District, the application of the Rural Lifestyle Zone, subject to the amendments recommended by Mr Horrell.

4.108 The amendments we adopt in this respect are shown in track change in the 'tracked' version of the provisions in **Appendix 3** and in 'clean' form in the 'accepted' version of the provisions in **Appendix 4**.

5 Provision for Specific Activities in the Rural Zones

Outline of matters addressed in this section

- 5.1 As set out above, we have only evaluated those matters that were in contention at the hearing and where changes were recommended by the Reporting Officer that were not contested, we accept and adopt the Reporting Officer's changes and subsequent s32AA evaluations and corresponding accepting or rejecting of the associated submissions.

Summary of the relevant notified provisions

- 5.2 The submissions we address in this section of our report relates to the following activities within the General Rural Zone: The notified version of the GRUZ chapter contained nineteen rules GRUZ-R1-19, relating to the following activities:
- a. **GRUZ-R1** Buildings and structures, including construction, additions, and alterations
 - b. **GRUZ-R2** Demolition or removal of buildings and structures
 - c. **GRUZ-R3** *Relocatable buildings (excluding any building that is not to be used as a residential unit)*
 - d. **GRUZ-R4** *Seasonal worker accommodation*
 - e. **GRUZ-R5** Primary production (excluding quarrying activities, intensive primary production, and rural industry)
 - f. **GRUZ-R6** Agricultural aviation
 - g. **GRUZ-R7** *Residential visitor accommodation (excluding visitor accommodation)*
 - h. **GRUZ-R8** Residential activities
 - i. **GRUZ-R9** Intensive primary production
 - j. **GRUZ-R10** Conservation activities
 - k. **GRUZ-R11** *Rural Produce Retail*
 - l. **GRUZ-R12** *Quarrying activities*
 - m. **GRUZ-R13** Papakāinga
 - n. **GRUZ-R14** *Motorised outdoor recreation activities*
 - o. **GRUZ-R15** *Visitor accommodation (excluding residential visitor accommodation)*
 - p. **GRUZ-R16** *Rural industry*
 - q. **GRUZ-R17** Commercial boarding of cats, dogs, and other domestic pets
 - r. **GRUZ-R18** Commercial and industrial activities not otherwise provided for
 - s. **GRUZ-R19** Any activity not otherwise listed in this chapter
- 5.3 The following three provisions were recommended post notification:
- a. **GRUZ-XX** *Emergency service facility*
 - b. **GRUZ-XX** *Educational facility*
 - c. **GRUZ-XX** *Mining Activity*
- 5.4 The notified version of the RLZ chapter contained sixteen rules RLZ-R1-16, relating to the following activities:
- a. **RLZ-R1** Buildings and structures, including construction, additions, and alterations

- b. *RLZ-R2* Demolition or removal of buildings and structures
- c. *RLZ-R3* Relocatable buildings (excluding any building that is not to be used as a residential unit)
- d. *RLZ-4* Residential activities
- e. *RLZ-R5* Primary production (excluding quarrying activities, intensive primary production, and rural industry)
- f. *RLZ-R6* Conservation activities
- g. *RLZ-R7* Rural produce retail
- h. *GRUZ-R8* Shelterbelts and small woodlots
- i. *GRUZ-R9* Home Business
- j. *RLZ-R10* Papakāinga
- k. *RLZ-R11* Intensive primary production
- l. *RLZ-R12* Rural Industry
- m. *RLZ-R13* Commercial boarding of cats, dogs and other domestic pets
- n. *RLZ-R14* Quarrying activities
- o. *RLZ-R15* Commercial and industrial activities not otherwise provided for
- p. *RLZ-R16* Any other activities not otherwise provided for in this chapter

5.5 The following two provisions were recommended post notification:

- a. *RLZ-RX Emergency service facilities*
- b. *RLZ-RX Mining activities*

5.6 On the basis set out above in paragraph 5.1, the Panel makes no further evaluation on the following provisions listed above in **black** that the Reporting Officer recommended be retained as notified and accepts and adopts the recommended changes to the provision listed above in **green** above and associated s32AA evaluation contained in the s42A Report, which were not contested at the hearing¹¹¹.

5.7 With respect to provisions listed above in **blue**, which were notified but remained in contention at the hearing and those in **red** which were new provisions recommended either in the s42A Report or Reply Statement, we evaluate both alongside the associated submissions relating to those provisions in the section below.

Overview of submissions

5.8 A total of 78 original submissions and 21 further submissions were received on the Rules for the GRUZ. A total of five submissions and one further submission was received in relation to new provisions sought in the RLZ.

5.9 With respect to the GRUZ, submissions were received on all nineteen rules (GRUZ-R1-R19) within the GRUZ chapter, with general support for notified rules R1- R3, R5, R13 and R17-19. Amendments were sought for all other rules, with only one rule sought to be deleted by a submitter. New provisions were also sought by submitters that were not included in the PDP.

5.10 Submissions in relation to the RLZ provisions, were generally supportive, with some seeking additional provisions covering the following:

- a. Biodiversity and rivers

¹¹¹ s42A Report, Section 7.8, pages 79-89

- b. Greenhouses
- c. Mining activities
- d. Educational facilities
- e. Emergency service facilities

5.11 We heard the following submitters at the hearing in relation to the provisions:

- a. Nigel and Pippa Broom
- b. Tim Ensor for Fulton Hogan
- c. Mr Hodgson for Horticulture NZ and the Pork Industry Board
- d. Mr Matich for Federated Farmers
- e. Ms Rosser for Enviro NZ
- f. Ms Foster for East Leigh
- g. Mr Matthews for Genesis Energy
- h. Ms McLeod for Transpower
- i. Mr Aburn for Wairarapa Winegrowers' Association, Martinborough Holdings and Aburn Papova Trust
- j. Mr Hooper for Heavy Haulage Association
- k. Mr McGimpsey for FENZ

Evaluation and decisions on key issues remaining in contention

5.12 As set out above, as a result of the submissions received, the Reporting Officer made recommended amendments to the following provisions in *blue* below and introduced new rules below in *red*. At the conclusion of the hearing, the following provisions remained in contention and are there those that we provide evaluation for.

- a. *GRUZ-R3 Relocatable buildings (excluding any building that is not to be used as a residential unit)*
- b. *GRUZ-R4 Seasonal worker accommodation*
- c. *GRUZ-R11 Rural Produce Retail*
- d. *GRUZ-R12 Quarrying activities*
- e. *GRUZ-R16 Rural industry*
- f. *GRUZ-XX Emergency service facility*
- g. *GRUZ-XX Educational facility*
- h. *GRUZ-XX Mining Activity*

5.13 With respect to RLZ, the only rules that remained in contention related to the following:

- a. *RLZ-XX Emergency service facility*
- b. *RLZ-XX Mining activities*

5.14 With respect to *GRUZ-R3 Relocatable buildings*, this matter was substantially dealt with in Report 2.

5.15 Several submitters sought changes to rule *GRUZ-R4 Seasonal worker accommodation* in addition to the corresponding definition, which we evaluate in the **Definitions** section below. The submitters sought to amend the activity status by including additional permitted standards, removing several matters of control and including additional matters of discretion.

