

**IN THE ENVIRONMENT COURT  
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**Decision [2023] NZEnvC 211**

IN THE MATTER

of an application under s 86D of the  
Resource Management Act 1991

BY

MASTERTON DISTRICT COUNCIL,  
CARTERTON DISTRICT COUNCIL  
and SOUTH WAIRARAPA DISTRICT  
COUNCIL

(ENV-2023-WLG-000010)

Applicants

Court: Environment Judge L J Semple sitting alone under s 279(1) of  
the Act

Hearing: In chambers at Wellington

Last Case Event: 28 July 2023

Date of Decision: 26 September 2023  
(On the papers)

Date of Issue: 26 September 2023

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**DECISION OF THE ENVIRONMENT COURT**

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A: Under s 86D of the Resource Management Act 1991 the rules listed in  
Appendix A take immediate legal effect on the date that the proposed Wairarapa  
Combined District Plan is notified.



RE MASTERTON DISTRICT COUNCIL

## REASONS

### Introduction

[1] Masterton District Council, Carterton District Council and South Wairarapa District Council (the Councils) have applied under s 86D of the Act for orders that specified rules in the proposed Wairarapa Combined District Plan (the proposed plan) have legal effect from the date of public notification of the proposed plan (expected to be 5 October 2023).

[2] The application is supported by affidavits of:

- (a) Solitaire June Robertson, Planning and Regulatory Manager at Carterton District Council;
- (b) Charles Price Horrell, Consultant Planner contracted by the Wairarapa District Councils;
- (c) Rodney George Yeoman, Formative, economic assessment; and
- (d) James Kenneth Allen, AgFirst Consultants, agricultural assessment.

[3] The Councils note that hearings on submissions will likely take place in mid-2024. It is therefore anticipated that any decision on the proposed plan will not be made until late 2024 (at the earliest).

[4] The Councils' notice of motion and supporting evidence outlines that the rules proposed to have immediate legal effect both address matters of strategic importance related to rural subdivision and respond to inconsistency between the district plan and the higher order policy documents including the Wellington Regional Policy Statement (WRPS) and the National Policy Statement for Highly Productive Land (NPS-HPL).

[5] The rules proposed to have immediate effect are set out in Appendix A.

### **Grounds for the application**

[6] The Councils acknowledge that the rules proposed to have immediate legal effect represent a restriction on activities when compared to the status quo. Specifically, they represent a significant change in approach to the management of rural subdivision and development across the three districts.

[7] The Councils submit, however, that the application is necessary and appropriate given the experience of subdivision and development that has resulted under the operative plan (which has now been in place for 12 years). Specifically, the Councils say that the current operative plan approach to rural subdivision has resulted in the fragmentation, and in some cases complete loss, of highly productive land to small-lot/ rural lifestyle development.

[8] The Councils outline that the sustainable management of productive land and the protection of this finite physical resource, is a matter of strategic importance to the districts, having regard to the requirements of s 7(g) of the Act, the NPS-HPL and the WRPS. The importance of this is said to be better reflected in the proposed plan as drafted than the operative plan.

[9] On that basis, the Councils submit that granting this application will assist them in ensuring that the proposed plan's long-term strategic direction can be achieved. This will minimise any further risk of ad-hoc fragmentation and/ or complete loss of important finite physical resources, while continuing to support an appropriate level of rural development.

### **Section 86D Resource Management Act 1991**

[10] In accordance with s 86B(1) of the Act, rules in a proposed plan ordinarily have legal effect once a decision on submissions is made and publicly notified under cl 10(4), Schedule 1. Decisions may take up to two years after notification of the proposed plan.

[11] Section 86D gives the Court the power to order that a rule in a proposed plan has legal effect from some date other than the standard date, as follows:

**86D Environment Court may order rule to have legal effect from date other than standard date**

- (1) In this section, **rule** means a rule—
  - (a) in a proposed plan; and
  - (b) that is not a rule of a type described in section 86B(3)(a) to (e).
- (2) A local authority may apply before or after the proposed plan is publicly notified under clause 5 of Schedule 1 to the Environment Court for a rule to have legal effect from a date other than the date on which the decision on submissions relating to the rule is made and publicly notified under clause 10(4) of Schedule 1.
- (3) If the court grants the application, the order must specify the date from which the rule is to have legal effect, being a date no earlier than the later of—
  - (a) the date that the proposed plan is publicly notified; and
  - (b) the date of the court order.

*Criteria*

[12] Section 86D does not specify the process to be followed or the criteria to be applied in considering such an application. However, as with any discretion, the decision maker must exercise the discretion on a principled basis. Specifically, there must be good reason for the Court to depart from Parliament's clearly expressed intention in s 86B of the Act that the rules in a plan ordinarily have legal effect when the decision on submissions relating to a rule is made and publicly notified.<sup>1</sup>

[13] In that regard, in *re Thames-Coromandel District Council* the Court noted the following factors from previous case law that may be relevant when assessing a s 86D application:<sup>2</sup>

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<sup>1</sup> Subject to the exceptions stated in s 86D. *Re Palmerston North City Council* [2015] NZEnvC 27 at [22].

<sup>2</sup> *Re Thames-Coromandel District Council* [2013] NZEnvC 292, [2015] NZRMA 315 at [9].

- (a) the nature and effect of the proposed changes by reference to the status quo;
- (b) the basis upon which it can be said that immediate legal effect is necessary to achieve the sustainable management purpose of the Act;
- (c) the spatial extent of the area(s) which are to become subject to the proposed changes and/or the approximate number of properties potentially affected;
- (d) consultation (if any) that has been undertaken in relation to the proposed changes; and
- (e) whether the application should be limited or publicly notified, including consideration of potential prejudice.

[14] In *re Palmerston North City Council*, the Court phrased these matters slightly differently, accepting the following general matters as relevant to the assessment of a s 86D application:<sup>3</sup>

- (a) the strategic importance of the plan change (or proposed plan);
- (b) whether the plan change was the outcome of detailed consideration by the local authority under a wider process than just RMA considerations; and
- (c) the extent of consultation (if any) undertaken under the Local Government Act.

[15] In the more recent decision in *re Waimakariri District Council* the Court also identified that aspects of vulnerability (such as scarcity of the resources and any

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<sup>3</sup> *Re Palmerston North City Council* [2015] NZEnvC 27 at [23].

irreversible effects, and pressure on resources) are additional matters to consider.<sup>4</sup>

[16] In this respect, the Councils noted in their submissions that previous applications have raised a concern about the risk of a “gold rush” of rural subdivision applications if proposed rules are not given immediate legal effect. The Councils note that this type of concern has been approached by the Court with some caution, and that the Court has found in some instances that this is not of itself determinative of a s 86D application.<sup>5</sup> The Councils however submit that the Court must consider the purpose and significance of the proposed changes, and the possible consequences of a rush of applications under the existing rules.

