

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

Proposed Wairarapa Combined District Plan

Decisions of the Hearings Panel

Decision Report 8

**Hearing Stream 8: Transport, Subdivision & Financial
Contributions**

8 October 2025

This report contains the Panel's decisions on submissions addressed as part of **Hearing Stream 8**, namely those submissions on the following chapters in **Part 2** of the Proposed Plan:

- **Transport.**
- **Subdivision.**
- **Financial Contributions.**

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

- **Definitions** relevant to Transport, Subdivision & Financial Contributions.

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 Plan – 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 1 (Strategic Objectives)**

The Hearings Panel for the purposes of **Hearing Stream 7** comprised Commissioners Robyn Cherry-Campbell (Chair), David McMahon, Brian Deller, Kereana Sims, Alistair Plimmer, and Craig Bowyer.

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report 8** 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 8; namely those submissions on the following chapters in **Part 2** of the Proposed Plan but also the relevant parts of **Part 1**:
 - a. **Transport**;
 - b. **Subdivision**;
 - c. **Financial Contributions**; and
 - d. **Definitions** relevant to Transport, Subdivision & Financial Contributions.
- 1.3 In terms of the **subdivision** chapter, it should be noted that this Decision Report deals only with the general requirements for subdivisions and that the overall approach and metrics for subdivision (e.g. minimum lot sizes) are covered in the various zone and overlay decision reports, as follows:
 - a. urban subdivision is covered in **Decision Report 2** on commercial, residential zones and open space zones;
 - b. rural subdivision is covered in **Decision Report 3** on the General Rural Zone and Rural Lifestyle Zone;
 - c. Subdivision in the Māori Purpose Zone is covered in **Decision Report 4**;
 - d. Subdivision with overlays (e.g. coastal environment and natural hazards) is covered in the relevant district-wide decision reports (**Decision Reports 6 and 9**).
- 1.4 We have structured our discussion of this topic as follows:
 - a. **Section 2** addresses the **Transport** topic, inclusive of relevant **Definitions**;
 - b. **Section 3** addresses the **Subdivision** topic, inclusive of relevant **Definitions**; and
 - c. **Section 4** addresses the **Financial Contributions** topic, inclusive of relevant **Definitions**.
- 1.5 Those report sections are further organised to address the following in turn:
 - a. description of relevant higher order policy framework relevant to the

Transport, Subdivision and Financial Contributions topics;

- b. summary of relevant notified provisions;
- c. overview of submissions received on the notified provisions;
- d. summary of recommended amendments adopted by the Panel; and
- e. evaluation and decisions on key issues remaining in contention at the close of the hearing.

Appendices

1.6 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 is 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 authors¹ 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.

¹ For the purposes of Hearing 8, these were Mr Wesney (consultant planner), Ms Huesser (consultant planner), and Ms Fallowfield (consultant planner).

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- 1.7 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
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.
- 1.8 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>
- 1.9 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.
- 1.10 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Transport

Higher Order Policy Framework

- 2.1 As indicated in the introduction, we begin our discussion of the Transport topic with a summary of the relevant direction from the RMA and related higher order policy framework. Relevantly, that direction derives from the following:
- a. section 7, RMA;
 - b. the National Policy Statement on Urban Development (NPS-UD);
 - c. the operative Regional Policy Statement for the Wellington Region (RPS);
 - d. proposed Change 1 to the RPS (Change 1); and
 - e. the Strategic Direction objectives in the PDP.
- 2.2 We summarise each of these matters 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.

Section 7 of the RMA

- 2.3 Section 7 sets out 'other matters' to have particular regard to in achieving the purpose of the RMA comprised in section 5. Its contents inform the national and regional policy instruments we discuss shortly and are essential touchstones for evaluating the Objectives in the PDP.
- 2.4 The following section 7 matters are of particular relevance to the Transport topic:
- a. the efficient use and development of natural and physical resources; and
 - b. the maintenance and enhancement of amenity values and of the quality of the environment.

National Policy Statement on Urban Development

- 2.5 As canvassed in our other reports, the PDP must give effect to all National Policy Statements, including the NPS-UD. The NPS-UD took effect in August 2020 and provides national direction on planning for well-functioning urban environments under RMA.
- 2.6 Masterton is the only 'urban environment' in the Wairarapa under the NPS-UD and Masterton District Council is classified as a 'Tier 3' local authority. Under Clause 1.5(1) of the NPS-UD, Tier 3 authority's are "strongly encouraged" to do the things that Tier 1 and Tier 2 authorities are required to do under Parts 2 and 3 of the NPS-UD.
- 2.7 The NPS-UD contains eight objectives, and the four most relevant to the transport topic include:

- a. Objective 1, which is for New Zealand to have well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and into the future;
 - b. Objective 4, being that New Zealand's urban environments, including their amenity values, develop and change over time in response to the divers and changing needs of people, communities and future generations;
 - c. Objective 6, that Local authority decisions on urban development that affect urban environments are: integrated with infrastructure planning and funding; strategic over the medium and long term; and responsive, particularly in relation to proposals that would supply significant development capacity; and
 - d. Objective 8, being that New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.
- 2.8 The NPS-UD's objectives are implemented by 11 policies, two of which are of relevance to this topic:
- a. under Policy 1, planning decisions are to contribute to well-functioning urban environments, which (among other attributes) have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport; and
 - b. under Policy 11, district plans of Tier 3 territorial authorities are not to set minimum car parking rate requirements other than for accessible car parks, and are strongly encouraged to manage car parking demand through comprehensive parking management plans.
- 2.9 In making decisions on submissions on this chapter (and in fact all chapters in the plan) we have had regard to Policy 1 of the NPD-UD.
- 2.10 Masterton District Council implemented Policy 11 of the NPS-UD on 27 October 2021 by amending the Operative Wairarapa Combined District Plan. Under Clause 3.38 of the NPS-UD, the Council amended the Operative District Plan by removing all provisions that had the effect of requiring a minimum number of carparks to be provided for a particular development, land use or activity. However, provisions relating to accessible carparks were retained as provided for in Policy 11 and Clause 3.38 of the NPS-UD.

Regional Policy Statement for the Wellington Region and Change 1

- 2.11 The direction in the Operative RPS of particular relevance to the transport topic is discussed at section 2.3.1 of the Section 32 Evaluation Topic Report for Transport (October 2023). This includes recognition and protection of the benefits of regionally significant infrastructure, which is inclusive of the strategic transport network. Relevant direction is also provided regarding the responsiveness of the transport network as a factor of a compact, well-designed and sustainable regional form.

- 2.12 As noted in other reports², the RPS has now been formally amended by Change 1. The Change 1 amendments of relevance to the transport topic were well summarised by Ms Huesser in her section 42A report³, and we adopt her description for the current purposes, noting also that certain relevant provisions are subject to appeals before the Environment Court.
- 2.13 Of particular relevance to the transport topic, we note that Change 1 includes new direction regarding: overall reductions in greenhouse gas emissions associated with transport demand and infrastructure; and associated use of travel choice assessments.

Strategic Direction objectives in the PDP

- 2.14 Several strategic objectives are relevant to the energy topic and to key issues canvassed in this report. In particular, we emphasise the following objectives as amended by the Panel:

CCR-O1 | Climate change mitigation

The Wairarapa develops and functions in a way that assists the community in the transition to a low-carbon future.

UFD-O1 | Urban form of the Wairarapa

Wairarapa's urban form is maintained as a **series** of:

1. larger main urban areas that support a local community located and connected along the main transport routes; and
2. smaller coastal and rural settlements that support a local community.

UFD-O4 | Infrastructure capacity

Urban growth and development is integrated with the efficient use of existing infrastructure and provision, including the timing, sequencing, and funding, of new or upgraded infrastructure (including additional infrastructure).

UFD-OX | Connectivity

Wairarapa residents have safe, multi-modal access between housing, employment, services, amenities, green space, and local centres, preferably using active and sustainable transport modes.

INF-O1 | Infrastructure

The benefits of infrastructure (including additional infrastructure) are recognised and provided for, while ensuring its adverse effects are avoided, remedied, or mitigated, and infrastructure (including additional infrastructure) is protected from incompatible land use, subdivision and development, including reverse sensitivity effects.

- 2.15 In general, we find the relevant strategic direction to be clear and well-integrated from the RMA, through the relevant national and regional instruments and the strategic direction chapter of the PDP. Accordingly, we find no need to record any detailed analysis of these provisions other than as relevant to the discussion of key issues below.

² For example, the Index Report

³ Officer's Section 42A Report Transport, 27 January 2025, paras 32-33

Summary of the relevant notified provisions

- 2.16 Ms Huesser provided a useful synopsis of the Transport chapter in the notified PDP in her section 42A report⁴, which we adopt. For the current purposes, we can condense that summary of the transport provisions as comprising:
- a. three objectives, implemented by eleven policies which collectively provide direction regarding the function of the transport network, the adverse effects from construction, operation, maintenance and development of the transport network, and the effects of other activities on the transport network; and
 - b. rules and standards that variably ascribe limits, requirements and activity status for the new and existing transport network infrastructure, high traffic generating activities, road design, lighting, parking, loading and other design requirements.
- 2.17 Relevant to our preceding discussion about the NPS-UD, minimum parking requirements are not proposed in Masterton, but are retained in the balance of the Wairarapa under the PDP.

Overview of submissions

- 2.18 A total of 29 original submissions and 10 further submissions were received on the Transport chapter and associated definitions, comprising a mixture of supportive submissions and those seeking amendment to the proposed provisions as notified.
- 2.19 These submissions are indexed in section 6.1 of Mr Huesser's section 42A report and included private individuals, GWRC, NZTA, KiwiRail, the Director-General of Conservation, the fuel companies, the telecommunications companies, and various interest groups.