5.16 However, Mr Horrell initially rejected the activity status changes but accepted FENZ

submission¹¹² and recommend that GRUZ-R4(1) is amended to also require compliance with GRUZ-S7¹¹³.

- 5.17 At the hearing we heard from submitters¹¹⁴ on this matter and Mr Horrell provided further recommended changes to the rule in his Reply Statement in light of the evidence provided, which sought to delete the permitted activity standard requirement that 'there is no more than one seasonal worker accommodation building per site' and that the buildings could not be located on highly productive land or within the Martinborough Soils Overlay. Mr Horrell also recommended that a 'maximum cumulative' gross floor area be included in lieu of these deletions from the rule.
- 5.18 Whilst Mr Horrell did not provide an explicit s32AA evaluation on these changes, he did conclude that the changes appropriately respond to the submitters concerns¹¹⁵. The Panel considers that the changes better provide for the need for seasonal worker accommodation, which sufficiently limits the cumulative effects of seasonal worker units on the purpose and character of the GRUZ and is still consistent with the NPS-HPL.
- 5.19 Rule *GRUZ-R7 Residential visitor accommodation (excluding visitor accommodation)* as notified, provided for permitted activity status provided standards were achieved and defaulted to a restricted discretionary status where they were not achieved. Submissions¹¹⁶ were divided on this rule, with some submitters supporting it and others seeking it be deleted in its entirety or that the activity status be changed to discretionary.
- 5.20 Mr Horrell did not recommend any changes, with the exception of including the requirement for an additional permitted standard with respect to GRUZ-S3 for minimum setbacks for consistency and continuity with other changes.
- 5.21 The Panel agrees with Mr Horrell's assessment that residential visitor accommodation is a common land use activity in rural areas, particularly near the settlements, and amending the activity status to discretionary would likely result in a high number of resource consents¹¹⁷. The Panel considers that consenting and administration costs would be disproportionate to the benefits of protecting primary production and any inferred reverse sensitivity issues raised by submitters and therefore we accept Mr Horrell's recommendation to retain the activity status as notified.
- 5.22 With respect to *GRUZ-R11 Rural Produce Retail*, which was notified as a permitted activity, provided that the gross floor area is no more than 40m², along with additional permitted clauses.
- 5.23 In addition to support for this rule from submitters¹¹⁸, one submitter¹¹⁹ also sought additional clauses relating to the scale of activities and number of visitors be added.

¹¹² Submission point S172.093

¹¹³ s42A Report, paras 390-395, page 83

¹¹⁴ Submitter S219

¹¹⁵ Reply Statement Para 95, page 21

¹¹⁶ Submission points S172.090, S212.263, S221.140, S229.042

¹¹⁷ para 403, page 84. s42A Report

¹¹⁸ Submission points S212.267 and S221.143

¹¹⁹ Submission point S219.001

- 5.24 Mr Horrell initially considered that the 40m² gross floor area appropriately permits smaller scale operations and manages the effects of and did not warrant any further limitations¹²⁰.
- 5.25 In response to the presentation and additional information provided at the hearing from submitters which highlighted that the rule as drafted may unintentionally permit on-site hospitality or the sale of food or beverages, Mr Horrell recommended further changes to the rule. The recommended changes provide clear articulation for the avoidance of doubt that *'there is no sale of food or beverages to the general public for consumption on the site'*.¹²¹
- 5.26 On this basis, the Panel considers that the recommended changes are a more effective way of providing for compatible activities whilst managing the potential reverse sensitivity effects arising from Rural Produce Retail and better achieve the objectives and policies of the Rural Zone, in particular Objective GRUZ-04: *Enable compatible activities and Objective GRUZ-06: Reverse Sensitivity*.
- 5.27 Fulton Hogan sought additional rules in relation to quarrying activities and amendments to rule **GRUZ-R12 Quarrying activities, and the associated Policy GRUZ-P5**. Specifically, the submitter sought to remove provisions managing vehicle movements, requiring the maintenance of the character and amenity of the zone, and focusing on rehabilitation matters. The submitter has also sought an additional discretionary activity rule that provides for the deposition of inert fill¹²².
- 5.28 Mr Horrell initially disagreed with the submitters' sentiments and rejected the changes sought¹²³.
- 5.29 The Panel directed Joint Witness Conferencing¹²⁴ on this matter. Both parties reached an agreement on the changes to GRUZ-P5 and GRUZ-R12 to clarify consideration of amenity effects in relation to vehicle movements and matters of quarry rehabilitation.
- 5.30 The Panel accepts the recommended changes agreed as outlined in the JWS to both GRUZ-P5 and GRUZ-R12, which still seeks that the effects of vehicles associated with quarrying activities is managed in way that is consistent with the overarching Objective GRUZ-02: Rural Character, in particular clause (c), which recognises the balance between maintaining and enhancing the predominant rural character and acknowledging traffic associated with rural production activities. Furthermore, the Panel considers the amendment of the word 'remediate' with 'rehabilitate' the site quarry site as a matter of discretion better aligns with the Objective GRUZ-02.
- 5.31 With respect to Rule **GRUZ-R16: Rural Industry**, this rule was notified as a Discretionary Activity, with some submitters¹²⁵ supporting the rule and seeking it retained, with others opposing¹²⁶ the rule and seeking a permitted activity status.
- 5.32 No changes were recommended to Rule GRUZ-R16 as result of the submissions, with

¹²⁰ para 418, page 86, s42A Report

¹²¹ para 99-92, pages 20-21, Reply Statement

¹²² para 124, 132-136, pages 35-37, s42A Report

¹²³ para 124, 132-136, pages 35-37, s42A Report

¹²⁴ JWC held between Tim Ensor (Fulton Hogan) and Charles Horrell (s42A Officer) dated 31 October 2024

¹²⁵ Submission points S212.272 and S229.046

¹²⁶ Submission points S122.065 and S221.145

Mr Horrell stating that while he agreed that smaller scale rural industries could be better provided for, he did not consider a permitted rule was appropriate and such activities still need to be located and managed in a way that maintains the character of the General Rural Zone and does not conflict with other activities¹²⁷.