[17] While these themes may provide the court with some guidance, they fall short of being principles in themselves.<sup>6</sup> They do, however, provide a useful framework against which to assess the request made to this Court.

## **The Councils’ Case**

### ***Nature and effect of proposed changes***

#### *Operative plan*

[18] The operative plan manages the rural environment under a single Rural Zone with three subsets:

- (a) Rural (Primary Production) Zone (93 per cent of rural land), where the predominant land use is primary production and the plan provides a permissive framework for primary production activities and includes provision for rural-residential development;
- (b) Rural (Special) Zone (7 per cent of rural land), where the environment

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<sup>4</sup> *Re Waimakariri District Council* [2021] NZEnvC 142.

<sup>5</sup> *Re Palmerston North City Council*, [2015] NZEnvC 27 at [31]-[32]. *Re Tasman District Council* [2011] NZEnvC 47 at [9].

<sup>6</sup> *Re Thames-Coromandel District Council* [2013] NZEnvC 292, [2015] NZRMA 315 at [10].

is subject to significant environmental hazards and where intensive development and landholdings may create significant future management problems (such as exacerbated risks from flooding) and where less intensive subdivision is provided for; and

- (c) Rural (Conservation) Zone, which identifies Wairarapa’s key natural assets and where the plan provides for conservation and recreation activities.

[19] Subdivision in the predominant zone, the Rural (Primary Production) Zone is a controlled activity with a minimum lot size of 4 ha, with some additional small lot subdivision also enabled based on “grand-parented” dates.

[20] Within the Rural (Special) Zone, subdivision has a controlled activity status with a 4 ha minimum lot size and 100 m lot frontage threshold. The status of subdivision which does not meet an activity threshold can range from restricted discretionary to non-complying.

[21] Mr Horrell explains that the land use provisions in the operative plan are generally permissive and apply an “effects based” approach. Most land use activities within the Rural zones are permitted subject to various performance standards.

[22] For example, the permitted number of dwellings is one in the Rural (Primary Production) Zone on properties less than 4 ha, two on properties between 4 – 100 ha and three on properties over 100 ha. In the Rural (Special) Zone, one dwelling is allowed, on properties of any size. Non-compliance with these standards defaults to a restricted discretionary activity.

#### *Proposed plan*

[23] Mr Horrell produced a comparison of the differences between the operative and proposed plans. He says that, in practice, the rules of the proposed plan as notified will provide both opportunities for and limitations on subdivision and development within the Rural Zones.

[24] For subdivision, the proposed plan contains a 40 ha minimum allotment size for any controlled activity subdivision within the General Rural Zone (with some exceptions). Where the minimum allotment size is not met, the subdivision becomes a discretionary or non-complying activity.

[25] In the Rural Lifestyle Zone, which is located directly adjacent to the Masterton urban area, lifestyle development is anticipated and subdivision is enabled down to a minimum allotment size of 0.5 ha.

[26] Mr Horrell says that the changes will bring new opportunities for some landowners to subdivide for rural lifestyle, namely those in the Rural Lifestyle Zone and those on properties less than 4 ha within Carterton and South Wairarapa districts that are not located within particular overlays. In most cases, rules will enable subdivision down to 0.5 ha as opposed to the current 1 ha limit.

[27] However, and important to this consideration, all other properties in the Wairarapa districts will be further limited in their ability to undertake controlled activity subdivision. That is to say, those properties will have greater restrictions on the use of their land for subdivision.

[28] Within the Rural Lifestyle Zone, one residential unit and one minor residential unit are proposed to be permitted per site. Within the General Rural Zone, on properties less than 40 ha or on properties within the Martinborough Soils or Highly Productive Land overlays, it is proposed one residential unit and one minor residential unit are permitted per site. In the General Rural Zone on sites greater than 40 ha that are not within the overlays, two residential units and one minor residential unit are proposed to be permitted per site.



***Spatial extent of area subject to proposed changes/ the number of properties affected***

[29] The majority of the Wairarapa is rural in character with the Rural zones covering 95 per cent of Wairarapa's land area.

[30] Mr Horrell produced a table showing the size of allotments sought between January 2020 and July 2023. The data demonstrate a high demand for allotments less than 8 ha, which aligns with the current controlled activity minimum lot sizes in the operative plan, followed by a steady reduction with higher allotment sizes, with demand increasing again for lots greater than 40 ha.

[31] The change in direction will have the most significant impact on the ability to subdivide lots less than 40 ha, which will require a discretionary or non-complying consent.

[32] The proposed plan will also further limit the number of dwellings that can be established on a property. Mr Horrell says that about 45 per cent of properties in rural zones will be impacted to some extent compared to the operative plan. The majority of those properties (sized between 4 – 39.99 ha) will be limited to one residential unit, rather than two. Where the number of residential units exceeds permitted density, a discretionary activity consent will be required.

***Extent of consultation***

[33] Mr Horrell explained that between mid-2020 and October 2022, an Advisory Group<sup>7</sup> reviewed the operative plan, evaluated issues, developed policies and options and drafted provisions. Engagement with key stakeholders occurred throughout this process. Engagement with primary production sector groups and land surveying companies occurred between February and May 2022.

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<sup>7</sup> The Advisory Group consisted of planning officers from each of the district councils and consultant planners such as Mr Horrell.

[34] A draft district plan<sup>8</sup> was released for public consultation in October 2022. The draft district plan was an informal process providing an opportunity for the community to provide feedback ahead of the proposed plan notification under RMA, Schedule 1.

[35] During the consultation period 182 submissions were received. The Council advised that as one of the major issues facing the Wairarapa was rural subdivision, specific engagement material was published, including a dedicated section on the district plan review website and a summary brochure was produced which was available at Council offices.

***Necessary to achieve the purpose of the Act?***

*Strategic importance*

[36] Ms Robertson says that the plan review process highlighted the significant issue of fragmentation of rural land into lifestyle blocks. Ms Robertson says that in the last ten years, the Councils have declined only 3 consents out of 872 applications. She says that reflects the inability of Councils to decline consents as the majority of applications are for controlled or restricted discretionary activities with minor non-compliances.