Recommended amendments that the Panel adopts

- 2.20 Mr Huesser recommended several changes in her section 42A report and/or in Section 5 of her summary statement in response to evidence called by various submitters⁵. The upshot of Ms Huesser's recommendations in these respects is that they were subject to little residual disagreement or active contest by the time of the hearing commencement.
- 2.21 The Panel has carefully considered these recommendations from Ms Huesser and – where relevant – the evidence of others she has relied upon. We are satisfied that her recommendations are appropriate for the reasons she has expressed. In summary, these amendments include the following, except where further modified as discussed in the key issues section below:
- a. changes to the Transport **objective TR-02**, recommended at the outset of section 6.4 of Ms Huesser's s42A Report⁶;

⁴ Officer's Section 42A Report Transport, 27 January 2025, para 55

⁵ Indexed at the outset of section 4 of Ms Huesser's summary statement.

⁶ Including the reasons set out at paras 79-82 and the s32AA evaluation at paras 86-90.

- b. changes to the Transport **policies** recommended at the outset of section 6.5 of Ms Huesser's s42A Report⁷;
- c. changes to the Transport **rules** recommended at the outset of section 6.6 of Ms Huesser's s42A Report⁸, inclusive of new rule 'TR-RXX';
- d. changes to the Transport **standards** recommended at the outset of section 6.7 of Ms Huesser's s42A Report⁹;
- e. the **new transport appendix** and **amendments to notified appendices** recommended at the outset of section 6.8 of Ms Huesser's s42A Report¹⁰;
- f. amendments to the transport topic-related **definitions** recommended at the outset of section 6.9 of Ms Huesser's s42A Report¹¹;
- g. amendments to the **subdivision standards** recommended at the outset of section 6.10 of Ms Huesser's s42A Report¹²;
- h. changes to the **planning maps** recommended at the outset of section 6.11 of Ms Huesser's s42A Report¹³;
- i. amending **Policy TR-P1** to include reference to greenhouse gas emissions, in response to the evidence of Mr O'Brien for GWRC¹⁴;
- j. amending the phrasing in **Policy TR-P4** to better align with Change 1 and promote a shift towards more active modes of transport, also as recommended by Mr O'Brien¹⁵;
- k. replacing **Figure TR-3** with Figure R04 from the Development engineering standard in response to the evidence of Ms O'Hagan for Adamson Shaw¹⁶;
- l. amending the reference to the Development Engineering Standards in **Standard TR-S12** also in response to the evidence of Ms O'Hagan¹⁷; and
- m. clarification that one recommended change to **TR-APP1** recommended in the s42A Report was omitted from the corresponding version of the provisions attached to the report¹⁸.

2.22 Notwithstanding that the amendments to **TR-P1** recommended by Ms Huesser in response to GWRC and NZTA were not contested, the Panel questioned Ms Huesser as to whether the new clause she recommended requiring multi-modal options to meet with best practice guidance was coherent with the overall 'support' direction of the policy. In her reply, Ms Huesser recommended a further

⁷ Including the reasons set out at paras 93-144 and the s32AA evaluation at paras 145-149.

⁸ Including the reasons set out at paras 152-194 and the s32AA evaluation at paras 195-199.

⁹ Including the reasons set out at paras 202-309 and the s32AA evaluation at para 310-314.

¹⁰ Including the reasons set out at paras 316-327 and the s32AA evaluation at para 328-332.

¹¹ Including the reasons set out at paras 334-348 and the s32AA evaluation at para 349-353.

¹² Including the reasons set out at paras 355-356 and the s32AA evaluation at para 357-361.

¹³ Including the reasons set out at paras 363-368 and the s32AA evaluation at para 369-373.

¹⁴ Evidence of Samuel O'Brien (10 February 2025), para 12-15

¹⁵ Evidence of Samuel O'Brien (10 February 2025), para 16-17

¹⁶ Evidence of Louise O'Hagan (29 January 2025), para 5-14

¹⁷ Evidence of Louise O'Hagan (29 January 2025), para 5-14

¹⁸ Refer summary statement, para 37.

refinement such that the active language for the new clause be amended from 'requiring' to 'promoting'.¹⁹ The Panel considers this an improvement and adopts it accordingly.

- 2.23 We also sought clarification from Ms Huesser as to whether the respective information requirements for a 'basic' and 'full' integrated transport assessment could be expressed for high traffic generating activities in the context of standard **TR-S29**. Ms Huesser recommended some minor amendments²⁰ to improve the clarity of the provisions in this respect. While we observe that there is no submission seeking such a change, we consider it can fairly be said to be neutral in terms of its overall impact, albeit to the benefit of the clear administration of the PDP. We adopt it accordingly.
- 2.24 We note also for the formal hearing record that, while Ms Huesser recommended changes to Appendix TR-APP2 in section 6.8 of her section 42A report, she inadvertently omitted any specific changes in the annotated changes to the Transport chapter attached to her report. Ms Huesser clarified this omission in her reply statement, and the Panel is satisfied the changes are within scope and appropriate for the reasons originally expressed by Ms Huesser.
- 2.25 Finally here, we note that we have not adopted changes recommended by Mr O'Brien to Policy TR-P7, Standard TR-S29 and Appendix TR-APP1 which would have applied these provisions at subdivision stage. Whilst Ms Huesser signalled agreement with Mr O'Brien in her summary statement that such changes would be appropriate, she subsequently confirmed in her reply statement that the GWRC submission did not signal such changes. We adopt Ms Huesser's ultimate conclusion that those changes are outside of scope, and we have accordingly not applied them to the transport provisions.

Evaluation and decisions on of key issues remaining in contention

- 2.26 Here we discuss the key issues remaining in contention at the conclusion of the hearing. Our discussion is organised to address each of the following matters in turn:
- a. Key Issue 1: transport policies;
 - b. Key Issue 2: transport rules; and
 - c. Key Issue 3: transport standards.
- 2.27 We note that there is inevitably some overlap between key issues 2 and 3 given the general relationship of rules and standards; however, we have endeavoured to reduce duplication to the extent we can.

Key Issue 1: Transport policies

- 2.28 There were two transport policies which remained in contention at the close of the hearing: policy TR-P3, regarding the role of transport corridors; and policy TR-P7, regarding high traffic generating activities. We address each policy in turn.

¹⁹ Officer's Reply Statement Transport Topic, para 10-11

²⁰ Officer's Reply Statement Transport Topic, para 22-24

2.29 The residual issue regarding **Policy TR-P3** stemmed from a submission by the telecommunications companies seeking that the policy recognise that transport corridors are an appropriate space for 'other' infrastructure.

2.30 Mr Anderson recommended that the submission be accepted for the following reasons:

33. *Infrastructure located in roads is common and necessary. There are a number of regulatory documents which encourage and guide how different infrastructure providers utilise road reserve. This includes the National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) is Secondary Legislation mandated under the Utilities Access Act 2010 (as discussed in the corporate evidence), and the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), which provides permitted activity standards to encourage telecommunication infrastructure to be located in road reserve.*

34. *While I appreciate that the policy is focused on the role of transport corridors from a transportation perspective, my concern lies in the fact that by the policy being absolute in its direction, it could be used to discourage other infrastructure from being located in road reserve. I do not consider that the amended text sought through the submission confuses or detracts from the policy, rather it adds clarity as to what can reasonably be expected in transport corridors throughout the Wairarapa, as well as reflecting the existing role transport corridors play.²¹*

2.31 Notwithstanding Mr Anderson's analysis, Ms Huesser's maintained the view that the submission should be rejected. She considered that TR-P3 is focused on the role of transport corridors from a transportation perspective, and while transport corridors may serve other purposes, the additional text requested would detract from, and confuse the purpose of, the policy. Ms Huesser added that the amendment would not contribute towards achieving the transport objectives, and that other infrastructure – both within and outside of transport corridors – is rightly addressed within the Network Utilities chapter.²²

2.32 The Panel is ultimately aligned with Ms Huesser on this matter for the reasons she has expressed. While Mr Anderson's point is well made that transport corridors may provide appropriate locations for other infrastructure, that would be at best an ancillary function of such corridors – rather than a transport-related role which is the main focus of Policy TR-P3.

2.33 For similar reasons, we share Ms Huesser's analysis that the amendment would not enhance the efficient, effective implementation of the transport objectives, and TR-O1 in particular. Were the policy direction necessary or appropriate, we consider it would speak more to the network utilities objectives which we consider are already well implemented by the underlying network utilities policies as they have been amended by the Panel without further direction in the transport provisions.

²¹ Evidence of Tom Anderson (10 February 2025), para 33-34

²² Officer's Section 42A Report Transport, 27 January 2025, para 109

- 2.34 Turning to **Policy TR-P7**, we firstly note the factual context that the policy lists various matters to be addressed by integrated transportation assessments prepared to support resource consent applications for high traffic generating activities. The residual issue in contention for TR-P7 related to a submission from Fulton Hogan seeking that the list of matters be amended by deleting clause 'b' regarding effects on amenity values and character of the relevant road.
- 2.35 Fulton Hogan did not appear before the Panel at this hearing, but tabled a statement signed by Ms Helen Caley, who is the organisation's national resource consents planner. Ms Caley noted that Fulton Hogan submitted on provisions discussed in Hearing Stream 3 relating to how the PDP addresses potential effects on amenity in relation to traffic generation associated with quarrying. The relief sought by Fulton Hogan in this regard was to delete reference to effects on amenity values from the movement of vehicles, and Ms Caley advised further that the views put forward via the submitter at Hearing Stream 3 can be extended to TR-P7.²³
- 2.36 Ms Huesser initially recommended against the granting of the submitter's relief as – in her view – the amenity values of a road contribute to the amenity of the surrounding environment, and high traffic generating activities can adversely affect the amenity values and character of roads²⁴.
- 2.37 Among other questions the Panel put to Ms Huesser during the hearing, we asked her to clarify: how the rules and standards in the transport chapter implement clause 'b' under TR-P4; and what the purpose of the clause is in the context of the transport chapter.
- 2.38 In responding to us on the former, Ms Huesser noted that rule TR-R5 implements TR-P7. It requires resource consent as a restricted discretionary activity for any activity that generates an average traffic volume or peak hour volume which exceeds the thresholds expressed in standard TR-S29. Ms Huesser observed that the corresponding matters of discretion in this regard do not include consideration of character and amenity effects of the relevant road(s). She added that the requirements for integrated transportation assessments under Appendix TR-APP1 do not include character or amenity effects – they are, instead, focused on road safety and efficiency. For those reasons, Ms Huesser accordingly recommended that the Fulton Hogan submission be accepted and clause 'b' of the policy deleted.²⁵
- 2.39 We are grateful for Ms Huesser's careful consideration of this matter and adopt her ultimate recommendation for the reasons she has expressed. We share her view²⁶ that the amendment provides greater clarity and achieves better consistency with relevant rules, standards and other methods – which will in turn be to the benefit of the effective, efficient administration of the PDP. The submission from Fulton Hogan is accepted accordingly.