- 5.33 We directed Joint Witness Conferencing on this matter¹²⁸, seeking an outcome on whether the General Rural Zone provisions be made more efficient and effective to manage rural industry and what the most appropriate activity status for these activities would be.
- 5.34 The JWS set out that both parties agreed that a restricted discretionary activity rule with a public notification preclusion clause and specific matters of discretion appropriate for small scale rural industries was the most appropriate and where this rule is not met, the activity would be a discretionary activity¹²⁹.
- 5.35 The Panel accepts and adopts the amendment to the activity status of Rule GRUZ-R16 set out in the JWS on the basis that it provides a rule framework that manages the known effects of the proposed activity but provides the Council the ability to decline the activity where it is incompatible with the character and amenity of the GRUZ. Therefore the Panel considers the recommended changes better achieve the overall purpose of the Act and Objectives GRUZ-O2 and GRUZ-O4.
- 5.36 FENZ¹³⁰ sought a new rule be inserted to provide for ***Emergency service facilities*** as a permitted activity in both the RLZ and GRUZ.
- 5.37 Although Mr Horrell agreed that this activity needs to be provided for and under the notified rule framework would be provided for as a Discretionary Activity under Rule GRUZ-R19 and RLZ-R16 for any activity not otherwise provided, he considered that there was a need to manage the relevant adverse effects and therefore a permitted activity status as sought by the submitter was not appropriate¹³¹.
- 5.38 The Panel accepts and adopts the recommended provisions for Emergency service facilities in both rural zones and subsequently accepts in part the submission of FENZ.
- 5.39 With respect to provisions for ***Educational facilities***, Ministry of Education sought that these facilities are provided for a restricted discretionary activity within the GRUZ and the RLZ.
- 5.40 Whilst Mr Horrell considered the submission, he initially did not recommend a new rule citing that *"that Rural Lifestyle Zone is located on the fringe of the Masterton urban boundary and in proximity to existing educational facilities. If a new educational facility is needed to service Masterton and any peri-urban growth, it is expected that this would be located within the urban limits. If the submitter was to provide further evidence for a need for an educational facility within the land identified for the Rural Lifestyle Zone, I would reconsider this."*¹³²

¹²⁷ para 430, page 88 s42A Report

¹²⁸ JWC held between Tim Ensor (Fulton Hogan) and Charles Horrell (s42A Officer) dated 31 October 2024

¹²⁹ JSW of Tim Ensor (Fulton Hogan) and Charles Horrell (s42A Officer), page 4-5, dated 31 October 2024

¹³⁰ Submission point S172.103

¹³¹ para 155, page 42, s42A Report

¹³² para 537, page 112, s42A Report

- 5.41 However, Mr Horrell did concede a restricted discretionary activity was appropriate within the GRUZ as sought by the submitter, but recommended amending matter of discretion (1) to refer to the "character and amenity of the General Rural Zone" and that an amendment to matter of discretion (5) to align with the policy direction¹³³.
- 5.42 Ministry of Education tabled a memorandum at the hearing in lieu of attendance on this matter and accepted the rejection of the RLZ rule and supported the insertion of the restricted discretionary rule in the GRUZ zone¹³⁴.
- 5.43 Given the support from Ministry of Education in relation to the insertion the restricted discretionary activity rule for **Education Facility** in the GRUZ, the Panel accept and adopts the rule as set out in the s42A Report.
- 5.44 Concerns were raised by a submitter¹³⁵ in relation to **Mining Activities** within both the GRUZ and the RLZ which were not captured by the notified rule framework. Further submissions¹³⁶ opposed the original submission on the basis that mining activities differ from quarrying activities and whilst they both involve extraction, the former would fall into the 'catch-all' rule GRUZ-R19 for any other activity not otherwise listed as a Discretionary Activity.
- 5.45 Mr Horrell's s42A Report recommended a new rule be inserted for Mining Activities as a non-complying activity in the RLZ and as a Discretionary Activity in the GRUZ¹³⁷.
- 5.46 The difference in the activity status recommended by Mr Horrell was on the basis that mining activities were very likely to be incompatible with purpose and character for the RLZ, whereas Policy GRUZ-P6 anticipates mining activities but seeks to avoid them where they are in proximity to urban areas where the amenity values would be diminished.
- 5.47 Therefore, the Panel accepts the recommended new rules and associated s32AA evaluation contained in Mr Horrell's s42A Report and subsequently accepts and rejects the relevant submissions.

¹³³ para 156, page 42, s42A Report

¹³⁴ Tabled Letter to the Commissioners from Ministry of Education, dated 10 October 2024

¹³⁵ Submission point S258.181

¹³⁶ Submission points FS81.063 and FS89.008

¹³⁷ paras 149-150, 174-178, 534-535, s42A Report

6 Relevant Definitions

Outline of matters addressed in this section

- 6.1 With respect to the definitions that relate to both the General Rural Zone and the Rural Lifestyle Zone, we have only evaluated those matters that were in contention at the hearing and where changes were recommended by the Reporting Officer that were not contested, we accept and adopt the Reporting Officer's recommendations on the notified definitions, subsequent s32AA evaluations where relevant to changes and corresponding accepting or rejecting of the associated submissions.
- 6.2 Therefore, the Panel makes no further evaluation on the following changes to notified definitions, or new definitions recommended by the Reporting Officer, either contained in the s42A Report or Reply Statement:
- a. Frost Fan*
 - b. Horticulture or Horticultural Activities*
 - c. Mining*

Summary of the relevant notified provisions

- 6.3 The submissions we address in this section of our report relate to the following definitions that remained in contention at the hearing:
- a. Quarrying activities and Activities ancillary to quarrying*
 - i. Disposal of inert material*
 - b. Relocatable buildings*
 - c. Seasonal worker accommodation*
 - d. Mining*
 - e. Artificial crop protection structure*
 - f. Organic Compositing*
 - g. Rural produce retail*
 - h. Agricultural Aviation*

Overview of submissions

- 6.4 A total of 18 original submissions and 14 further submissions were received on the definitions for the rural zones.

Recommended amendments that the Panel adopts

- 6.5 Submissions were received on the following 13 definitions, with the majority supporting the notified definitions, whilst others sought amendments to the definitions and those in opposition related to the definitions relating to quarrying, highly productive land and visitor/worker accommodation.
- 6.6 Submitters had also sought a new definition for 'rural contractor depot' which had not been included in the PDP as notified. Its inclusion was not recommended by the Reporting Officer, which we accept and adopt the evaluation provided in the s42A Report on this matter in rejecting the submission¹³⁸.

¹³⁸ para 170-173, Officer's s42A Report, Rural Zones, prepared by Charles Horrell, dated 14-18 October 2024

Evaluation and decisions on key issues remaining in contention

- 6.7 We set out our evaluation of the proceeding *definitions* listed above in paragraph 6.3 above.
- 6.8 Evidence from Fulton Hogan¹³⁹ was presented at the hearing in relation to the definition of Quarrying Activity. This matter remained in contention at the hearing. As a result, the Panel directed Joint Witness Conferencing in relation to the definition for *Quarrying activities and Activities ancillary to quarrying* in relation to the addition sought by the submitters to include the '*deposition of inert material and recycling material*' as part of the definition of 'quarrying activities' between Fulton Hogan and the Reporting Officer. A JWS¹⁴⁰ was prepared which answers several questions we raised through Minute 6.¹⁴¹
- 6.9 The deposition of inert material for quarry rehabilitation was canvassed by the JWS and confirmed that this would be captured by the definition of 'quarrying activities'. Whilst it was agreed that no change to the definition was required, both parties agreed that confusion may still arise for the plan reader and considered that an advice note should be added to the rule as an alternative to incorporating the 'disposal of inert material' to the definition. This matter is covered in the section above in relation to the 'Provisions'.
- 6.10 The Panel therefore accepts and adopts the final position set out in the JWS that no further changes to the definitions of *Quarrying activities and Activities ancillary to quarrying* is required.
- 6.11 The definition of *Relocatable buildings* as notified is "*Means the removal, relocation, re-siting or demolition of an existing building from any site to another site, excluding the movement of a building within the same title or a new building built off-site that has not been used and is for the express purpose of being located to the subject site.*"
- 6.12 Submissions were received on the provisions of relocatable buildings and evidence was presented at the Hearing¹⁴² from the Heavy Haulage Association. The substantive matter relating to this has been addressed in **Report 2**.
- 6.13 However, as a result of both the evidence and supplementary reply statement¹⁴³ provided by Reporting Officer in response to the Panel's Minute 12¹⁴⁴ no further changes to the definition of *Relocatable buildings* were necessary, which the Panel accepts and adopts.
- 6.14 With respect to the definition of *Seasonal worker accommodation*, the submission from Horticulture NZ¹⁴⁵ sought the inclusion of the reference to post-harvest facilities as an activity that the short-term labour requirement may be applied to. The Pork Industry Board¹⁴⁶ sought that the reference 'seasonal' be changed to 'short-term'¹⁴⁷.