[37] Ms Robertson also demonstrated in her evidence an increasing trend in demand for new small-lot subdivisions both between 1 – 2 ha and 4 – 5 ha per lot, reflecting the minima enabled under the operative plan. She indicated there has also been an observed increase in the number of allotments created as a result of the subdivision of rural properties.

In response, the Councils' long-term strategic vision largely sets out to ensure that:

- (a) the rural environment remains available for primary production

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<sup>8</sup> A non-statutory document.

activities;

- (b) the productive capacity of the land is protected; and
- (c) rural lifestyle subdivision and development are only provided in parts of the rural environment where they do not conflict with enabling primary production and protecting the productive capacity of land.

[38] Mr Horrell notes that the NPS-HPL highlights the importance of protecting highly productive land from further fragmentation through subdivision. With approximately 66 per cent of properties within the Wairarapa already less than 10 ha, Mr Horrell says that avoiding further fragmentation is of significant importance. He is of the opinion that the proposed plan will provide for a more strategic approach by ensuring that land use is coordinated to ensure that the appropriate activities are occurring in the right place. He considers that the proposed plan seeks to give full effect to the NPS-HPL and in particular Policy 7. Further, he is of the view that providing immediate effect for the subdivision rules of the proposed plan is necessary and not doing so will cause outcomes that are contrary to the intent and direction of the NPS-HPL. Mr Horrell also considers relevant policy direction in the WRPS.

[39] The WRPS includes two policies of particular relevance to this application:

- (a) Policy 56: Managing development in rural areas; and
- (b) Policy 59: retaining highly productive agricultural land (Class 1 and II land).

[40] Policy 56 requires a territorial authority to have particular regard to matters listed in that policy. One of these matters is consideration of loss of “productive capability” within the rural area and refers to cumulative effects. In the absence of a specific definition for “productive capability” in the WRPS Mr Horrell considers its meaning should be assumed to be the same as “productive capacity” as defined in NPS-HPL.

[41] Policy 59 requires a territorial authority to have particular regard to safeguarding productive capability on Class I and II land. The NPS-HPL categorises Class I and II land as highly productive.

*Potential “gold rush”*

[42] As part of her evidence, Ms Robertson produced a table showing the number of applications and allotments created between January 2010 – July 2023. It shows a steady increase in subdivision in the rural zone. Due to community and stakeholder engagement on the district plan review, it was widely known from late 2020 that the district plan was being reviewed and changes were to be anticipated for rural subdivision. Ms Robertson says the consequence of that is seen in an increase in applications for rural subdivision with a usual rate of approximately 100 lots approved in any one year, increasing to approximately 170 new lots approved in 2021 and over 300 lots approved in 2022.

[43] Ms Robertson considers this to be indicative of a “gold-rush” effect and says the Councils anticipate that following the notification of the proposed plan that number will spike further. Ms Robertson says this is consistent with the indications received from local land surveyors and planners that their clients are looking to lodge a significant volume of applications in the coming months before the proposed plan is notified.

[44] According to the Council’s evidence, the sense of urgency to lodge applications has resulted in many of the subdivision consent applications received over this time being poorly prepared and significantly lacking in detail. This has resulted in consent processing staff having to spend significantly longer in preparing further information requests and/ or having to reject applications under s 88 RMA.

[45] The Councils submit that, while undertaken in good faith and in accordance with the principles of public participation, early consultative processes have, in fact, resulted in what s 86D looks to avoid. The notice of motion seeks to stem that tide.

***Whether the application should be limited or publicly notified, including consideration of potential prejudice***

[46] The Councils submit that it is appropriate for the application to proceed on an ex parte basis, saying that notification would significantly undermine the purpose of the application and is likely to lead to substantial delay (which the Councils seek to avoid). The Councils consider that notification would further enable inappropriate rural subdivision to take place and could lead to a further “flood” of applications for rural subdivision and land use.

[47] While the Councils acknowledge that land owners will be impacted by the rules having legal effect at notification, they submit that any potential prejudice is ameliorated by the Councils’ previous public consultation.

**Decision**

[48] The notice of motion and supporting affidavits provide a clear analysis of the nature and effect of the changes sought in the proposed plan and its strategic importance both to the districts themselves and nationally in accordance with the direction in the NPS-HPL.

[49] The consequence of the orders is that the proposed rules will have immediate effect and while the public have the right to contest those rules by way of submission once notified, it is accepted that the orders will result in an opportunity cost for a significant number of land owners. The Council’s evidence is clear that the majority of the districts are rurally zoned and 45 per cent of rural land owners will be affected by the proposed changes. The evidence of Mr Yeomen indicates the significance of that lost opportunity and its spatial extent. That cost to this community is not lost on this Court.

[50] Against that, however, the NPS-HPL and WRPS provide clear direction on the strategic importance of protecting the productive soil resource for use in land based primary production, both now and for future generations.

[51] The evidence of the Council establishes significant concerns regarding the ability of the operative plan to give effect to that directive. Specifically, the evidence from the Council shows a clear acceleration in fragmentation already occurring which is contrary to the outcomes sought in the WRPS and the NPS-HPL.

[52] As set out in the evidence of Mr Horrell, the NPS-HPL identifies that highly productive land contains finite characteristics that require protection. Part 2 of the Act requires particular regard to be had to the “finite characteristics of natural and physical resources” pursuant to s 7(g).

[53] Ms Robertson’s evidence demonstrates the possible scenario of up to 27,205 new allotments being created as controlled activities under the current operative plan. On her analysis, it is feasible that 5 per cent of such properties could be subdivided within the next 2 years. That would constitute 1,360 allotments and 4,878 ha of highly productive land lost to fragmentation.

[54] I am satisfied that should such a “gold rush” of applications occur the purpose of the Act, being the sustainable management of resources, will be undermined. I am further satisfied that such a scenario is likely given the increase in applications demonstrated by the Council since the draft discussion documents were released together with the evidence provided that local consultants expect a “peak in requests coming in for applications to be lodged before the Proposed Combined District Plan is notified”.<sup>9</sup>

[55] Given the above I am satisfied that the purpose of the Act is met by the notice of motion being granted and the orders made.

*Whether the application should be limited or publicly notified*

[56] Council seeks that the application be granted ex parte on the basis that notification would undermine the purpose of the application and likely result in a further “flood of applications for rural subdivision and land use, as the Councils have

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<sup>9</sup> Robertson affidavit, Appendix 3.

already seen”.

[57] As previously outlined and as demonstrated by the increase in subdivision applications being applied for, the Council’s consultation on this matter has alerted the public to the likely changes to be seen in a new plan. I have already accepted that a rush of applications which could undermine the purpose of the Act is a likely outcome of notification of the proposed plan unless the rules take immediate effect. I am similarly persuaded that notification of this application would have a similar impact.