²³ Letter from Helen Caley dated 10 February 2025, titled 'Proposed Combined Wairarapa District Plan - Hearing Stream 8 – (Transport, Subdivision, and Financial Contributions)', section 2

²⁴ Refer summary statement, para 20.

²⁵ Officer's Reply Statement Transport Topic, para 7-8

²⁶ Officer's Reply Statement Transport Topic, para 14

Key Issue 2: Transport Rules

- 2.40 The two residual matters we address here relate to submissions from:
- a. Fulton Hogan, seeking amendments to various rules and on-site transport requirements in associated standards; and
 - b. The fuel companies, seeking changes to Rule TR-R5 and related standards.
- 2.41 Addressing these in turn, we start with **rules and on-site transport requirements** subject to the Fulton Hogan submission. As noted earlier in the letter tabled by Ms Caley, the submission addressed several of the PDP notified provisions requiring on-site transport-related facilities in the specific context of quarrying activities. Namely, the submitter sought various amendments to those provisions to recognise that many of the on-site requirements under the PDP are not practical or necessary for quarrying activities.
- 2.42 In her letter, Ms Caley explained that the key issue for Fulton Hogan is not space to accommodate on-site facilities, but the necessity (and therefore unnecessary cost) of design specifics. Ms Caley observed that on-site facility standards apply to a wide range of activities. Providing a practical example, she expressed that the demands of a supermarket and a quarry are not comparable – therefore they should not be subject to the same standards or requirements.
- 2.43 Ms Caley also addressed cycle parking facilities in the context of quarrying operations. She noted that the submitter would accommodate cycle parking at its quarry facilities; however, providing a cycle stand at a quarry is unlikely to meet the actual needs of any employee cyclist. Ms Caley opined that it is far more efficient and effective for Fulton Hogan to engage with its employees and if required, provide a facility better suited to the cyclists’ needs and the site – for example, space in a site shed.
- 2.44 Ms Huesser did not support the exemptions and amendments sought by Fulton Hogan. In her view, most quarries would easily be able to comply with the transport-related on-site requirements. Ms Huesser added that where any of those standards are not met, consent would be required as a restricted discretionary activity, which is the same activity status as quarrying itself in the General Rural Zone. In her view, it is appropriate for quarrying activities to meet the standards as notified.²⁷
- 2.45 We asked Ms Huesser to itemise all of the relevant on-site requirements subject to the submission. She helpfully tabulated the relevant provisions as comprising:
- a. TR-S16: Minimum number of parking bays;
 - b. TR-S18: Vehicle parking bay dimensions;
 - c. TR-S19: Blind aisles;
 - d. TR-S20: Parking bay gradients;

²⁷ Officer’s Reply Statement Transport Topic, para 20

- e. TR-S21: Parking bay construction and formation;
- f. TR-S22: Reverse manoeuvres;
- g. TR-S23: Minimum number of cycle parking spaces;
- h. TR-S24: Cycle parking design;
- i. TR-S25: Trip-end facilities;
- j. TR-S26: Loading and standing space dimensions;
- k. TR-S27: Loading and standing space access; and
- l. TR-S28: Loading and standing spaces - construction and formation.

- 2.46 While the above matters are warranted in many contexts across the Wairarapa, we share Ms Caley's analysis that quarries should not be one of them. We accept the submitter's point that quarrying activities have particular operational characteristics and requirements which do not marry well with the on-site requirements addressed in the above standards.
- 2.47 We agree also that these matters are most efficiently addressed by the quarry manager/operator. In this respect, we find the notified approach to be unnecessarily inefficient; and Ms Huesser's observation that non-compliance with these standards results in a compliance burden which is no more stringent than the 'entry' activity status for quarries in the General Rural Zone does not mitigate that inefficiency in any material way.
- 2.48 The submissions from Fulton Hogan are accordingly accepted to the extent that they align with our analysis above, and amendments have been adopted to standards TR-S16 and TR-S18 – TR-S28 accordingly.
- 2.49 Turning to **Rule TR-R5 and associated standards**, the fuel companies sought clarification that the thresholds (inclusive of Standard TR-S29) only apply to *new* activities or the *expansion* of an existing activity that increases its character and intensity.
- 2.50 As a preliminary matter, the Panel sought assistance from Ms Huesser to understand the scope of the submission on TR-R5. In particular, we asked whether the amendments sought by the fuel companies are limited to service station activities, or whether the 'new' or 'expanded' facilities as discussed in the submission notice and s42A report would relate to any activity. Ms Huesser clarified that the scope is limited to service stations²⁸, and we rely on her interpretation in that regard.
- 2.51 In substantive terms, Mr Trevilla explained the basis for the fuel companies' submission on TR-R5 and TR-S29, being to avoid integrated transportation assessments being inadvertently required for changes to an existing high traffic

²⁸ Officer's Reply Statement Transport Topic, para 37

generating activity that do not change the overall character, intensity or trip generation rates of the activity. By way of example, Mr Trevilla noted that service stations may be changed over time by: replacing underground fuel storage tanks; changing dispenser layout; changing internal site circulation; installing electric vehicle charging stations; changing forecourt canopies, buildings, signage or landscaping. In his view, it would be inappropriate and unreasonable to require resource consent as a new high traffic generating activity for such changes.²⁹

2.52 Mr Trevilla recommended amendments³⁰ to Rule TR-R5 to introduce greater nuance under the rule to address:

- a. new activities that exceed the limits in standard TS-S29;
- b. for any existing activity that currently does not exceed the limits in standard TS-S29, any proposed change to that activity which would result in an exceedance; and
- c. for any existing activity that current exceeds the limits in standard TS-S29, any proposed change to that activity which would not result in an exceedance greater than 5% of the limits.

2.53 Mr Trevilla also proposed consequential changes to rule explanations and Policy TR-P7 to align with the change in approach he recommended to TR-R5. Moreover, Mr Trevilla offered to confer with Ms Huesser on the matter. The Panel sought for such discussions to occur, which culminated in subsequent conference and production of a joint witness statement by Mr Trevilla and Ms Huesser.

2.54 In reviewing that joint witness statement, the Panel finds no reason not to accept the view shared by Ms Huesser and Mr Trevilla that policy TR-P7 and Note 2 to Rule TR-R5 should be amended as recommended by Mr Trevilla³¹ in the statement and shown below:

TR-P7

Require new, and changes to existing, high traffic generating activities which propose to access and utilise the districts' roads to be assessed in an Integrated Transport Assessment prepared by a suitably qualified traffic specialist that demonstrates how any adverse effects on the road transport network will be avoided, remedied or mitigated, and assesses...

TR-R5

...

Note:

...

3. Activities that do not exceed the thresholds in Standard TR-S29 Table TR-16 to be classed as a High Traffic Generating Activity ~~will still may~~ require an assessment of traffic effects ~~though~~ if they require resource consents under other rules in the District Plan.

2.55 We also adopt the minor consequential changes to TR-S29 Mr Trevilla and Ms

²⁹ Evidence of Thomas Trevilla (13 February 2025), para 5.3-5.4 and 6.6

³⁰ Evidence of Thomas Trevilla (13 February 2025), para 7.6

³¹ Refer joint witness statement 17 March 2025, pages 2-5

Huesser have agreed³² as these will enhance the clarity and effective administration of the PDP in the future.

- 2.56 Notwithstanding the narrowing of issues between the planners on this matter, Mr Trevilla and Mr Huesser did not reach consensus on the drafting of changes to rule TR-R5 itself. They agreed administrative changes to clause 1.a under the rule to distinguish changes to *existing* service stations from other new and existing high traffic generating activities; however, they held differing views as to the most appropriate limits to be applied to manage future changes to existing service stations – or more accurately, the manner in which limits should be applied. In summary³³:
- a. Mr Trevilla recommended an effects-based approach with a limit being introduced where any changes to existing service stations involve the addition of four or more refuelling spaces; whereas
 - b. Ms Huesser preferred an activity-based approach whereby all potential changes to existing service stations which should be exempt from the application of standard TR-S29 are itemised, including: maintenance or repair of existing buildings and structures; the installation of electric vehicle charging stations and associated infrastructure; and changes to site circulation, signage or landscaping.
- 2.57 Mr Trevilla noted that Ms Huesser's preferred approach could address the submitters' concerns to a degree; however, he identified several shortcomings with the approach, including:
- a. it is neither possible, nor appropriate to identify and list every potential change to an existing service station that should be exempted;
 - b. the rule should focus on the traffic-generating activities associated with existing service stations given the scope of the rule; and
 - c. using the number of additional refuelling spaces as a limit provides a clear metric for plan uses, in contrast to whether a given change amounts to 'maintenance', 'repair' or the like for a given case.³⁴
- 2.58 Mr Trevilla explained that the 'four or more' additional refuelling space limit he proposed is derived from the Operative Whangarei District Plan. He acknowledged that, should the Panel have concerns about that level of change for existing facilities, an alternative would be to not allow for any additional refuelling spaces as part of any future change to an existing facility.³⁵
- 2.59 Ms Huesser noted that it is not just additional refuelling spaces that could increase traffic associated with future changes to existing service stations. As examples, she cited increased retail space or inclusion of additional facilities such as carwashes. For these reasons, she remained of the view that the effects-based exceptions approach is more appropriate than Mr Trevilla's alternative.³⁶