¹³⁹ Statement of Evidence of Timothy Ensor on behalf of Fulton Hogan, dated 30 September 2024

¹⁴⁰ JWS, dated 31 October 2024

¹⁴¹ Minute 6, dated 21 October 2024

¹⁴² Evidence of New Zealand Heavy Haulage Association Inc (S252.001), dated 14 October 2024

¹⁴³ Supplementary Reply Statement: Minute 12: Further Direction Associated with Hearing 2 and 3, dated 17 January 2025

¹⁴⁴ Minute 12, dated 12 December 2024

¹⁴⁵ Federated Farmers (S214.002)

¹⁴⁶ Submission point S229.005

¹⁴⁷ para 195-198, page 51, s42A report

- 6.15 We accept and adopt the recommended changes to the definition that the Reporting Officer recommended to align with the outcome sought by Horticulture NZ¹⁴⁸ and rejects the change sought by the Pork Industry Board in that the inclusion of the reference to 'post-harvest' given that it follows the same seasonal patterns as other horticultural labour based on when produce is harvested¹⁴⁹. We also accept and adopt the Reporting Officer rationale to reject the amendment sought by the Pork Industry Board given that replacing 'seasonal' with 'short-term' may potentially inadvertently capture a different type of accommodation not intended within the zone and is inconsistent with that approach of the provision and would broaden the definition¹⁵⁰.
- 6.16 Horticulture NZ¹⁵¹ sought a new rule in relation to *Artificial crop protection structure*, in association with a new rule to permit them. Mr Horrell's s42A Report rejected the need for a new provision and did not recommend a corresponding definition be added¹⁵². However, in evidence presented by Horticulture NZ, Mr Horrell subsequently provided additional changes to standards GRUZ-S2 (height in relation to boundary) and GRUZ-S3 (setbacks), which provide exemptions for '*Artificial crop protection structure*'. He also made a consequential amendment and recommended a new definition for artificial protection structure as it would clarify what the exemption reference was¹⁵³.
- 6.17 At the hearing we heard from Ms Rosser for Enviro NZ regarding the request for an additional definition for '*Organic Composting*'. Ms Rosser's rationale for seeking the definition was to ensure that the proposed definition would allow for the activity to be considered 'rural industry' as defined by the National Planning Standards, where an 'organic composting' activity is generally operated on a scale larger than 100m³ and would therefore be provided for under the PDP via Rule GRUZ-R16: Rural Industry as discretionary activity, with any volume smaller 100m³ being provided for as a permitted activity.
- 6.18 Mr Horrell recommended that the definition be included as set out in his Reply Statement as it would clarify and ensure that small scale (being less than 100m³) operations are not captured by the consent requirement. We also note that Mr Horrell separately recommended that the activity status in Rule GRUZ-R16 for 'Rural Industry' be amended from a discretionary activity to a restricted discretionary activity; something we are minded to accept (refer to paragraph 8.11.i. in this Decision Report).
- 6.19 The Panel considers that there is insufficient evidence that that the 100m³ metric for 'Organic Composting' has been adequately justified through s32AA analysis and can be justified in effects terms. To illustrate this, the Panel has concerns that an organic composting activity of 99m³ could give rise to reverse sensitivity or nuisance effects such as odour equivalent to an activity of 101m³ in area and that, in such circumstances, a permitted activity status accorded the former might not enable workable standards to be imposed.

¹⁴⁸ Submission point S221.025

¹⁴⁹ para 195-198, page 51, s42A report

¹⁵⁰ p 198, page 51, s42A report

¹⁵¹ Submission point S221.136

¹⁵² s42A Report, para 158, page 43

¹⁵³ Summary statement, para 22-23, page 5

- 6.20 Therefore, the Panel rejects Mr Horrell's recommendation to include a definition of 'organic composting'. It notes that, as a result, such an activity, at any scale, would be assessed under Rule *GRUZ-R19 'Any activity not otherwise listed in this chapter'* as a discretionary activity; this status providing the Councils with the ability to grant or decline the proposal activity, with or without conditions. The Panel considers this is the most appropriate way of achieving the Act and the GRUZ objectives, and managing potentially adverse effects.
- 6.21 Federated Farmers¹⁵⁴ sought amendments to the definition of *Rural produce retail* to replace the word 'on site' with 'by the same operation'.
- 6.22 Mr Horrell accepted and recommended the changes sought by the submitter in his s42A Report¹⁵⁵ citing these changes ensure the definitions do not contain any potential internal conflicts and ensure that the definition appropriately captures the industry understood meaning in his s32AA evaluation.
- 6.23 However, at the hearing, Mr Percy presented further recommended changes to the definition of 'Rural produce retail'¹⁵⁶ on behalf of submitters Mr and Mrs Broom¹⁵⁷ to include the word 'structures' citing that the rule refers to 'structures' but the definition does not. Additional changes were also recommended to the definition to only permit the sale of products that are grown on the site.
- 6.24 Mr Horrell returned to this matter in his Reply Statement. Whilst Mr Horrell provided commentary regarding changes to the rule relating to rural produce retail, he did not provide any further assessment on the recommended changes introduced by Mr Percy to the definition. However, Mr Horrell has recommended that word 'Structures' be included.
- 6.25 Given that the original submission of Mr and Mrs Broom did not seek changes to the definition of rural produce retail but as a consequential amendment to the changes sought to the rule for GRUZ-R11 Rural produce retail, we accept Mr Horrell recommendation to include the word 'structure' and therefore, we accept the final wording changes below of the definition of 'rural produce retail' to be:
- "Means the use of land, **structures** and/or buildings on, or within which, rural produce grown or produced **by the same operation on-site**, and products manufactured **by them from it**, are offered for sale. This includes the further processing of products manufactured **by the same operation on-site**."*
- 6.26 The Panel considers that the above wording provides clarity for the plan user.
- 6.27 Mr Match for Federated Farmers¹⁵⁸ also sought amendments to the definition for *Agricultural Aviation* to delete the application of the definition applying to the operation of aircraft '*from a rural airstrip or helicopter landing area*' which he considered may preclude certain types of Unmanned Aerial Vehicles ('UAVs'), which are increasingly used for aerial application of agrichemicals and enable more cost-efficient farming¹⁵⁹. The submission also sought the inclusion of the words 'lifting of

¹⁵⁴ Submission point S221.024

¹⁵⁵ s42A Report para 206, page 53

¹⁵⁶ Submitter S219 – Hearing Presentation - appendix 1 – Recommended changes to PDP Rules, undated

¹⁵⁷ Submitter S219

¹⁵⁸ Submission point S214.004

¹⁵⁹ para 3.1, page 3 Statement of Planning Evidence of Peter Match on behalf of Federated Farmers, dated 30 September

fencing materials and 'other activities ancillary to primary production' be added to the definition.