[58] I accordingly grant the notice of motion *ex parte*. It is accepted that land owners will be impacted both by the rules having legal effect immediately and by this application being granted on an *ex parte* basis. I am however satisfied that the consultation undertaken by the Councils has already alerted many land owners to the potential for significant change in the manner in which rural land is able to be subdivided and developed. This is further highlighted by the recent NPS-HPL. I am satisfied that there has been clear signalling of a likely change over some time now as evidenced by the sharp increase in applications. I consider that notifying the public of this application would further increase that subdivision activity with a resultant implication for the sustainable management of resources contrary to the purpose of the Act.

[59] There are several definitions and planning maps that are included in the application. The Councils submit that the definitions and maps are critical to properly (and with certainty) interpreting and implementing the rules. The Councils submit that “rules” used in s 86D reasonably includes any definitions and maps, because the rules are effectively meaningless without these supporting provisions.

[60] In granting the order I am satisfied that reference to “rules” in s86D must necessarily include related definitions and maps which describe an activity and show where the rules apply. This is supported by s 76 of the Act (in particular, s 76(4)) which provides that a rule may make different provision for different parts of the district.

**Outcome**

[61] The application under s 86D of the Act is granted.

[62] Pursuant to s 86D of the Act the Court orders that those parts of the proposed plan in Appendix A take legal effect on the date the proposed plan is notified.



L.J. Semple  
Environment Judge





## APPENDIX A: RULES SUBJECT TO IMMEDIATE LEGAL EFFECT APPLICATION

### List of provisions

- Rules GRUZ-R7(1) - (3) (Residential activities)
- Rules RLZ-R4(1) - (2) (Residential activities)
- Rule SUB-R1(1) - (5) (Boundary adjustment)
- Rule SUB-R2(2), (10), (11) - (12) (Subdivision of a new allotment)
- Rule SUB-R4(1) - (5) (Subdivision of land less than 4ha in the General Rural Zone)
- Rule SUB-R5(1) - (4) (Subdivision of a surplus dwelling)
- Standard GRUZ-S4 (Number of residential units)
- Standard RLZ-S4 (Number of residential units)
- Standard SUB-S1 (Minimum allotment size)
- **Definition of ‘highly productive land’**
- **Definition of ‘land based primary production’**
- **Definition of ‘minor residential unit’**
- **Definition of ‘residential activity’**
- **Definition of ‘residential unit’**
- Spatial extent of the General Rural Zone
- Spatial extent of the Rural Lifestyle Zone
- Spatial extent of the Martinborough Soils Overlay

Provisions in full (excludes any provisions that are greyed out)

# Land Use Rules

GRUZ-R7	Residential activities
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is achieved with: <ul style="list-style-type: none"> <li>i. GRUZ-S4; and</li> <li>ii. GRUZ-S7; and</li> </ul> </li> <li>b. Where the <i>site</i> is located within the Martinborough Soils Overlay or on <i>highly productive land</i> the number of <i>residential units</i> must not exceed: <ul style="list-style-type: none"> <li>i. one <i>residential unit</i> per site; and</li> <li>ii. one <i>minor residential unit</i> that has a <i>gross floor area</i> of no more than 80m<sup>2</sup> per site.</li> </ul> </li> </ul>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with GRUZ-R7(1)(a).</li> </ul> <p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>1. The effect of non-compliance with any relevant standard and the matters of discretion of any standard that is not met.</li> </ul>
	<p>3. Activity status: <b>Discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>b. Compliance is not achieved with GRUZ-R7(1)(b).</li> </ul>

GRUZ-S4	Number of residential units	
<p>1. For <i>sites</i> comprising less than 40ha:</p> <ul style="list-style-type: none"> <li>a. one residential unit per site; and</li> <li>b. one <i>minor residential unit</i> per site, where the <i>minor residential unit</i> is located within 30m of the primary <i>residential unit</i> and has a gross floor area of no more than 80m<sup>2</sup>.</li> </ul> <p>2. For <i>sites</i> comprising of 40ha or more:</p> <ul style="list-style-type: none"> <li>c. two <i>residential units</i> per site; and</li> </ul>	<p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>1. Whether it can be demonstrated that the <i>residential unit(s)</i> provides ancillary accommodation for landowners and/or workers involved with <i>primary production</i> on <i>sites</i> over 40ha.</li> <li>2. Whether the <i>residential unit(s)</i> have been designed to share a</li> </ul>	

<p>d. one <i>minor residential unit</i> per site, where the <i>minor residential unit</i> is located within 30m of the primary <i>residential unit</i> and has a gross floor area of no more than 80m<sup>2</sup>.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>1. buildings used for seasonal worker accommodation.</li> </ol>	<p>single vehicle access point and driveway.</p> <ol style="list-style-type: none"> <li>3. The extent to which the <i>residential unit(s)</i> and vehicle access point design, siting, and external appearance adversely affects rural character and amenity.</li> <li>4. <i>Site</i> topography and orientation and whether the <i>residential unit(s)</i> and vehicle access point can be more appropriately located to minimise adverse visual amenity effects.</li> <li>5. Effect on nearby properties, including outlook and privacy.</li> <li>6. Whether the <i>residential unit(s)</i> and the vehicle access point can be more appropriately located to maintain, enhance, or restore indigenous biodiversity values.</li> <li>7. The ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design.</li> </ol>
<b>GRUZ-S7</b>	<b>On-site services</b>
<ol style="list-style-type: none"> <li>1. All water supply and wastewater treatment and disposal systems must be contained within the site that the supply or system serves and be connected to on-site wastewater systems, or an approved alternative means to dispose of sewage in a sanitary manner in accordance with Section 5.2.6 of the Wellington Water Regional Standard for Water Services December 2021.</li> <li>2. Any wastewater that is to be disposed to ground from any onsite servicing must be to land that is not subject to instability or</li> </ol>	<p>There are no matters of discretion for this standard.</p>

<p>inundation or used for the disposal of stormwater.</p> <p>3. All new buildings must comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p>	
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RLZ-R4	<i>Residential activities</i>
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <p>i. RLZ-S4; and</p> <p>ii. RLZ-S5.</p>
	<p>2. Activity status: <b>Discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with RLZ-R4(1).</p>