³² Refer joint witness statement 17 March 2025, pages 4-5

³³ Refer joint witness statement 17 March 2025, pages 3-5

³⁴ Refer joint witness statement 17 March 2025, page 6

³⁵ Refer joint witness statement 17 March 2025, pages 7

³⁶ Refer joint witness statement 17 March 2025, pages 8

- 2.60 In response, Mr Trevilla noted his experience that relevant technical engineering assessments consider the number of refuelling spaces to be the most common parameter for predicting traffic associated with a given station. He added that changes to retail offering would likely require a variation to any existing consented service station, which would afford sufficient scope to consider associated traffic generation effects. Mr Trevilla noted too that some service stations will not have retail offerings or 'other' facilities such as noted by Ms Huesser.³⁷
- 2.61 Having carefully considered the various options identified by the planners on this matter, we have ultimately adopted the alternative proposed by Mr Trevilla in the joint witness statement, being any changes to existing service stations involving the addition of *one or more* refuelling stations will require consent under Rule TR-R5 to be informed by an Integrated Transport Assessment as required by the rule.
- 2.62 We have not adopted Mr Trevilla's original recommendation of a 4-space limit principally due to a lack of detailed assessment of that change in the context of existing service stations in the Wairarapa specifically. Whilst reference to other District Plans can provide useful context in considering regulatory options, we have not been privy to the expert transport safety or efficiency evidence which underpinned the Whangarei Plan Mr Trevilla referred to, or indeed any expert consideration of how transferable that evidence is to the Wairarapa. This prompts us to adopt a degree of conservatism to minimise the risk of acting in this respect.
- 2.63 That said, we otherwise share Mr Trevilla's view and reasons that it is more efficient and effective to use a limit based on refuelling spaces as a proxy for additional trip generation than the exceptions-based approach promoted by Ms Huesser. While the planners held different views on the ultimate method, it is obvious to us that both agreed that some future changes to existing service stations should be enabled where they are unlikely to entail changes in trip generation patterns. We adopt their shared view in that regard, and again favour the alternative proposed by Mr Trevilla for the reasons he has expressed.

Key Issue 3: Transport standards

- 2.64 In this final section dedicated to transportation matters, we discuss four standards that remained in contention at the end of the hearing. The discussion is organised to address standards TR-S8 and TR-S10 in tandem, before turning to TR-S16 and then TR-S24.
- 2.65 Standards **TR-S8** and **TR-S10** respectively relate to vehicle crossing formation and rural accessway design. The standards were subject to comparable submissions from Adamson Shaw Ltd, Scott Anstis and East Leigh Limited, which each expressed the view that the standards as notified are too stringent.
- 2.66 We received evidence from Ms O'Hagan on these standards, who has practiced as a senior design draughtsperson for Adamson Shaw for 15 years.

³⁷ Refer joint witness statement 17 March 2025, pages 8

- 2.67 In Ms O'Hagan's view, the 30m minimum length for sealing of accessways under clauses 2 and 4 of TR-S8 is excessive and unjustified in terms of associated cost to applicants. Ms O'Hagan observed that the 30m length is in excess of the minimum distance required by NZTA for direct access onto any State Highway, and is applied to all roads under the notified PDP irrespective of classification and associated traffic volumes. She added that the same standard would apply to a low traffic volume rural road as to a high-volume state highway. In her view, the minimum distance should be 10m or up to 15m where the adjacent road is subject to frequent heavy vehicle use.³⁸
- 2.68 Ms O'Hagan also noted that the Figures referred to under standard TR-S10 do not take account of relevant road classification when setting rural vehicle crossing designs. In Ms O'Hagan's view, this will require substantial investment in access formation to deliver a design which is over-engineered for many potential vehicle crossings which could otherwise adopt a simpler, more cost-effective solution. She added that rural carriageways are often constrained by banks, swale drains or services rendering widening associated with the access formation impracticable. Ms O'Hagan recommended retention of the operative Plan approach which is better suited to roading classification rather than the one-size-fits-all approach in the PDP.³⁹
- 2.69 While she initially recommended that the submissions on these standards be rejected, Ms Huesser ultimately recommended amendments to both standards in her reply evidence.
- 2.70 For standard TR-S8, Ms Huesser agreed with Ms O'Hagan that subclause 2, requiring 30m minimum length for sealing of accessways from the edge of the road carriageway is onerous for the affected zones. She accordingly recommended an amendment to subclause 2 which retains the 30m sealed distance where accessways are shared, but otherwise reduces the minimum sealed distance to the space between the edge of the relevant carriageway and the affected property boundary (for single accessways). In her view, a single accessway is unlikely to result in significant debris being tracked onto a given road, including in rural environments where a 30m sealing requirement would be unjustified.⁴⁰
- 2.71 Ms Huesser also consulted with MDC Development Engineer, Sreema Mohan, in considering Ms O'Hagan's evidence regarding standard TR-S10. So informed, Ms Huesser ultimately signalled her alignment with Ms O'Hagan that the diagrams and associated references in the standard should be amended based on the classification of the relevant road where a new rural accessway is proposed.⁴¹
- 2.72 In both respects, Ms Huesser considered the amendments to these two standards would enhance the efficiency of the PDP without any corresponding reduction in effectiveness. We adopt her conclusion and recommended amendments in that regard for the reasons she and Ms O'Hagan have expressed.⁴²

³⁸ Evidence of Antonia O'Hagan (29 January 2025), para 9-14

³⁹ Evidence of Antonia O'Hagan (29 January 2025), para 15-25

⁴⁰ Officer's Reply Statement Transport Topic, para 42-43

⁴¹ Officer's Reply Statement Transport Topic, para 44-45

⁴² Officer's Reply Statement Transport Topic, para 47

- 2.73 Turning to standard **TR-S16**, the residual matter in contention related to the submissions from GWRC and others⁴³ seeking that minimum carparking requirements be removed for the Carterton and South Wairarapa Districts. Several of these submitters noted that such an approach is already applied under the PDP for Masterton District as directed by the NPS-UD.
- 2.74 Ms Huesser recommended that these submissions be rejected. She noted that the NPS-UD preclusion of parking requirements does not apply to Carterton and South Wairarapa. Ms Huesser noted that private vehicle travel remains the primary mode of transport in these districts, and the more urbanised areas of the districts function as service towns for the surrounding rural areas. In her view, minimum parking requirements are required to manage traffic effects.⁴⁴
- 2.75 In his evidence for GWRC, Mr O'Brien identified several reasons why he supported the deletion of carparking standards across all three districts, including:
- a. while the NPS-UD does not require abolition of minimum carparking requirement in Carterton and South Wairarapa, adopting such an approach would be consistent with the high-level direction of the NPS-UD regarding housing choice, housing affordability and transport choice;
 - b. the approach would similarly be consistent with comparable direction under Policy UD.5 in RPS Change 1;
 - c. requiring on-site carparking can reduce efficient site utilisation for floor area and other amenity-based reasons, and can disenable certain housing typologies that do not provide carparking;
 - d. requiring on-site carparking also perpetuates car dependency and inhibits mode-shift to other transport options, including active and shared modes;
 - e. the Councils have not presented sufficient evidence to support the view that on-site parking requirements are required to manage traffic effects;
 - f. parking areas increase impervious surfacing which can lead to detrimental effects on freshwater; and
 - g. parking requirements in these two districts introduces inconsistency at the Regional level, with all other districts in the Wellington Region now required by the NPS-UD to remove minimum parking requirements from Plans.⁴⁵
- 2.76 Having weighed the evidence before us, the Panel is ultimately aligned with Ms Huesser on this point and adopts her recommendation to reject the relevant submissions for the reasons she has expressed.
- 2.77 We have resisted the implicit invitation from Mr O'Brien to bring the NPS-UD into the fray on this matter. It has no application to Carterton and South Wairarapa Districts, and it would be inappropriate to apply any weight to the NPS-UD in that context.

⁴³ Including Canoe Wines Limited Partnership, Xavier Warne and Summerset Group Holdings Limited

⁴⁴ Officer's Section 42A Report Transport, 27 January 2025, para 267

⁴⁵ Evidence of Samuel O'Brien (10 February 2025), para 26-42

- 2.78 Moreover, we find Mr O'Brien's analysis to lack any consideration of both the PDP and RPS direction regarding the safe, effective function of the transport network. While he asserted that the Councils have not presented sufficient information to justify continued use of on-site carparking requirements, his evidence does not draw on any technical expertise to say with confidence that network safety or efficiency effects would be acceptable if the requirements were removed.
- 2.79 As Mr O'Brien's evidence does not identify or quantify such effects, it is then impossible to weigh those against the other benefits and costs he identified in his evidence for the two approaches before us. We cannot say, for example, whether the benefits he asserts for encouraging mode shift and/or enhancing efficient site utilisation through the approach he prefers would outweigh any adverse network effects arising from the deletion of parking requirements.
- 2.80 Related to that, we also note that Mr O'Brien's evidence does not appear to give consideration to the difference in parking requirements for the broad array of land use activities managed under the PDP. He notes potential impacts of the notified approach on *residential* activities, but we observe the parking demands for such activities will be materially different to a community centre, supermarket, childcare centre, hospital, or other non-residential use – as reflected in the substance of Table TR-9 under standard TR-R16.
- 2.81 Moreover, we have not been presented with any consent monitoring data to suggest there is any regulatory inefficiency inherent in the approach adopted in the operative Plan, or its adapted nature in the PDP. Were there evidence to point to a high number of consent applications being sought and granted for non-provision (or under-provision) of parking spaces over the last decade, our findings may have been influenced on this matter.
- 2.82 Based on the evidence before us, we do not consider the PDP's aims will be most appropriately met by deletion of the carparking requirements – in particular under Objectives TR-O2 and TR-O3.
- 2.83 Turning lastly to standard **TR-S24**, the residual issue in contention again derives from GWRC's submission which sought reference to best practice standards on cycle parking design as an additional limb to the standard.
- 2.84 Ms Huesser considered the proposed amendment to be problematic insofar as the reference to, and compliance with, best practice standards could be subjective and unclear.⁴⁶
- 2.85 In his evidence, Mr O'Brien's acknowledged Ms Huesser's concern but he also opined that several standards in the PDP include subjective requirements that are at the discretion of decision-makers to determine compliance.⁴⁷ We interpolate to record that Mr O'Brien did not point to any specific examples. Mr O'Brien also acknowledged that referencing an open-ended range of design standards may be difficult to assess. Nevertheless, he recommended that the standard be amended as generally sought in the submission – albeit with some minor wording changes suggested.⁴⁸