- 6.28 Mr Horrell's s42A Report did not recommend any changes to the definition citing that the current definition encompassed the appropriate activities and the definition needed to refer to the rural airstrip or helicopter landing area, as the PDP can only manage the activity as it relates to take off and landing¹⁶⁰.
- 6.29 At the hearing, we sought clarification regarding the definition of UAVs. Mr Horrell provided clarification on this matter in his Reply Statement, confirming that the Civil Aviation Act 1990 provides a definition of 'aircraft' which means "*any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth*".¹⁶¹
- 6.30 Mr Horrell's returned to this matter in his Reply Statement and on the basis of the evidence presented, he recommended that the word 'aircraft' be added to the definition. The Panel accepts Mr Horrell's assessment contained in the Reply Statement that the Civil Aviation Act 1990 definition of 'aircraft' is broad and would capture both manned and unmanned aerial vehicles. Therefore, the Panel agrees with Mr Horrell's recommendation to insert the word "aircraft" into the definition, which would address the Federated Farmers concerns regarding the inclusion of UAVs.
- 6.31 However, the Panel wishes to acknowledge the Federated Farmers concerns that the use of Agricultural Aviation should be limited to rural airstrips or helicopter landing areas given that UAVs may not necessarily require such locations for taking off and landing. In terms of permitted activity status, existing rural airstrips and helicopter land areas which are both defined in the plan. The definition for 'rural airstrips' in the PDP is "*Means any defined area of land in the General Rural Zone intended or designed to be used, whether wholly or partly, for aircraft movement or storage, or the servicing of aircraft, excluding any airstrip on land where the principal use of that land is for primary production and is used intermittently for agricultural aviation activities (farm airstrips)*." The Panel considers that this definition is sufficiently broad to address the concerns raised by the Federated Farmers and therefore accepts the recommended rejection of the deletion of the words 'rural airstrip' from the definition by Mr Horrell.
- 6.32 Therefore, the Panel favours Mr Horrell's recommended changes to the definition of *Agricultural Aviation*, to include the term 'aircraft' which would encompass UAV and retain reference to 'rural airstrips' and 'helicopter landing area' which include any area used for the movement of an UAV for agricultural activities.

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¹⁶⁰ para 200, page 52, s42A Report

¹⁶¹ Reply Statement para 66, page 19

7 Rural Lifestyle Zone Rezoning Requests

Outline of matters addressed in this section

- 7.1 With respect to the rezoning requests, whilst we provide an evaluation of the majority of rezonings that were not in contention, we consider it preemptive to make findings on the submissions that were presented at the hearing ahead of the substantive rezoning requests set for Hearing Stream 13. However, we have provided preliminary evaluation on these for completeness within this report but reserve our final decisions on these once all evidence has been presented and submitters heard at Hearing Stream 13 (and recorded in **Decision Report 11**).

Overview of submissions

- 7.2 A total of nine original submissions were received that sought a total of 15 properties be rezoned from General Rural Zone to Rural Lifestyle Zone¹⁶².
- 7.3 Further submissions received provided both support and opposition to the rezoning requests.
- 7.4 At the hearing we heard from the following:
- a. Ms Blackwell for Garry Daniell
 - b. Ms McWilliam for AdamsonShaw
 - c. Ms Juliet Chambers – hearing statement

Recommended amendments that the Panel adopts

Initial Evaluation rezoning requests

- 7.5 As a result of the submissions received, the Reporting Officer did not recommend that any of the 15 rezoning requests be accepted and set out a full assessment within Appendix 6 of the s42A Report.
- 7.6 All 15 rezoning requests were assessed against the six criteria set out in the s32 Report, which were used to identify the notified Rural Lifestyle Zone areas, which we summarised below:
- a. *The ability to positively contribute to the capacity for future demand*
 - b. *The degree to which the rezoning avoids fragmentation, loss of productive capacity and reverse sensitivity*
 - c. *There is no loss of highly productive land in terms of clause 3.10 of the NPS-HPL*
 - d. *The size and location of land must be contiguous of notified RLZ, located in proximity to an urban area or settlement and positively integrates in the urban/rural boundary*
 - e. *Must be reasonably developable in terms of on-site servicing and not constrained by topography, natural hazards and planning overlays etc*
 - f. *Must have safe and efficient traffic and roading access*

¹⁶² Appendix 6, s42A Report for Rural Zones

- 7.7 The Reporting Officer concluded that “*Based on my evaluation of that criteria, I do not consider there is sufficient evidence to support any of the rezoning requests*”¹⁶³
- 7.8 Further to the assessment of all 15 sites that were set out in Appendix 6 of the s42A Report, Mr Horrell provided a summary analysis of the following five properties to be rezoning at:
- a. 75 Evans Road
 - b. 66, 78 and 114 Chamberlain Road
 - c. Boundary Road, Donald's Road, and the lower portion of Ngaumutawa Road
 - d. 254 State Highway 2
 - e. 125 Te Ore Ore Road
- 7.9 However, Mr Horrell considered that whilst these properties above may have some level of feasibility in terms of meeting the six criteria, further evidence was needed to provide clarity on the matters he raised to demonstrate they meet the criteria needed in order for him to reconsider his position¹⁶⁴.

Evaluation and decisions on key issues remaining in contention

- 7.10 At the hearing, we heard from the submitters seeking the rezoning of properties listed in paragraph 7.8.b. to e. above. However, Mr Horrell retained his s42A Report position in his Reply Statement that there remained a lack of evidence that these properties met the required criteria to be rezoned¹⁶⁵.
- 7.11 However, we also acknowledge Mr Horrell’s sentiments that the submitters may wish to provide further evidence at Hearings Stream 13 in support of their rezoning requests.
- 7.12 Whilst we consider these rezoning requests are best dealt with collectively and holistically at Hearing Stream 13, (and in Decision Report 11), we make some preliminary comments below.

75 Evans Road

- 7.13 Mr Qualtrough¹⁶⁶ seeks rezoning of 75 Evans Road from General Rural Zone to Rural Lifestyle Zone, which the Reporting Officer recommended not to rezone the site for rural lifestyle zoning due to its isolation from the existing Rural Lifestyle Zone and its limited size, which would create an inconsistent development pattern. The Reporting Officer noted that any lifestyle development could still be pursued through a subdivision consent process.
- 7.14 In the absence of any evidence in support of the rezoning by the submitter, the Panel agrees with the Reporting Officer’s rationale and rejects the rezoning of this site accordingly. We do not consider this submission any further in Decision Report 11.