RLZ-S4	<i>Number of residential units</i>
<p>1. A maximum of:</p> <p>a. one <i>residential unit</i> per site; and</p> <p>b. one <i>minor residential unit</i> that has a gross floor area of no more than 80m<sup>2</sup> per site.</p>	<p>Matters of discretion:</p> <p>1. Whether the <i>residential unit(s)</i> have been designed to share a single vehicle access point and driveway.</p> <p>2. The extent to which the <i>residential unit(s)</i> and vehicle access point design, siting, and external appearance adversely affects rural lifestyle character and amenity.</p> <p>3. <i>Site</i> topography and orientation and whether the <i>residential unit(s)</i> and vehicle access point can be more appropriately located to minimise adverse visual amenity effects.</p> <p>4. Effect on nearby properties, including outlook and privacy.</p> <p>5. Whether the <i>residential unit(s)</i> and the vehicle access point can be more</p>

	<p>appropriately located to maintain, enhance, or restore indigenous biodiversity values.</p> <p>6. The ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design.</p> <p>7. The ability to service the activity including any demand on reticulated services where available.</p>
RLZ-S5	On-site services
<p>1. Wastewater and stormwater treatment and disposal systems must be contained within the site that the supply or system serves and be connected to a septic tank or soakage field or an approved alternative means to dispose of sewage in a sanitary manner in accordance with Section 5.2.6 of the Wellington Water Regional Standard for Water Services May 2019.</p> <p>2. Any wastewater that is to be disposed to ground from any on-site servicing must be to land that is not subject to instability or inundation or used for the disposal of stormwater.</p> <p>3. Where there is no connection with the Council's reticulated water supply, the site must have access to a self-sufficient potable water supply, which shall be in accordance with the Council's water policy.</p> <p>4. Where a connection to Council's reticulated system is not available, an onsite firefighting water supply, and access to that supply, must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p>	<p>There are no matters of discretion for this standard.</p>

## Subdivision Rules

SUB-R1	<b>Boundary adjustment</b>
<b>Residential Zones</b>  <b>Commercial and Mixed Use Zones</b>  <b>General Industrial Zone</b>  <b>Open Space and Recreation Zones</b>  <b>Future Urban Zone</b>  <b>Rural Lifestyle Zone</b>	<p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. The boundary adjustment complies with, or does not increase any existing or previously approved non-compliance with: <ol style="list-style-type: none"> <li>i. SUB-S1,</li> <li>ii. SUB-S2,</li> <li>iii. SUB-S3,</li> <li>iv. SUB-S4,</li> <li>v. SUB-S5,</li> <li>vi. SUB-S6,</li> <li>vii. SUB-S7,</li> <li>viii. SUB-S8,</li> <li>ix. SUB-S9,</li> <li>x. SUB-S10; and</li> </ol> </li> <li>b. The boundary adjustment complies with, or does not increase any existing or previously approved non-compliance with the relevant standards of the underlying zone.</li> </ol> <p>Matters of control:</p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1 and SUB-P2.</li> <li>2. The size, design, and layout of lots that would exist after the <i>boundary adjustment</i>, including the effects of any additional permitted activity development potential resulting from the reconfigured layout.</li> <li>3. Legal and physical access to and from lots affected by the <i>boundary adjustment</i>.</li> <li>4. Protection, maintenance, or enhancement of natural features and landforms, historic heritage, sites of significance to Māori, or archaeological sites.</li> <li>5. Any change to the effects on the transport network or three waters infrastructure.</li> <li>6. Where relevant, compliance with Council's engineering standards.</li> <li>7. Where located in a hazard area, the matters set out in policies NH-P4, SUB-P1, SUB-P2, and SUB-P4.</li> <li>8. The matters referred to in sections 108 and 220 of the Act.</li> </ol>

<p><b>General Rural Zone</b></p>	<p>2. Activity status: <b>Controlled</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The minimum lot size of any lot created by <i>the boundary adjustment</i> is 0.5ha; and</li> <li>b. The boundary adjustment complies with, or does not increase any existing or previously approved non-compliance with: <ul style="list-style-type: none"> <li>iii. SUB-S2,</li> <li>iv. SUB-S3,</li> <li>v. SUB-S4,</li> <li>vi. SUB-S5,</li> <li>vii. SUB-S6,</li> <li>viii. SUB-S7,</li> <li>ix. SUB-S8,</li> <li>x. SUB-S9,</li> <li>xi. SUB-S10; and</li> </ul> </li> <li>c. the relevant standards of the underlying zone.</li> </ul> <p>Matters of control:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, and SUB-P7.</li> <li>2. The size, design, and layout of lots that would exist after the <i>boundary adjustment</i>, including the effects of any additional permitted activity development potential resulting from the reconfigured layout.</li> <li>3. Legal and physical access to and from lots affected by the <i>boundary adjustment</i>.</li> <li>4. Protection, maintenance, or enhancement of natural features and landforms, historic heritage, sites of significance to Māori, or archaeological sites.</li> <li>5. Any change to the effects on the transport network or three waters <i>infrastructure</i>.</li> <li>6. Where located in a hazard area, the matters set out in policies NH-P4, SUB-P1, SUB-P2, and SUB-P4.</li> <li>7. Where relevant, compliance with Council's engineering standards.</li> <li>8. The matters referred to in sections 108 and 220 of the Act.</li> </ul>
<p><b>Residential Zones</b></p> <p><b>Commercial and Mixed Use Zones</b></p>	<p>3. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R1(1)(b); or</li> <li>b. Compliance is not achieved with standard(s):</li> </ul>

<p><b>General Industrial Zone</b></p> <p><b>Open Space and Recreation Zones</b></p> <p><b>Future Urban Zone</b></p> <p><b>Rural Lifestyle Zone</b></p>	<ul style="list-style-type: none"> <li>i. SUB-S2,</li> <li>ii. SUB-S3,</li> <li>iii. SUB-S4,</li> <li>iv. SUB-S5,</li> <li>v. SUB-S6,</li> <li>vi. SUB-S7,</li> <li>vii. SUB-S8,</li> <li>viii. SUB-S9, or</li> <li>ix. SUB-S10.</li> </ul> <p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1 and SUB-P2.</li> <li>2. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>3. The size, design, and layout of lots that would exist after the <i>boundary adjustment</i>, including the effects of any additional permitted activity development potential resulting from the reconfigured layout.</li> </ul>
<p><b>General Rural Zone</b></p>	<p>4. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R1(2)(b)</li> </ul> <p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1 and SUB-P2.</li> <li>2. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>3. The size, design, and layout of lots that would exist after the <i>boundary adjustment</i>, including the effects of any additional permitted activity development potential resulting from the reconfigured layout.</li> </ul>
<p><b>All Zones</b></p>	<p>5. Activity status: <b>Discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R1(1) and SUB-R1(3); or</li> <li>b. Compliance is not achieved with SUB-R1(2)(a).</li> </ul>