⁴⁶ Officer's Section 42A Report Transport, 27 January 2025, para 295

⁴⁷ Evidence of Samuel O'Brien (10 February 2025), para 44

⁴⁸ Evidence of Samuel O'Brien (10 February 2025), para 45-46

- 2.86 As with the preceding standard, the Panel is aligned with Ms Huesser for the reasons she has expressed. There are several fundamental issues with the GWRC submission in this respect, which weigh against granting the submitters' relief:
- a. generic reference to best practice guidance or standard defers a discretion to future decision makers as to what comprises the relevant guidance or standard at a given time;
 - b. the drafting of the amendments in both the submission and Mr O'Brien's evidence are accordingly void for certainty as they allow for a 'rolling' permitted activity standard, amounting to a plan change that does not follow due process under the RMA each time so-called best practice is updated; and
 - c. while the above issues could be overcome by clearly stipulating – or referencing – a specific standard:
 - i. any referenced standard would need to be sufficiently clear, certain, and measurable that compliance could be consistently determined without discretion; and
 - ii. in 'locking-in' a referenced standard as the current benchmark for best practice, the PDP would not be adaptable to future changes in best-practice which may be preferable to apply.
- 2.87 Accordingly, we have not amended the standard in response to GWRC's submission.

3 Subdivision

Higher Order Policy Framework

- 3.1 Our discussion of the subdivision topic in the PDP follows the same structure as the transport topic above, starting with a summary of relevant statutory direction.

Section 6 & 7 of the RMA

- 3.2 Subdivision is a relevant consideration to all of the matters of national importance under section 6 of the RMA, albeit that the relevance will be highly context-specific to a given subdivision proposal and the environment it comprises. Under Section 6, certain matters are to be protected from 'inappropriate' subdivision and this direction naturally filters into national, regional and district planning instruments as further canvassed below.
- 3.3 Various matters under RMA section 7 also may be relevant to subdivision proposals, including kaitiakitanga and the ethic of stewardship; maintenance and enhancement of amenity values and quality of the environment.

National Policy Instruments

- 3.4 Subdivision is a relevant consideration in various national policy instruments, including the NZCPS, the NPS-IB, the NPS-HPL and the NPS-ET.
- 3.5 Relevant direction in the NZCPS implements the corresponding direction under RMA section 6 regarding subdivision in the coastal environment, inclusive of associated natural character, coastal hazard, historic heritage, natural features and landscapes, public access and water quality factors⁴⁹. We address the NZCPS in further detail in the Coastal Environment topic in Decision Report 6.
- 3.6 The NPS-IB, which we canvas in greater detail under our decision on the ECO topic (also in Decision Report 6), similarly addresses subdivision in the context of RMA s6 and the need to protect significant natural areas by avoiding or managing adverse effects of subdivision⁵⁰.
- 3.7 We discuss the NPS-HPL in our decision on the Rural topic in Decision Report 3. Of relevance here, we emphasise Policy 7, which is to avoid subdivision of highly productive land unless otherwise provided for under the NPS-HPL. Sections 3.8 and 3.10 of the NPS provide further clarity on the implementation of Policy 7.
- 3.8 The NPS-ET, which we discuss in detail under the Network Utilities topic (in Decision Report 7), includes policies aimed at managing the impact of subdivision and other activities of third parties on the National Grid. Policy 10 under the NPS-ET prompts decision-makers to avoid reverse sensitivity effects on the National Grid to the extent reasonably possible and to ensure operation, maintenance, development and upgrade of the transmission network is not compromised. Councils are also directed by the NPS-ET Policy 11 to identify appropriate buffer corridors within which sensitive activities will generally not be provided for.

⁴⁹ Refer for example Objectives 1-6, Policies 3, 4, 7, 13, 15, 17, 19, 22 and 25

⁵⁰ Refer for example Objective 1, Policy 7 and Section 3.10

Regional Policy Statement for the Wellington Region and Change 1

- 3.9 The direction in the Operative RPS of particular relevance to the subdivision topic is discussed at section 2.3.1 of the Section 32 Evaluation Topic Report for Subdivision (October 2023). This includes direction that echoes RMA section 6 and corresponding national direction regarding the nexus of subdivision and: natural areas, features and landscapes; historic heritage; sites of significance to Māori, public access, and natural hazards. Relevant direction also relates to the maintenance of a compact, well-designed Regional Form, with good integration between subdivision and infrastructure provision.
- 3.10 Relevant amendments to the RPS under Change 1 have been well summarised by Ms Fallowfield and Mr Wesney in their s42A Report⁵¹, and we adopt their description for the current purposes, noting also that certain relevant provisions are subject to appeals before the Environment Court.

Strategic Direction objectives in the PDP

- 3.11 The following strategic objectives in the PDP are particularly relevant to the subdivision topic:

CCR-O3 | Resilience to natural hazards

The Wairarapa develops and functions in a way that does not increase risk and consequences of *natural hazards*.

HC-O1 | Protection of heritage values

The cultural, spiritual, and/or historical values associated with historic heritage and sites and areas of significance to Rangitāne o Wairarapa, Ngāti Kahungūnu ki Wairarapa, hapū and whānau are recognised, protected and maintained.

HC-O2 | Tangata whenua identity and values

Sites and features that have special qualities and values that contribute to Rangitāne o Wairarapa and Ngāti Kahungūnu ki Wairarapa's sense of place and identity are recognised and protected.

NE-O1 | Natural character, landscapes, features, and ecosystems

Natural character, outstanding natural features and landscapes, and areas of significant indigenous vegetation and significant habitat of indigenous fauna contribute positively to the Wairarapa's sense of place and identity.

NE-O4 | Coastal environment

The special qualities of the Wairarapa *coastal environment* are recognised and protected from inappropriate subdivision, use, and development.

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.

⁵¹ Officer's Section 42A Report Subdivision, 27 January 2025, Section 4.4

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, is enabled.

RE-O4 | Character and amenity values of the rural environment

The character and amenity values of the rural environment is maintained and enhanced.

UFD-O1 | Urban form of the Wairarapa

Wairarapa's urban form is maintained as a series of:

1. larger main urban areas that support a local community located and connected along the main transport routes; and
2. smaller coastal and rural settlements that support a local community.

UFD-O2 | Urban growth

The Wairarapa's urban areas grow in a planned, efficient, and structured way to meet current and future needs in a manner that:

1. provides for a variety of housing types that respond to a range of community needs;
2. enables greater densities of development in areas with sufficient infrastructure capacity and located close to centres, services, open spaces and/or public transport;
3. is compatible with the character and amenity of the urban areas recognising that amenity values can change over time;
4. improves housing affordability;
5. protects the productive capacity of rural land; and
6. supports reductions in greenhouse gas emissions.

UFD-O3 | Urban development capacity

There is sufficient development capacity to meet the Wairarapa's housing, commercial, and industrial needs.

UFD-O4 | Infrastructure capacity

Urban growth and development is integrated with the efficient use of existing infrastructure and provision, including the timing, sequencing, and funding, of new or upgraded *infrastructure* (including additional infrastructure).

- 3.12 As with the Transport Topic, we find no need to discuss in any great detail the direction summarised above or any potential matters where direction from one source may be in tension with another. In general, we find the relevant strategic direction to be clear and well-integrated from the RMA, through the relevant national and regional instruments and the strategic direction chapter of the PDP.

Summary of the relevant notified provisions

- 3.13 As outlined in detail in the introduction, this Decision Report only covers the general requirements for subdivision and not zone or overlay subdivision matters. Those latter matters are covered in Decision Reports 2 – 6.
- 3.14 In terms of what this report does cover, the section 32 report accompanying the Subdivision chapter is of assistance. It itemises⁵² the proposed provisions of the subdivision in greater detail, which we adopt. For the current purposes, we can further condense that summary of the subdivision provisions as comprising:
- a. three objectives, implemented by eight policies which collectively address the design-related considerations for subdivision; services infrastructure and integration with subdivision; and location- or topic- specific direction for subdivision as relates to natural hazards, the Rural Zones, the Future Urban Zone and highly productive land;
 - b. rules and standards that variably ascribe limits, requirements and activity status for the subdivision of land for a range of purposes and in various location- or topic- specific contexts; and
 - c. definitions that assist with the clear administration and implementation of the relevant objectives, policies, rules and other methods relating to subdivision.

Overview of submissions

- 3.15 A total of 30 original submissions and 16 further submissions were received on the Subdivision chapter, comprising a mixture of support and opposition to the proposed provisions as notified.
- 3.16 These submissions are indexed in Section 6.1 of the section 42A report authored by Ms Fallowfield and included private individuals, NZTA, telecommunications companies, Heritage New Zealand Pouhere Taonga, Transpower, KiwiRail, FENZ, GWRC, and various interest groups.