¹⁶³ para 510, s42A Report on Rural Zones, page 107, dated 14-18 October 2024

¹⁶⁴ para 519-522, s42A Report on Rural Zones, page 108-109, dated 14-18 October 2024

¹⁶⁵ Submitter S52

¹⁶⁶ Submitter 58

Chamberlain Road

- 7.15 Mr Rendle¹⁶⁷ submitted requesting the rezoning of land directly north of Chamberlain Road to Rural Lifestyle, which the Reporting Officer recommended rejecting the rezoning request on the lack of evidence that the rezoning would meet Clause 3.10 of the NPS-HPL.
- 7.16 The Panel agrees that there is a lack of evidence to support the rezoning of this property and therefore, without prejudice, on the basis of the current evidence to hand, the Panel could not support the rezoning of this land.
- 7.17 This matter is revisited through the rezoning hearings, Refer to the **Report 11**.

Ngaumutawa Road

- 7.18 Submitters Simon Coffey¹⁶⁸ and Sally Whitehead¹⁶⁹ sought the rezoning of the property located at Boundary Road, Donald's Road and the lower portion of Ngaumutawa Road to Rural Lifestyle zoning. The Panel also heard from further submitters¹⁷⁰ in support of this rezoning.
- 7.19 At the hearing, we sought confirmation on the spatial extent of the area sought for rezoning as the original submission inferred the spatial extent. We agree with the Reporting officer recommendation that the request for rezoning needs to be confirmed and clarified at Hearing Stream 13 to ensure the equitable and fair opportunity for submitters¹⁷¹.
- 7.20 This matter is reviewed through Hearing Stream 13 and therefore refer to the Rezoning Decision **Report 11**.

Te Ore Ore Road

- 7.21 Submitters Ms Blackwell and Mr Bews for Garry Daniell¹⁷² spoke to their pre-circulated evidence relating to the rezone request from General Rural to Rural Lifestyle at 125 Te Ore Ore Road.
- 7.22 Feedback from the Councils Engineers who have reviewed the site and based on the revised 1-ha minimum allotment size for the Rural Lifestyle Zone consider that on-site servicing is likely feasible / does not pose a significant constraint to subdivision across the full site
- 7.23 The Panel understands that further evidence was to be provided by the submitter in support of the rezoning. However, the Panel considers that this matter and any further evidence should be provided through Hearing Stream 13 to ensure that all rezoning matters are dealt with in a holistic manner.
- 7.24 The substantive evaluation of this matter is contained within Decision **Report 11** in relation to the rezoning.

¹⁶⁸ Submitter S60

¹⁶⁹ Submitter S61

¹⁷⁰ Further submitters FS65 and FS28

¹⁷¹ para 116-117 page 26 Reply Statement

¹⁷² Submitter S205

8 Other Submissions Relating to the General Rural Zone

Outline of matters addressed in this section

- 8.1 This section canvases all remaining submissions to the **General Rural Zone** provisions. Generally, Reporting Officer recommendations on these matters were not contested during the course of the hearing. We address them for completeness and provide a full picture of the provisions that we have adopted. Accordingly, this section:
- a. provides a summary of the relevant notified provisions;
 - b. provides a brief overview of submissions received on the provisions; and
 - c. summarises the amendments recommended by the Reporting Officer that we have adopted.

Summary of the relevant notified provisions

- 8.2 In the PDP, the General Rural Zone is both the largest in area overall and covers most rural land across all three districts.
- 8.3 As at notification, the General Rural Zone chapter comprised an introductory section, seven objectives, 10 policies, 19 rules and eight standards.
- 8.4 As for all zones, subdivision provisions applying to the GRUZ are located in the Subdivision chapter. Additionally, a Table (SUB – Table 1) in that chapter sets out minimum allotment sizes for all zones, including the GRUZ. Submissions on the subdivision provisions have largely already been addressed in **Sections 3 and 4** of this Decision Report.
- 8.5 Extensive areas of the GRUZ are subject to the Highly Productive Land Overlay. Areas in the vicinity of Martinborough are subject to the Martinborough Soils Overlay. Submissions on these overlay provisions have already been addressed in **Section 4** of this Decision Report.
- 8.6 The GRUZ is also host to a number of other site-specific overlays relating to hazards and risks, historical and cultural values, natural environment values and general district-wide topics that are located in Part 2 of the PDP and are the subject of other hearing streams.
- 8.7 A helpful summary of the General Rural Zone provisions is contained in Appendix 1 to Mr Horrell's Summary Statement.

Overview of submissions

- 8.8 Submissions on the GRUZ provisions, together with those relating to the Rural Lifestyle Zone, and related overlays and subdivision provisions, were the subject of Mr Horrell's s42A Report and Summary Statement on the rural topic as a whole¹⁷³.

¹⁷³ Officer's Section 42A Report – Rural Zones, undated and Officer's Hearing Introduction Summary Statement – Rural Topic, undated

A total of 373 submission points and 130 further submission points were received on the GRUZ provisions. In Mr Horrell's estimation, submissions were generally supportive of the provisions¹⁷⁴. Where amendments were sought, they were intended to support specific outcomes in the zone, provide for particular activities, or change permitted levels of activities or standards.

Recommended amendments that the Panel adopts

- 8.9 A number of key issues raised in relation to the General Rural Zone provisions were common to the rural topic as a whole, remained contested during the course of the hearing and are dealt with in **Sections 3, 4, 5 and 6** preceding this section.
- 8.10 A number of other issues raised in submissions were addressed by Mr Horrell in a manner in his s42A Report and Summary Statement which meant there was little residual disagreement or contest by the time of the hearing. With respect to these issues, we adopt the Reporting Officer's recommendations for amendment and his accompanying reasoning and s32AA evaluations, together with his reasons for recommending the retention of the provision as notified, in situations where he considered no amendments were warranted.
- 8.11 In sum, the amendments Mr Horrell recommended and that we adopt include the following:
- a. amendments to the introductory text to make reference to 'primary production' in response to a submission from the Pork Industry Board¹⁷⁵;
 - b. the addition of new definitions for 'horticulture or horticultural activities', 'frost fan' and 'mining' and references to these in GRUZ provisions in response to submissions from Aburn Popova Trust and the Wairarapa Winegrowers' Association,¹⁷⁶ NZ Frost Fans¹⁷⁷, and Forest and Bird¹⁷⁸;
 - c. the amending of the definition relating to 'highly productive land' in response to submissions from AdamsonShaw and East Leigh¹⁷⁹;
 - d. various amendments to Objectives GRUZ-O2, GRUZ-O4, GRUZ-O5 and GRUZ-O7 in response to submissions from Genesis Energy, Horticulture NZ, Rural Contractors NZ, the Ministry of Education, Enviro NZ and the Pork Industry Board and in response to evidence presented by Ms Rosser on behalf of Enviro NZ Services¹⁸⁰;
 - e. various amendments to Policies GRUZ-P2, GRUZ-P3, GRUZ-P4, GRUZ-P5, GRUZ-P6 and GRUZ-P8 in response to submissions from Enviro NZ Services, Fulton Hogan, the District Councils, Federated Farmers, the Aggregate and Quarry Association and Horticulture NZ and in response to evidence presented by Mr Ensor on behalf of Fulton Hogan, and Ms Rosser on behalf of Enviro NZ