SUB-R2	<i>Subdivision of land to create additional allotment(s)</i>
<p><b>Residential Zones</b></p> <p><b>Commercial and Mixed Use Zones</b></p> <p><b>General Industrial Zone</b></p>	<p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The subdivision complies with or does not increase any existing or previously approved non-compliance with the underlying zone standards; and</li> <li>b. Compliance is achieved with: <ul style="list-style-type: none"> <li>i. SUB-S1;</li> <li>ii. SUB-S2;</li> <li>iii. SUB-S3;</li> <li>iv. SUB-S4;</li> <li>v. SUB-S5;</li> <li>vi. SUB-S6;</li> <li>vii. SUB-S7;</li> <li>viii. SUB-S8;</li> <li>ix. SUB-S9; and</li> <li>x. SUB-S10.</li> </ul> </li> </ul> <p>Matters of control:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1 and SUB-P2.</li> <li>2. The size, design, shape, location, and layout of lots.</li> <li>3. Efficient use of land and compatibility with the role, function, and predominant character of the zone.</li> <li>4. The subdivision layout and accessibility from and connections to surrounding neighbourhoods.</li> <li>5. Protection, maintenance, or enhancement of natural features and landforms, historic heritage, <i>waterbodies</i>, <i>indigenous vegetation</i> and biodiversity, sites and areas of significance to Māori, or archaeological sites.</li> <li>6. The measures to avoid, remedy, or mitigate any adverse effects on any cultural, spiritual and/or heritage values, interests, or associations of importance to Māori that are associated with the land being subdivided, including weed and pest control.</li> <li>7. The subdivision design and layout, and the design and location of <i>building</i> platforms and access to minimise <i>earthworks</i> and land disturbance and integrate built form into the natural landform.</li> </ul>

	<ol style="list-style-type: none"> <li>8. Provision of appropriate <i>infrastructure</i> and services and their design and location, including water supply (including firefighting water supply), wastewater systems, stormwater control and disposal, telecommunications and electricity in accordance with Council's engineering standards.</li> <li>9. Separation distances, barriers, acoustic treatment, and orientation of buildings.</li> <li>10. Fire rating of party/common walls.</li> <li>11. Energy efficiency and the ability for lots to use renewable energy.</li> <li>12. Effects on the stability of land and buildings, and potential to create new or exacerbate existing <i>natural hazards</i> and the matters set out in SUB-P4</li> <li>13. Management of construction effects, including traffic movements, heavy vehicle movements, hours of operation, noise, vibration, <i>earthworks</i>, and erosion and sediment control.</li> <li>14. The staging of development and timing of works.</li> <li>15. Management of potential <i>reverse sensitivity</i> effects on existing land uses such as noise, odour, dust, and visual effects, including <i>reverse sensitivity</i> effects relating to <i>network utilities</i> and <i>significant hazardous facilities</i>.</li> <li>16. Financial contributions.</li> <li>17. Bonds and other payments and guarantees.</li> <li>18. The matters referred to in sections 108 and 220 of the Act.</li> </ol>
<b>Rural Zones</b>	<p>2. Activity status: <b>Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. The subdivision complies with or does not increase any existing or previously approved non-compliance with the underlying zone standards;</li> <li>b. Compliance is achieved with: <ol style="list-style-type: none"> <li>i. SUB-S1;</li> <li>ii. SUB-S2;</li> <li>iii. SUB-S3;</li> <li>iv. SUB-S4;</li> <li>v. SUB-S5;</li> <li>vi. SUB-S6;</li> <li>vii. SUB-S7;</li> <li>viii. SUB-S8;</li> <li>ix. SUB-S9; and</li> <li>x. SUB-S10; and</li> </ol> </li> </ol>

c. There is no direct access to State Highway 53, State Highway 2, any Limited Access Road, Masterton Heavy Traffic Bypass, or the Wairarapa Railway; and

d. There is no direct access to State Highway 2.

Matters of control:

1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, SUB-P6 and SUB-P8.
2. The size, design, shape, location, and layout of lots.
3. Efficient use of land and compatibility with the role, function, and predominant character of the zone.
4. The subdivision layout and accessibility from and connections to surrounding neighbourhoods.
5. Protection, maintenance, or enhancement of natural features and landforms, historic heritage, *waterbodies*, *indigenous vegetation* and biodiversity, sites and areas of significance to Māori, or archaeological sites.
6. The measures to avoid, remedy, or mitigate any adverse effects on any cultural, spiritual and/or heritage values, interests, or associations of importance to Māori that are associated with the land being subdivided, including weed and pest control.
7. The subdivision design and layout, and the design and location of building platforms and access to minimise *earthworks* and land disturbance and integrate built form into the natural landform.
8. Provision of on-site *infrastructure* and services and their design and location, including water supply (including firefighting water supply where required), wastewater systems, stormwater control and disposal, telecommunications, and electricity in accordance with Council's engineering standards.
9. Separation distances, barriers, acoustic treatment, and orientation of *buildings*.
10. Fire rating of party/common walls.
11. Energy efficiency and the ability for lots to use renewable energy.
12. Effects on the stability of land and *buildings*, and potential to create new or exacerbate existing *natural hazards* and the matters in SUB-P4.

	<p>13. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</p> <p>14. The staging of development and timing of works.</p> <p>15. Management of potential <i>reverse sensitivity</i> effects on existing land uses such as noise, odour, dust, and visual effects, including <i>reverse sensitivity</i> effects relating to <i>network utilities</i> and <i>significant hazardous facilities</i>.</p> <p>16. Financial contributions.</p> <p>17. Bonds and other payments and guarantees.</p> <p>18. The matters referred to in sections 108 and 220 of the Act.</p>
<b>Future Urban Zone</b>	<p>3. Activity status: <b>Controlled</b></p> <p>Where:</p> <p>a. The subdivision complies with or does not increase any existing or previously approved non-compliance with the underlying zone standards;</p> <p>b. Compliance is achieved with:</p> <ul style="list-style-type: none"> <li>i. SUB-S1;</li> <li>ii. SUB-S2;</li> <li>iii. SUB-S3;</li> <li>iv. SUB-S4;</li> <li>v. SUB-S5;</li> <li>vi. SUB-S6;</li> <li>vii. SUB-S7;</li> <li>viii. SUB-S8;</li> <li>ix. SUB-S9; and</li> <li>x. SUB-S10; and</li> </ul> <p>c. One additional allotment is created from the parent title, with a minimum balance lot size of 20ha.</p> <p>Matters of control:</p> <p>1. The matters set out in Policies SUB-P1, SUB-P2, and SUB-P7.</p> <p>2. The extent to which the site layout and design and location of a building platform will affect the ability to comprehensively develop and use the Future Urban Zone in future for urban growth purposes.</p> <p>3. Legal and physical access to and from lots.</p> <p>4. Protection, maintenance, or enhancement of natural features and landforms, <i>waterbodies</i>, <i>indigenous vegetation</i>, historic heritage, sites of significance to Māori, or archaeological sites.</p>