Recommended amendments that the Panel adopts

- 3.17 Ms Fallowfield and Mr Wesley recommended several changes in their section 42A report and/or in Section 5 of Ms Fallowfield's summary statement in response to evidence called by various submitters⁵³. As with the transport topic, the upshot of the recommendations in these respects is that they were subject to little residual disagreement or active contest by the time of the hearing commencement.
- 3.18 Also similar to the transport topic, we have carefully considered these recommendations from Ms Fallowfield and Mr Wesley and – where relevant – the evidence of others they have relied upon. We are satisfied that their recommendations are appropriate for the reasons they have expressed. In

⁵² At Section 5.3, pp.45-49

⁵³ Indexed in section 5 of the summary statement.

summary, these amendments include the following, except where further modified as discussed in the key issues section below:

- a. changes recommended in the outset of part 6.3 of the combined section 42A report⁵⁴ in relation to **general and miscellaneous matters** relating to the subdivision topic;
- b. amendments to **Objectives SUB-O1 and SUB-O3** recommended at the outset of section 6.4 of the combined s42A Report⁵⁵;
- c. changes to subdivision **Policies SUB-P2, SUB-P6 and SUB-P7** recommended at the outset of section 6.5 of the combined s42A Report⁵⁶;
- d. changes to various subdivision **rules** recommended at the outset of section 6.6 of the combined s42A Report⁵⁷;
- e. amendments to subdivision **Standards SUB-S8 – SUB-S10** recommended at the outset of section 6.7 of the combined s42A Report⁵⁸;
- f. adding a new **Policy SUB-PX** associated with the management of subdivision effects on freshwater in response to the evidence from Mr O'Brien for GWRC⁵⁹;
- g. amending **Objective SUB-O3** by:
 - i. remedying a typographical error in the title of the objective which read differently in the body of the section 42A report and in the associated amendments attached as appendix 2 to that report – as identified by Mr O'Brien for GWRC⁶⁰; and
 - ii. clarifying that 'roads' in the context of the objective include public and active transport networks and services, as recommended by Mr O'Brien for GWRC⁶¹.

3.19 While there was no contest to Ms Fallowfield's recommendation that Policy SUB-PX be included in the subdivision chapter, the Panel sought clarification as to whether the rules and standards require consequential amendment to best implement the new policy.

3.20 Ms Fallowfield addressed our queries in her reply, which we cite here:

14. I have reconsidered how SUB-PX Managing the effects of subdivision on freshwater could be implemented in the Subdivision Chapter rules and standards based on the response to Greater Wellington Regional Council's answer to this question at the hearing, and considered the Joint Witness Statement from Hearing 1.

⁵⁴ Including the reasons set out at paras 69-90 and the s32AA evaluation at paras 91-94.

⁵⁵ Including the reasons set out at paras 98-116, 123-132 and the s32AA evaluation at paras 133-136.

⁵⁶ Including the reasons set out at paras 144-152, 158-160, 161-163 and the s32AA evaluation at paras 166-169.

⁵⁷ Including the reasons set out at paras 173-211 and the s32AA evaluation at paras 212-215.

⁵⁸ Including the reasons set out at paras 227-236 and the s32AA evaluation at paras 245-248.

⁵⁹ Evidence of Samuel O'Brien (10 February 2025), para 60-61

⁶⁰ Evidence of Samuel O'Brien (10 February 2025), para 52

⁶¹ Evidence of Samuel O'Brien (10 February 2025), para 54-55

15. *In my opinion, reliance on s108 (conditions of resource consent) and s220 (conditions of subdivision consent) under the Resource Management Act are not sufficient to enable this policy to be effectively implemented. The reason for this is that SUB-PX seeks that the subdivision of land is managed in an integrated and sustainable manner through an effects management hierarchy (i.e. avoid, remedy or mitigate adverse effects, including cumulative effects) on the health and well-being of waterbodies, freshwater ecosystems, and the receiving environment, and all subdivision activities are Controlled activities (provided they comply with the relevant performance standards for the zone) therefore a Council Processing Officer does not have the ability to decline resource consent where an application does not give effect to the Policy where those adverse effects on the health and wellbeing of waterbodies, freshwater ecosystems and the receiving environment cannot be avoided.*
16. *I consider that the policy is appropriate. The Subdivision Chapter Rules control the size and location of lots, while the Zones and Standards of the Natural Resources Plan will control other matters such as setback from waterbodies, freshwater ecosystems, and receiving environment. I therefore, recommend no amendments to the Subdivision Chapter.*⁶²

- 3.21 The Panel adopts Ms Fallowfield's analysis in this respect, with one exception. Namely, we find that there is a need for relevant subdivision rules to reference new Policy SUB-PX.
- 3.22 This is both a consistency measure, and a step to ensure the effective implementation of the new policy. In the former respect, we note that it is a common method throughout the PDP for relevant policy matters to be cross-referenced in the matters of control and discretion for rules with a controlled or restricted discretionary activity status. In terms of effectiveness, the direct reference will avoid any confusion as to the applicability of the policy in the consideration of future subdivision consent proposals. In both respects, the change adopted by the Panel will enhance the clear administration of the PDP in the future.
- 3.23 We also adopt the minor terminology change to standard SUB-S6 recommended by Ms Fallowfield in her reply statement. We agree that the relevant references under the standard to 'power lines' and 'power supply' should respectively be amended to 'electricity lines' and 'electricity supply.'
- 3.24 Given the integrated nature of the subdivision chapter we have only applied the policy reference to the *general* subdivision rules (SUB-R1 through SUB-R5 and SUB-R10). We find it would be redundant to reference the policy under the subdivision rules relating to district-wide or overlay-based matters (for example, notable trees, historic heritage or natural hazards), as those rules will only apply *in addition to* the most applicable general subdivision rule(s). The PDP will be more efficient without unnecessarily duplicating the cross reference in each of the district-wide rules, with no corresponding reduction in efficacy overall.
- 3.25 As a final administrative matter, we record here that we have corrected a minor typographical error under Rule SUB-R5(2)(a), being to correctly refer to SUB-R~~5~~(1)(f) rather than SUB-R~~4~~(1)(f).

⁶² Officer's Reply Statement Subdivision and Financial Contributions Topics, para 14-16

Evaluation and decisions on key issues remaining in contention

- 3.26 Here we discuss the key issues remaining in contention at the conclusion of the hearing. Our discussion is organised to address each of the following matters in turn:
- a. Key Issue 1: general and miscellaneous matters;
 - b. Key Issue 2: Objective SUB-O2;
 - c. Key Issue 3: Policy SUB-P1;
 - d. Key Issue 4: subdivision rules; and
 - e. Key Issue 5: Standard SUB-S10.

Key Issue 1: General and miscellaneous matters

- 3.27 The first of the key issues for the subdivision topic is derived from the GWRC submission seeking definitions for 'water sensitive urban design' and 'hydraulic neutrality'.
- 3.28 Ms Fallowfield did not support the inclusion of the new terms as sought by GWRC. She noted that neither term is used in the subdivision chapter, and that the PDP only contains one reference to either, being under a stormwater disposal standard for the Orchards Retirement Village.⁶³
- 3.29 Ms Fallowfield also noted that GWRC's submission sought a new 'Three Waters' chapter be included in Part 2 of the PDP, inclusive of proposed objectives, policies and rules relating to hydraulic neutrality and water sensitive urban design. She added that this aspect of the submission was addressed in Hearing 1, where the s42A reporting officer recommendation was to reject the submission.⁶⁴
- 3.30 We received evidence from Mr O'Brien on this issue in the context of the subdivision chapter. During questioning of Mr O'Brien at the hearing, he acknowledged that conferencing on the issue of a standalone Three Waters chapter was completed by others, including his colleague Mr Shield. He referred to the result of that conferencing where there was an absence of any agreement on the utility or appropriateness of a standalone three waters chapter. Mr O'Brien did acknowledge however that there had been an agreed amendment to Objective NE-O5, which references Te Mana o te Wai, which we discuss further in Decision Report 1.
- 3.31 In our understanding that agreed position regarding the standalone three waters chapter, in combination with the points made by Ms Fallowfield as to the lack of any application within the plan for the terms 'hydraulic neutrality' and 'water sensitive urban design' lead us logically to a finding that GWRC's relief should not be accepted on these proposed new definitions.

⁶³ Officer's Section 42A Report Subdivision, 27 January 2025, para 77

⁶⁴ Officer's Section 42A Report Subdivision, 27 January 2025, para 79

Key Issue 2: Telecommunication connections for subdivision

- 3.32 Objective SUB-O2 relates to subdivision and provision of associated services. The submission from the telecommunications companies sought that subdivisions within the urban boundary connect to telecommunication networks and power networks, in addition to the water, wastewater and stormwater networks as notified, and that subdivision in rural zone are capable of connecting to a telecommunications network.
- 3.33 In his evidence for the telecommunications companies, Mr Anderson noted that telecommunications networks are regionally significant infrastructure under the RPS and contribute demonstrably to social, economic and environmental wellbeing. He added that PDP strategic objective UFD-O4 seeks that urban growth and development is integrated with the efficient provision of infrastructure and that objective INF-O1 anticipates that the benefits of infrastructure are to be recognised.⁶⁵
- 3.34 In Mr Anderson's view, requiring new allotments in urban areas to connect to the telecommunications network is imperative. given telecommunications being essential to modern society. Mr Anderson noted that connectivity is in demand and of benefit to rural communities as well. In his view, the provisions should be sufficiently enabling of connections in rural areas though he acknowledged all rural residents may not want a connection.⁶⁶
- 3.35 Ms Fallowfield initially was not supportive of the amendments sought by the telecommunications companies. At the end of the hearing, we asked Ms Fallowfield to confer with Mr Anderson and they ultimately reached consensus that Objective SUB-O2 should be amended as sought by the submitters. They also agreed that a corresponding amendment should be made to Policy SUB-P2 and to Rule SUB-R2.1 to implement the objective as it relates to the provision of connections to the telecommunications network at the time of subdivision.⁶⁷
- 3.36 The Panel adopts the planners' recommendations in these respects for the reasons expressed by Mr Anderson in his evidence and as captured in the brief s32AA analysis in Ms Fallowfield's reply.⁶⁸ The submissions from the telecommunications companies are accepted, and the amendments to these three provisions have been applied in the final subdivision chapter.