¹⁷⁴ Officer's Section 42A Report – Rural Zones, para 71

¹⁷⁵ For the reasons set out in paras 103 to 104, Officer's Section 42A Report – Rural Zones

¹⁷⁶ For the reasons set out in para 117, Officer's Section 42A Report – Rural Zones

¹⁷⁷ For the reasons set out in paras 142 to 147, Officer's Section 42A Report – Rural Zones

¹⁷⁸ For the reasons set out in para 150, Officer's Section 42A Report – Rural Zones

¹⁷⁹ For the reasons set out in paras 191 to 193 and 208 to 211, Officer's Section 42A Report – Rural Zones

¹⁸⁰ For the reasons set out in paras 232 to 238, 253, 275, and 278 to 282, Officer's Section 42A Report – Rural Zones and paras 36 to 37, Officer's Hearing Introduction Summary Statement Rural Topic

Services¹⁸¹;

- f. to add a new policy and rule relating to 'cleanfill(ing) activities' in response to evidence presented by Ms Rosser on behalf of Enviro NZ Services¹⁸²;
- g. an amendment to Rule GRUZ-R7 in relation to residential visitor accommodation (excluding visitor accommodation) to require compliance with the setback standard, in response to evidence presented by Mr Hodgson on behalf of Horticulture NZ and the Pork Industry Board¹⁸³;
- h. amendments to Rule GRUZ-R14 in relation to motorised outdoor recreation activities in response to a submission from GWRC¹⁸⁴;
- i. to alter the consent status of rural industry in Rule GRUZ-R16 from a discretionary activity to a restricted discretionary activity in response to evidence presented by Mr Ensor for Fulton Hogan and Mr Mathieson for Rural Contractors NZ¹⁸⁵;
- j. the addition of new rules relating to mining activities, emergency service facilities and educational facilities in response to submissions from Forest and Bird¹⁸⁶, FENZ and the Ministry of Education¹⁸⁷; and
- k. amendments to Standard GRUZ-S3 relating to minimum setbacks in response to submissions from the Wairarapa Winegrowers Association and the Port Industry Board¹⁸⁸.

8.12 A more detailed summary of the nature of recommended amendments to the GRUZ provisions that we have adopted and that collectively arose in response to both submissions and pre-circulated evidence is set out in Section 10 of the s42A Report and, additionally, in Section 6 of Mr Horrell's Summary Statement.

¹⁸¹ For the reasons set out in paras 129, 327, 338 to 341, 351 to 352, 359, and 373 to 377, Officer's Section 42A Report – Rural Zones and paras 40 to 43, 50, and 54, Officer's Hearing Introduction Summary Statement Rural Topic

¹⁸² For the reasons set out in paras 19 to 21, Officer's Hearing Introduction Summary Statement Rural Topic

¹⁸³ For the reasons set out in para 59, Officer's Hearing Introduction Summary Statement Rural Topic

¹⁸⁴ For the reasons set out in para 138, Officer's Section 42A Report – Rural Zones

¹⁸⁵ For the reasons set out in paras 64 to 65, Officer's Hearing Introduction Summary Statement Rural Topic

¹⁸⁶ For the reasons set out in para 150, Officer's Section 42A Report – Rural Zones

¹⁸⁷ For the reasons set out in paras 155 to 156 and 174 to 178, Officer's Section 42A Report – Rural Zones

¹⁸⁸ For the reasons set out in paras 455 and 457, and 474 to 478, Officer's Section 42A Report – Rural Zones

9 Other Submissions Relating to the Rural Lifestyle Zone

Outline of matters addressed in this section

- 9.1 This section canvases all remaining submissions to the Rural Lifestyle Zone provisions. Generally, Reporting Officer recommendations on these matters were not contested during the course of the hearing. We address them for completeness and provide a full picture of the provisions that we have adopted. Accordingly, this section:
- a. provides a summary of the relevant notified provisions;
 - b. provides a brief overview of submissions received on the provisions; and
 - c. summarises the amendments recommended by the Reporting Officer that we have adopted.

Summary of the relevant notified provisions

- 9.2 In the PDP, the Rural Lifestyle Zone only applies to identified areas in the Masterton District, for the reasons outlined in Section 4 of this Decision Report.
- 9.3 As at notification, the Rural Lifestyle Zone chapter comprised an introductory section, three objectives, three policies, 16 rules and eight standards.
- 9.4 As for all zones, subdivision provisions applying to the RLZ are located in the Subdivision chapter. Additionally, a Table (SUB – Table 1) in that chapter sets out minimum allotment sizes for all zones, including the RLZ. Submissions questioning the appropriateness of the RLZ in terms of both minimum lot sizes and the differing approach proposed in Masterton District have already been addressed in Section 4 of this Decision Report.
- 9.5 Extensive areas of the RLZ are subject to the Highly Productive Land Overlay. Submissions on these overlay provisions have already been addressed in Section 4 of this Decision Report.
- 9.6 The RLZ is also host to a number of other site-specific overlays relating to hazards and risks and general district-wide topics that are located in Part 2 of the PDP and are the subject of other hearing streams.
- 9.7 A helpful summary of the Rural Lifestyle Zone provisions is contained in Appendix 2 to Mr Horrell's Summary Statement.

Overview of submissions

- 9.8 Submissions on the RLZ provisions, together with those relating to the General Rural Zone, and related overlays and subdivision provisions, were the subject of Mr Horrell's s42A Report and Summary Statement on the rural topic as a whole¹⁸⁹. A total of 68 submission points and 32 further submission points were received on the

¹⁸⁹ Officer's Section 42A Report – Rural Zones, undated and Officer's Hearing Introduction Summary Statement – Rural Topic, undated

RLZ provisions. In Mr Horrell's estimation, submissions were generally supportive of the provisions¹⁹⁰. Where amendments were sought, they were intended to support specific outcomes in the zone, provide for particular activities, or change permitted levels of activities or standards.

Recommended amendments that the Panel adopts

- 9.9 A number of key issues raised in relation to the Rural Lifestyle Zone provisions were common to the rural topic as a whole, remained contested during the course of the hearing and are dealt with in Sections 4, 5, 6 and 7 preceding this section.
- 9.10 A number of other issues raised in submissions were addressed by Mr Horrell in a manner in his s42A Report and Summary Statement which meant there was little residual disagreement or contest by the time of the hearing. With respect to these issues, we adopt the Reporting Officer's recommendations for amendment and his accompanying reasoning and s32AA evaluations, together with his reasons for recommending the retention of the provision as notified, in situations where he considered no amendments were warranted.
- 9.11 In sum, the amendments Mr Horrell recommended and that we adopt include the following:
- a. reductions in the extent of the RLZ by approximately one third compared to the total area as notified in response to a submission from GWRC and based on the advice of AgFirst's evaluation of the zone's spatial extent against the zoning requirements set out in clauses 3.7 and 3.10 of the NPS-HPL¹⁹¹;
 - b. amendments to Objective RLZ-O3 and Policy RLZ-P1 relating to the enabling of compatible activities to improve their clarity in response to submissions from Horticulture NZ, FENZ and the Ministry of Education¹⁹²;
 - c. an amendment to Policy RLZ-P2 to correct an error identified in a submission from Horticulture NZ¹⁹³; and
 - d. the addition of new rules relating to mining activities and emergency service facilities in response to submissions from Forest and Bird and FENZ respectively¹⁹⁴.
- 9.12 A more detailed summary of the nature of recommended amendments to the RLZ provisions that we have adopted and that collectively arose in response to both submissions and pre-circulated evidence is set out in Section 10 of the s42A Report and, additionally, in Section 6 of Mr Horrell's Summary Statement.