	<p>5. Financial contributions.</p> <p>6. Bonds, and other payments and guarantees.</p> <p>7. Areas identified as required for <i>infrastructure</i>, transport, or other purposes as identified in any strategic documents adopted by the relevant Council.</p> <p>8. Effects on the stability of land and buildings, and potential to create new or exacerbate existing <i>natural hazards</i> and the matters in SUB-P4</p> <p>9. The matters referred to in section 108 and 220 of the Act.</p>
<b>General Residential Zone</b>	<p>4. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <ul style="list-style-type: none"> <li>i. SUB-R2(1)(a);</li> <li>ii. SUB-S2;</li> <li>iii. SUB-S3;</li> <li>iv. SUB-S4;</li> <li>v. SUB-S5;</li> <li>vi. SUB-S6;</li> <li>vii. SUB-S7;</li> <li>viii. SUB-S8;</li> <li>ix. SUB-S9; or</li> <li>x. SUB-S10.</li> </ul> <p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, and SUB-P4.</li> <li>2. Whether the subdivision is located in a designated growth area.</li> <li>3. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>4. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</li> <li>5. Roading layout.</li> <li>6. Management of potential <i>reverse sensitivity</i> effects on existing land uses, including <i>network utilities</i>, or <i>significant hazardous facilities</i>.</li> <li>7. The matters referred to in sections 108 and 220 of the Act.</li> </ul>
<b>Settlement Zone</b>	<p>5. Activity status: <b>Restricted discretionary</b></p>

	<p>Where:</p> <p>a. Compliance is not achieved with:</p> <ul style="list-style-type: none"> <li>i. SUB-R2(1)(a);</li> <li>ii. SUB-S2; SUB-S3;</li> <li>iii. SUB-S4;</li> <li>iv. SUB-S5;</li> <li>v. SUB-S6;</li> <li>vi. SUB-S7;</li> <li>vii. SUB-S8;</li> <li>viii. SUB-S9; or</li> <li>ix. SUB-S10.</li> </ul> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, and SUB-P4.</li> <li>2. The ability to achieve on-site servicing in compliance with Council's engineering standards.</li> <li>3. Integration with the character and amenity of the existing township.</li> <li>4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>5. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</li> <li>6. Management of potential <i>reverse sensitivity</i> effects on existing land uses, including <i>network utilities</i>, or <i>significant hazardous facilities</i>.</li> <li>7. <i>Infrastructure</i> capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.</li> <li>8. The matters referred to in sections 108 and 220 of the Act.</li> </ol>
<p><b>Rural Zones</b></p>	<p>6. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <ul style="list-style-type: none"> <li>i. SUB-S2;</li> <li>ii. SUB-S3;</li> <li>iii. SUB-S4;</li> <li>iv. SUB-S5;</li> <li>v. SUB-S6;</li> <li>vi. SUB-S7;</li> <li>vii. SUB-S8;</li> <li>viii. SUB-S9; or</li> <li>ix. SUB-S10.</li> </ul>

	<p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, SUB-P6 and SUB-P8.</li> <li>2. The ability to achieve on-site servicing in compliance with Council's engineering standards.</li> <li>3. Integration with the character and amenity of the existing township.</li> <li>4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>5. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</li> <li>6. Management of potential <i>reverse sensitivity</i> effects on existing land uses, including <i>network utilities</i>, or <i>significant hazardous facilities</i>.</li> <li>7. <i>Infrastructure</i> capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.</li> <li>8. The matters referred to in sections 108 and 220 of the Act.</li> </ol>
<b>Rural Zones</b>	<p>7. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R2(2)(c) or (d).</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, SUB-P6 and SUB-P8.</li> <li>2. The effects on the safe and efficient functioning of the transport network, as evidenced by a supporting Integrated Traffic Assessment.</li> </ol>
<b>Commercial and Mixed Use Zones</b>  <b>General Industrial Zone</b>	<p>8. Activity status: <b>Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R2(1)(a) or (b).</li> </ol>
<b>Open Space and</b>	<p>9. Activity status: <b>Discretionary</b>.</p>

	<b>Recreation Zones</b>	
	<b>General Rural Zone</b>	<p>10. Activity status: <b>Discretionary</b>.</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-S1.</li> <li>b. The subdivision is directly related with <i>land based primary production</i>.</li> <li>c. Evidence is provided that the subdivision will meet clause 3.8 or 3.10 of the National Policy Statement for Highly Productive Land.</li> </ul>
	<b>Residential Zones</b>  <b>Rural Lifestyle Zone</b>  <b>Commercial and Mixed Use Zones</b>  <b>General Industrial Zone</b>  <b>Open Space and Recreation Zones</b>	<p>11. Activity status: <b>Non-complying</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-S1 or SUB-R2(4).</li> </ul>
	<b>General Rural Zone</b>	<p>12. Activity status: <b>Non-complying</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-S1 and is not otherwise provided for by SUB-R2(10).</li> </ul>
	<b>Future Urban Zone</b>	<p>13. Activity status: <b>Non-complying</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>b. Compliance is not achieved with SUB-R2(3).</li> </ul>