Key Issue 3: Policy SUB-P1

- 3.37 Here, we address submissions from GWRC and Fulton Hogan to Policy SUB-P1, which remained in contention at the close of the hearing.
- 3.38 GWRC's submission generally supported the policy but considered that clause (a) under the policy is unclear and that the policy should clarify that urban areas are anticipated to change over time as anticipated by the NPS-UD. As notified, clause 'a' reads as follows when read with the policy chapeau:

⁶⁵ Evidence of Tom Anderson (10 February 2025), para 16-17

⁶⁶ Evidence of Tom Anderson (10 February 2025), para 24-25

⁶⁷ Officer's Reply Statement Subdivision and Financial Contributions Topics, para 8

⁶⁸ Officer's Reply Statement Subdivision and Financial Contributions Topics, para 9-12

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

- f. *reflects patterns of development that are consistent, compatible, and reinforce the role, function, and existing or planned character and qualities of the zone as set out by the Objectives and Policies of the applicable zone;*

- 3.39 In his evidence for GWRC, Mr O'Brien opined that the NPS-UD could be better implemented by changing the words 'character and qualities' in the objective to 'characteristics'. In his view, the latter encompasses a wider range of attributes than 'character' which has a specific planning meaning.⁶⁹
- 3.40 Fulton Hogan's submission opposed the policy, seeking an amendment that reverse sensitivity effects are expressly addressed.
- 3.41 In a letter tabled by Fulton Hogan for the hearing, Ms Caley noted that the submitter addressed the matter of reverse sensitivity in Hearing Stream 1. She added that aggregate resources are location specific which limits the places where quarrying can occur. Ms Caley's letter noted also that subdivision has the potential to foreclose access to aggregate resources that might be located in the area to be developed.
- 3.42 Ms Fallowfield did not recommend any changes in response to either Mr O'Brien's evidence or Ms Caley's letter. Regarding GWRC's submission, Ms Fallowfield gave the view that the phrase 'existing or planned' makes it clear that the character of areas may be subject to change over time, noting also that in the General Residential Zone, the chapter introduction expressly notes that residential character will change over time to meet changing housing needs. She added that the character and qualities of each zone is set out in the objectives and policies of each applicable chapter.⁷⁰
- 3.43 In response to the Fulton Hogan submission, Ms Fallowfield noted that the subdivision provisions work in conjunction with the zone provisions. She added that the approach in the PDP is generally that matters of reverse sensitivity are addressed in the latter, and in her view, the implementation of the subdivision objectives would not be improved by amending SUB-P1 as sought by the submitter.⁷¹
- 3.44 The Panel is ultimately aligned with Ms Fallowfield in full on this matter for the reasons she has expressed. We also note that the matter of reverse sensitivity has been addressed comprehensively in our decision for Hearing 1 and we are satisfied that no additional amendments are needed to Policy SUB-P1 to enhance the effective, efficient administration of the PDP objectives when read as a whole.
- 3.45 Accordingly, we have not adopted the relief sought by GWRC or Fulton Hogan on SUB-P1.

⁶⁹ Evidence of Samuel O'Brien (10 February 2025), para 56-57

⁷⁰ Officer's Section 42A Report Subdivision, 27 January 2025, para 141

⁷¹ Officer's Section 42A Report Subdivision, 27 January 2025, para 143 & 111

Key Issue 4: Subdivision rules

- 3.46 Our discussion of the relevant subdivision rules is organised in two parts, which sequentially address: Rules SUB-R2 and SUB-R4 and the associated submission from the New Zealand Pork Industry Board; and Rule SUB-R8 and the associated submission from Heritage New Zealand Pouhere Taonga.
- 3.47 The residual issue in contention with **Rules R2 and R4** bear resemblance to the reverse sensitivity issues Fulton Hogan held with Policy SUB-P1. As expressed by Ms Ritchie in her statement for the Pork Industry Board, the submitter is generally uncomfortable with the use of controlled activity status for rural subdivision given the inability to decline applications with that status. Where controlled activity status is to be used, Ms Ritchie opined that appropriate matters of control need to be applied such that effects can be addressed through resource consent conditions. She recommended – for the default restricted discretionary rules under R2 and R4 – that specific reference to primary production activities is made in the matter of discretion dedicated to reverse sensitivity effects.
- 3.48 Ms Fallowfield noted in response that the activity status for subdivision in the Rural Zone was addressed in Hearing Stream 3, including permitted activity setbacks required from existing intensive primary production activities. She added that where those setbacks are contravened, consent will be required and matters of discretion include the management of reverse sensitivity effects.⁷²
- 3.49 In her reply statement, Ms Fallowfield further illustrated the integrated approach to managing reverse sensitivity adopted in the PDP subdivision and land use rules as a whole:
- 18. The below example shows the relationship between the Subdivision Chapter rules and standards and the Zone chapter setback standards. SUB-S2 Building platforms requires a building platform that complies with the relevant performance standards for the underlying zone. For example in the General Rural Zone GRUZ-S3.2.d sets out the minimum setbacks where residential units must not be located within 500m of an intensive primary production activity under separate ownership. If the building platform / residential unit was within the 500m setback at the time of subdivision then a resource consent would be required. This is an example of how the plan chapters are integrated and the relationship between the Subdivision and land use.⁷³*
- 3.50 Consistent with her evidence summarised above in relation to Policy SUB-P1, Ms Fallowfield did not recommend any amendments to the subdivision rules to address potential for reverse sensitivity.
- 3.51 The Panel is aligned with Ms Fallowfield on this matter for the reasons she has expressed. We are satisfied that sufficient land use safeguards are in place to manage potential reverse sensitivity effects on existing intensive farming activities such that no amendments are necessary to the subdivision rules as sought by the Pork Industry Board.

⁷² Refer Fallowfield summary statement, para 31-33

⁷³ Officer's Reply Statement Subdivision and Financial Contributions Topics, para 18

- 3.52 Turning to **Rule SUB-R8**, which involves the nexus of subdivision and historic heritage, we note this matter was not materially in contention; however, there was some confusion arising from the reporting process adopted by the Council on this matter which we address for the formal hearing record.
- 3.53 The relevant submission on this rule was received by Heritage New Zealand, who supported the rule, but identified that matter of discretion 1 under the rule should refer to Policies HH-P11 and SUB-P3.
- 3.54 As noted by Ms Fallowfield, this submission was substantively addressed in the s42A report regarding Historic Heritage with the recommendation being to grant the relief sought⁷⁴. Ms Fallowfield also supported that change, and we find no reason not to adopt the shared recommendation from officers and Heritage New Zealand that the amendment should be made accordingly.

Key Issue 5: Standard SUB-S10

- 3.55 The lone submission remaining in contention on the subdivision standards was made by Fire and Emergency New Zealand. The submission sought for clause 1 under the standard to be amended as follows:
- 1. All new allotments ~~accommodating existing or proposed dwellings~~ must comply with the water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*
- 3.56 In her s42A Report Ms Fallowfield noted that the submitter and Council officers agreed amendments to related land use standards for firefighting water supply in response to Minute 8. For the sake of consistency, Ms Fallowfield recommended the same amendment be applied to this subdivision standard.
- 3.57 The Panel received a letter tabled by the submitter's planning advisor, Mr McGimpsey. While Mr McGimpsey did not appear before us on this matter, he did present to us previously on the related land use matter and assisted us further through expert conferencing. In his tabled letter, Mr McGimpsey noted that the amendment proposed by Ms Fallowfield does not address the submitter's relief and is not appropriate in the context of the subdivision chapter. He recommended the amendment sought in the FENZ submission be accepted, as cited above.⁷⁵
- 3.58 In her summary statement, Ms Fallowfield stated that the land use proposed for a given subdivision may not be known at the time of subdivision, and in turn the relative firefighting demands may not be known. She accordingly changed the view expressed in the s42A report and recommended that the drafting of the standard be retained as notified.
- 3.59 In considering the evidence before us on this matter and on the related topics we address in other decision reports, we are ultimately aligned with Mr McGimpsey that the subdivision standard should be amended as sought in FENZ's submission. As noted in the submission notice, the notified standard is limited to residential dwellings.

⁷⁴ Refer Fallowfield summary statement, para 34-36

⁷⁵ Letter to the Panel from Paul McGimpsey, 'Fire and Emergency New Zealand – Written statement at Hearing Stream 8 of the proposed Wairarapa Combined District Plan – District Wide Matters Part 2: Transport, Subdivision, and Financial Contributions' (10 February 2025)

- 3.60 In reviewing the PDP's objectives and policies for subdivision and development and the relationship they have with water supply for firefighting purposes, it is clear to us that the residential focus of the notified drafting is overly narrow. Moreover, it is clear from examining the general subdivision rules, for example SUB-R2, that the intent is for S10 to apply across a range of zones, and by extension, to various land use activities within those zones; not just residential activities.
- 3.61 We share Mr McGimpsey's view that the standard should accordingly be drafted in a sufficiently broad manner to ensure the effective implementation of the PDP's objectives and policies occurs, particularly SUB-O2, SUB-P2 and SUB-P7. The submission is accepted accordingly.

4 Financial Contributions

Higher Order Policy Framework

- 4.1 Our discussion of the financial contributions topic follows the same structure as the transport and subdivision topics, starting with a summary of relevant statutory direction.

Section 77E, RMA

- 4.2 Section 77E of the RMA is relevant as it enables financial contributions to be required for any class of activity (e.g. permitted activity, discretionary activity) other than a prohibited activity. This section also states that a rule requiring a financial contribution must specify the following matters in the district plan:
- a. the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and
 - b. how the level of the financial contribution will be determined; and
 - c. when the financial contribution will be required.

Section 108, RMA

- 4.3 Section 108 of the RMA is relevant to note here, the focus of which is conditions on resource consents. Subsection (2)(a) makes clear that consent conditions may require a financial contribution to be made, subject to Subsection (10). The latter states that such conditions must not be included unless: they are in accordance with the purposes specified in the relevant Plan; and the level of contribution is determined in a manner prescribed by the Plan.
- 4.4 Subsection (9) clarifies that a financial contribution may comprise money, land, or a combination of the two.