¹⁹⁰ Officer's Section 42A Report – Rural Zones, para 429

¹⁹¹ For the reasons set out in paras 496 to 506, Officer's Section 42A Report – Rural Zones. The implications of this in terms of its contribution to a shortfall in meeting anticipated demand for rural lifestyle opportunities in Masterton District is explored further in **Section 4** of this Decision Report.

¹⁹² For the reasons set out in paras 553 to 558, 565, and 571 to 574, Officer's Section 42A Report – Rural Zones

¹⁹³ For the reasons set out in paras 568, and 571 to 574, Officer's Section 42A Report – Rural Zones

¹⁹⁴ For the reasons set out in paras 535, and 540 to 543, Officer's Section 42A Report – Rural Zones

10 Other Submissions Relating to the Rural Subdivision Provisions

Outline of matters addressed in this section

- 10.1 This section canvases all remaining submissions to the rural subdivision provisions contained in the Subdivision chapter of the PDP. Generally, Reporting Officer recommendations on these matters were not contested during the course of the hearing. We address them for completeness and provide a full picture of the provisions that we have adopted. Accordingly, this section:
- a. provides a summary of the relevant notified provisions;
 - b. provides a brief overview of submissions received on the provisions; and
 - c. summarises the amendments recommended by the Reporting Officer that we have adopted.

Summary of the relevant notified provisions

- 10.2 In the PDP, the subdivision provisions relating to the Rural Zones are located in the 'District Wide Matters' section (Part 2), per the structural requirements of the National Planning Standards 2019. Submissions to the Subdivision chapter as a whole are addressed in **Decision Report 6**.
- 10.3 The contents of the Subdivision chapter relate to subdivision in all zones; hence, the objectives and policies are somewhat general in nature. Having said that, some policies (notably Policies SUB-P5, SUB-P6 and SUB-P8) relate specifically to rural character and amenity values, inappropriate rural subdivision and the subdivision of highly productive land, and, together with zone-based objectives and policies, are intended to guide the assessment of proposals in the Rural Zones.
- 10.4 Rules SUB-R1 to SUB-R14 provide for various forms of subdivision in one or both of the Rural Zones, and other zones besides. The mechanics of the rural subdivision rules, in terms of the way in which they provide for large and small lot subdivision in the Rural Zones, and also submissions on these mechanics, have already been addressed in **Sections 3 and 4** of this Decision Report, respectively.
- 10.5 Standards SUB-S1, SUB-S2, SUB-S5, SUB-S6, SUB-S7, SUB-S8 and SUB-S10 apply requirements relating to minimum allotment size, building platforms, stormwater management, network utility services, transport, access and connectivity, esplanade reserves, esplanade strips and access strips, and firefighting water supply across a series of zones, including the Rural Zones. SUB – Table 1 in the Subdivision chapter sets out minimum allotment sizes for all zones, including the GRUZ and RLZ.
- 10.6 A helpful summary of the rural subdivision provisions is contained in Appendix 3 to Mr Horrell's Summary Statement.

Overview of submissions

- 10.7 Submissions on the rural subdivision provisions, together with those relating to the General Rural and Rural Lifestyle Zones, were the subject of Mr Horrell's s42A

Report and Summary Statement on the rural topic as a whole¹⁹⁵. A total of 91 submission points and 67 further submission points were received on the rural subdivision provisions.

Recommended amendments that the Panel adopts

- 10.8 A number of key issues raised in relation to the rural subdivision provisions remained contested during the course of the hearing and are dealt with in Sections 3 and 4 preceding this section.
- 10.9 A number of other issues raised in submissions were addressed by Mr Horrell in a manner in his s42A Report and Summary Statement which meant there was little residual disagreement or contest by the time of the hearing. With respect to these issues, we adopt the Reporting Officer's recommendations for amendment and his accompanying reasoning and s32AA evaluations, together with his reasons for recommending the retention of the provision as notified, in situations where he considered no amendments were warranted.
- 10.10 In sum, the amendments Mr Horrell recommended and that we adopt include the following:
- a. to amend the introductory text in the Subdivision chapter to cross-reference the General Rural and Rural Lifestyle Zone chapters in response to a submission from GWRC¹⁹⁶;
 - b. to amend Policy SUB-P5 to narrow its focus to subdivision and cross-reference relevant GRUZ policies, in response to a submission from Federated Farmers¹⁹⁷;
 - c. to amend Policy SUB-P6 to refine its focus in response to a submission from Mr Kellow¹⁹⁸;
 - d. to make various amendments to Rule SUB-R2 in response to submissions from Horticulture NZ, the Pork Industry Board and Mr Anstis¹⁹⁹;
 - e. to make various amendments to Rule SUB-R4 in response to submissions from Mr Kellow and the District Councils²⁰⁰; and
 - f. to make various amendments to Rule SUB-R5 in response to a submission from the District Councils, and to correct an error²⁰¹.
- 10.11 A more detailed summary of the nature of recommended amendments to the rural subdivision provisions that we have adopted and that collectively arose in response to both submissions and pre-circulated evidence is set out in Section 10 of the s42A Report and, additionally, in Section 6 of Mr Horrell's Summary Statement.

¹⁹⁵ Officer's Section 42A Report – Rural Zones, undated and Officer's Hearing Introduction Summary Statement – Rural Topic, undated

¹⁹⁶ For the reasons set out in paras 653, and 658 to 661, Officer's Section 42A Report – Rural Zones.

¹⁹⁷ For the reasons set out in paras 672 and 689 to 692, Officer's Section 42A Report – Rural Zones.

¹⁹⁸ For the reasons set out in paras 684, and 689 to 692, Officer's Section 42A Report – Rural Zones.

¹⁹⁹ For the reasons set out in paras 704 to 705 and 725 to 730, Officer's Section 42A Report – Rural Zones.

²⁰⁰ For the reasons set out in paras 716 to 717 and 725 to 730, Officer's Section 42A Report – Rural Zones.

²⁰¹ For the reasons set out in paras 723 and 725 to 730, Officer's Section 42A Report – Rural Zones and para 98, Officer's Hearing Introduction Summary Statement Rural Topic

11 Overall Conclusions

- 11.1 For the reasons set out in the previous sections, we have determined the adoption of specific changes to the aforementioned chapters and provisions in the PDP.
- 11.2 Our amendments are shown in track change in the 'tracked' version of the provisions to the General Rural Zone and Rural Lifestyle Zone chapters in **Appendix 3** and in 'clean' form in the 'accepted' version of the provisions in **Appendix 4**. We note that the changes to the Interpretation and Subdivision chapters have been shown in their associated Decision Reports.
- 11.3 Overall, we find that these changes will ensure the PDP better achieves the statutory requirements and national policy directions and will improve its useability.