Section 7, RMA

- 4.5 Financial contributions, as a method under the RMA, are inherently related to the concept of efficiency, including as it relates to the efficient funding and delivery of services necessary to support existing and future communities.
- 4.6 Relevant direction in this respect stems from RMA section 7(b), regarding the efficient use and development of natural and physical resources.
- 4.7 Financial contributions also enable new reserves and other infrastructure, and upgrades to existing reserves and other infrastructure, which in turn relates to the maintenance and enhancement of amenity values and the quality of the environment.⁷⁶

⁷⁶ Per RMA s7(c) and 7(f)

National Policy Statement on Urban Development 2020

- 4.8 To the extent that financial contributions assist with the funding and provision of works, services and money towards upgrading or extending infrastructure and community assets, they may assist with the achievement of well-functioning urban environments under the NPS-UD. As we have discussed elsewhere in this and other decisions, this is only a relevant consideration in the Masterton District.

Regional Policy Statement for the Wellington Region and Change 1

- 4.9 In our understanding of the operative RPS, there is no specific direction relating to financial contributions. Financial contributions can, however, contribute to the integration of land use development and infrastructure provision and the efficient, effective implementation of RPS provisions that in turn implement the RMA section 7 direction summarised above.
- 4.10 Mr Wesley also drew our attention to an amendment in the notified version of RPS Change 1 relating to financial contributions to be applied to subdivision and development regarding stormwater quality; however, he noted that policy was deleted in response to submissions on Change 1 and is not contained in the appeals version of the proposal.⁷⁷

Strategic Direction objectives in the PDP

- 4.11 In addition to UFD-O2, UFD-O3 and UFD-O4 which we have already cited above, strategic objective NE-O3 is particularly relevant to the financial contributions topic:

NE-O3 | Open Space

The Wairarapa community has access to a diverse range of open spaces within which:

1. there is a wide range of recreational opportunities and experiences; and
2. areas with natural, ecological, and landscape values, and sites and areas of significance to Māori are protected.

- 4.12 As with the two preceding topics, we find no need to discuss in any great detail the direction summarised above or any potential matters where direction from one source may be in tension with another. In general, we find the relevant strategic direction to be clear and well-integrated from the RMA, through the relevant national and regional instruments and the strategic direction chapter of the PDP.

Summary of relevant notified provisions

- 4.13 The section 32 report accompanying the financial contributions topic itemises⁷⁸ the proposed provisions in greater detail, which we adopt. For the current purposes, we can further condense that summary of the subdivision provisions as comprising:

⁷⁷ Officer's Section 42A Report Financial Contributions, 27 January 2025, para 37-38

⁷⁸ At Section 5.2, pp.14-16

- a. two objectives, implemented by six policies which collectively address the maintenance of sustainable and efficient infrastructure, reserves and community facilities to meet demand; and the need to ensure subdivision and development is appropriately serviced by that infrastructure / those facilities;
- b. rules that variably provide financial contributions exemptions where no new demand is created or contributions have been made; permit land use activities and subdivision where contributions are made in compliance with standards; and require consent where standards are not met; and
- c. three standards which respectively set out details for financial contributions required for reserves, three waters infrastructure, and transport infrastructure.

4.14 The section 32 report also provides a useful summary of the overall approach in the PDP to financial contributions, which we cite here for context:

The overall approach is a continuation of the existing approach which is based on three types of contributions:

- *Actual costs: The developer/subdivider to pay the full and actual costs of installing 3-waters services and constructing roads/access within the subdivision or development. In addition, the full and actual costs of connecting the subdivision or development to the existing Council 3-waters services and roads. These connecting costs may include localised upgrading to existing 3-waters services and/or roads (e.g. localised road widening, larger water main pipe).*
- *Shared costs: The developer/subdivider to pay a proportion (share) of the costs of upgrading existing 3-waters services and roads to service the subdivision or development. This share of the upgrading costs is calculated for each subdivision or development based on the proportion of lots/residential units in the subdivision or development for the total upgrade cost.*
- *District-wide costs: The developer/subdivider to pay a contribution towards the costs of upgrading of the wider infrastructure and community amenities due to the cumulative effects of each subdivision or development.*⁷⁹

Overview of submissions

- 4.15 A total of 12 original submissions and four further submissions were received on the financial contributions provisions, comprising a mixture of support and opposition to the proposed provisions as notified.
- 4.16 These submissions are indexed in section 6.1 of the section 42A report authored by Mr Wesley and included private individuals, NZTA, telecommunications companies, Transpower, Powerco, GWRC, and various interest groups.

⁷⁹ At Section 5.2, p.14

Recommended amendments that the Panel adopts

4.17 As at the start of the hearing, Mr Wesney only recommended one change to the financial contributions provisions in response to the submissions received. The lone amendment derived from three submissions which were opposed to the notified provisions and requested that the financial contributions standard in the subdivision chapter either be deleted or amended to refer to the financial contributions chapter.

4.18 As notified, standard SUB-S9 included a note which read:

"Note: This Draft District Plan does not contain financial contribution provisions. The Councils have been reviewing different approaches for financial contributions. Specific consultation on financial contributions is proposed in 2023 and will be considered during the next phase in preparing the Proposed District Plan."

4.19 Mr Wesney agreed with the submissions that the above text should be replaced with appropriate cross references to the financial contributions chapter. He opined that the note was inadvertently retained from the Draft PDP and is clearly in error. Mr Wesney proposed that the standard be amended as follows:

SUB-S9	Financial contributions
<u>All Zones</u>	
<u>Financial contributions must be provided in accordance with the provisions of the FC - Financial Contributions Chapter.</u>	
<u>Matters of discretion:</u>	
<u>Refer to FC-Financial Contributions Chapter.</u>	
Note: This Draft District Plan does not contain financial contribution provisions. The Councils have been reviewing different approaches for financial contributions. Specific consultation on financial contributions is proposed in 2023 and will be considered during the next phase in preparing the Proposed District Plan.	

4.20 The Panel has adopted Mr Wesney's recommended changes for the reasons⁸⁰ he expressed, noting also the administrative nature of the correction and the lack of any contest to it.

Evaluation and decisions on key issues remaining in contention

4.21 In contrast to the two preceding report topics, there was only one key issue remaining in contention at the close of the hearing.

Key Issue 1: Telecommunications Infrastructure

4.22 The issue derives from the telecommunications companies' submission, which supported the financial contributions provisions in part. Notwithstanding that partial support, the submitter:

⁸⁰ Officer's Section 42A Report Financial Contributions, 27 January 2025, para 109-114

- a. noted that the titles of policies FC-P1 through FC-P4 refer to infrastructure generally, but that the policies themselves refer only to water, wastewater, stormwater, and transport infrastructure;
- b. states that new developments can require upgrades to or developments of other infrastructure; and
- c. sought that the policies be amended to recognise all infrastructure accordingly.

4.23 In his evidence for the telecommunications companies, Mr Anderson expressed the view that telecommunications infrastructure is an essential and expensive part of social, economic and environmental wellbeing. In his view, such infrastructure has a resource management purpose in the same way as three waters and transport infrastructure.⁸¹

4.24 Mr Anderson's evidence on the matter concluded as follows:

*12. By widening Policies FC-P1, FC-P2, FC-P3 and FC-P4 to refer to infrastructure as opposed to specifying which infrastructure, so that, if it is necessary for any particular reason, financial contributions can be imposed for all infrastructure. In saying that, it does not mean that telecommunications, or any other private infrastructure, would be funded through financial contributions, but would enable a partial funding if there was a need to for any particular instance.*⁸²

4.25 In his summary statement tabled at the start of the hearing, Mr Wesley responded to Mr Anderson's evidence and associated evidence provided by others⁸³ for the telecommunications companies. Mr Wesley signalled his agreement with Mr Anderson that: it is important to integrate land use and infrastructure planning; telecommunication infrastructure supports economic and social wellbeing; and subdivision and development can place additional demand on telecommunications infrastructure.⁸⁴

4.26 That said, Mr Wesley did not share Mr Anderson's view that financial contributions are an effective or efficient way to fund the upgrading or expansion of telecommunications infrastructure. Mr Wesley noted that such infrastructure is privately owned and operated, with the relevant service providers determining if, how, where and when upgrades and expansions are provided in response to subdivision and development. The providers also determine how pays for such works.⁸⁵

4.27 In Mr Wesley's view, it is inefficient for a Council to be involved as an intermediary between telecommunications providers and developers/subdividers to negotiate the upgrade or expansion of telecommunication infrastructure. Related to that, Mr Wesley opined that it would be inefficient and ineffective for a Council to collect contributions through consent processes and then transfer

⁸¹ Evidence of Tom Anderson (10 February 2025), para 9-11

⁸² Evidence of Tom Anderson (10 February 2025), para 12

⁸³ Refer para 10

⁸⁴ Refer summary statement, para 12

⁸⁵ Refer summary statement, para 13

them to the relevant third-party service provider. He considered a more direct agreement between applicants and service providers to be a more appropriate process and mechanism.⁸⁶

- 4.28 The Panel is ultimately aligned with Mr Wesley on this matter for the reasons he has expressed. Related to that, we record we were not presented with compelling evidence from the telecommunications companies to identify any deficiency in current practice that would point to a need for the Council to play an intermediary role in the funding of privately-owned and operative infrastructure through financial contributions.
- 4.29 We consider that the financial contributions chapter should accordingly be retained as notified, with the only related amendment arising from submissions being in relation to subdivision standard SUB-S9 as summarised above.

⁸⁶ Refer summary statement, para 13

5 Overall Conclusions

- 5.1 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.
- 5.2 Our amendments 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**.
- 5.3 Overall, we find that these changes will ensure the PDP better achieves the relevant statutory requirements and higher order directions and will improve its useability.