<b>SUB-R4</b>	<b><i>Subdivision of land less than 4ha in the General Rural Zone</i></b>
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<p><b>General Rural Zone</b></p>	<p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The allotment subject to subdivision is located within either the South Wairarapa or Carterton District;</li> <li>b. The allotment is not located on <i>highly productive land</i> or within the Martinborough Soils Overlay;</li> <li>c. The allotment subject to subdivision is less than 4ha in area;</li> <li>d. No provision is used more than once and no retention of rights occurs;</li> <li>e. Either: <ul style="list-style-type: none"> <li>i. one additional allotment is created and the balance area remaining from the record of title subject to subdivision is no less than 1.5ha; or</li> <li>ii. two additional allotments are created and the balance area remaining from the record of title subject to subdivision is no less than 2.5ha;</li> </ul> </li> <li>f. Compliance is achieved with: <ul style="list-style-type: none"> <li>i. SUB-S2;</li> <li>ii. SUB-S3;</li> <li>iii. SUB-S4;</li> <li>iv. SUB-S5;</li> <li>v. SUB-S6;</li> <li>vi. SUB-S7;</li> <li>vii. SUB-S8;</li> <li>viii. SUB-S9; and</li> <li>ix. SUB-S10; and</li> </ul> </li> <li>g. There is no direct access to State Highway 53, State Highway 2, any Limited Access Road, Masterton Heavy Traffic Bypass, or the Wairarapa Railway.</li> </ul> <p>Matters of control:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, and SUB-P6.</li> <li>2. The size, design, shape, location, and layout of lots.</li> <li>3. Efficient use of land and compatibility with the role, function, and predominant character of the zone.</li> <li>4. The subdivision layout and accessibility from and connections to surrounding neighbourhoods.</li> <li>5. Protection, maintenance, or enhancement of natural features and landforms, historic heritage, <i>waterbodies, indigenous vegetation</i> and</li> </ul>
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	<p>biodiversity, sites and areas of significance to Māori, or archaeological sites.</p> <p>6. The measures to avoid, remedy, or mitigate any adverse effects on any cultural, spiritual and/or heritage values, interests, or associations of importance to Māori that are associated with the land being subdivided, including weed and pest control.</p> <p>7. The subdivision design and layout, and the design and location of building platforms and access to minimise earthworks and land disturbance and integrate built form into the natural landform.</p> <p>8. Provision of appropriate infrastructure and services and their design and location, including water supply (including firefighting water supply), wastewater systems, stormwater control and disposal, telecommunications and electricity in accordance with Council's engineering standards.</p> <p>9. Separation distances, barriers, acoustic treatment, and orientation of buildings.</p> <p>10. Fire rating of party/common walls.</p> <p>11. Energy efficiency and the ability for lots to use renewable energy.</p> <p>12. Effects on the stability of land and <i>buildings</i>, and potential to create new or exacerbate existing <i>natural hazards</i>, and the matters set out in SUB-P4.</p> <p>13. Management of construction effects, including traffic movements, hours of operation, noise, earthworks, and erosion and sediment control.</p> <p>14. The staging of development and timing of works.</p> <p>15. Management of potential reverse sensitivity effects on existing land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <i>network utilities</i> and <i>significant hazardous facilities</i>.</p> <p>16. Financial contributions.</p> <p>17. Bonds and other payments and guarantees.</p> <p>18. The matters referred to in sections 108 and 220 of the Act.</p>
General Rural Zone	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-R4(1)(f).</p> <p>Matters of discretion:</p>

		<ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, SUB-P6 and SUB-P8.</li> <li>2. The ability to achieve on-site servicing in compliance with Council's engineering standards.</li> <li>3. Integration with the character and amenity of the existing township.</li> <li>4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>5. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</li> <li>6. Management of potential <i>reverse sensitivity</i> effects on existing land uses, including <i>network utilities</i>, or <i>significant hazardous facilities</i>.</li> <li>7. <i>Infrastructure</i> capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.</li> <li>8. The matters referred to in sections 108 and 220 of the Act.</li> </ol>
	<b>General Rural Zone</b>	<p>3. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R4(1)(g).</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, and SUB-P6.</li> <li>2. The effects on the safe and efficient functioning of the transport network, as evidenced by a supporting Integrated Traffic Assessment.</li> </ol>
	<b>General Rural Zone</b>	<p>4. Activity status: <b>Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R4(1)(b); and</li> <li>b. Evidence is provided that the subdivision will meet clause 3.8 or 3.10 of the National Policy Statement for Highly Productive Land.</li> </ol>
	<b>General Rural Zone</b>	<p>5. Activity status: <b>Non-complying</b></p> <p>Where:</p>

	<ul style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R4(1)(a) or (c); or</li> <li>b. Compliance is not achieved with SUB-R4(1)(b) and is not otherwise provided for by SUB-R4(4).</li> </ul>
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SUB-R5	<i>Subdivision of a surplus residential unit</i>
General Rural Zone	<p>1. Activity status: <b>Controlled</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. There is no more than one additional allotment created;</li> <li>b. The subdivision is of land around an existing lawfully established <i>residential unit</i>;</li> <li>c. The additional allotment is no less than 0.5ha;</li> <li>d. The balance area remaining from the record of title subject to subdivision is no less than 40ha;</li> <li>e. No vacant allotments are created following the <i>subdivision</i>;</li> <li>f. Compliance is achieved with: <ul style="list-style-type: none"> <li>i. SUB-S2;</li> <li>ii. SUB-S3;</li> <li>iii. SUB-S4;</li> <li>iv. SUB-S5;</li> <li>v. SUB-S6;</li> <li>vi. SUB-S7;</li> <li>vii. SUB-S8;</li> <li>viii. SUB-S9; and</li> <li>ix. SUB-S10; and</li> </ul> </li> <li>g. The subdivision complies with or does not increase any existing or previously approved non-compliance with the underlying zone standards;</li> <li>h. There is no direct access to State Highway 53, State Highway 2, any Limited Access Road, Masterton Heavy Traffic Bypass, or the Wairarapa Railway.</li> </ul> <p>Matters of control:</p> <ul style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, SUB-P6 and SUB-P8.</li> <li>2. The size, design, shape, location, and layout of lots.</li> <li>3. Efficient use of land and compatibility with the role, function, and predominant character of the zone.</li> <li>4. The subdivision layout and accessibility from and connections to surrounding neighbourhoods.</li> </ul>

	<ol style="list-style-type: none"> <li>5. Protection, maintenance, or enhancement of natural features and landforms, historic heritage, <i>waterbodies</i>, <i>indigenous vegetation</i> and biodiversity, sites and areas of significance to Māori, or archaeological sites.</li> <li>6. The measures to avoid, remedy, or mitigate any adverse effects on any cultural, spiritual and/or heritage values, interests, or associations of importance to Māori that are associated with the land being subdivided, including weed and pest control.</li> <li>7. The subdivision design and layout, and the design and location of building platforms and access to minimise earthworks and land disturbance and integrate built form into the natural landform.</li> <li>8. Provision of appropriate <i>infrastructure</i> and services and their design and location, including water supply (including firefighting water supply), wastewater systems, stormwater control and disposal, telecommunications and electricity in accordance with Council's engineering standards.</li> <li>9. Separation distances, barriers, acoustic treatment, and orientation of buildings.</li> <li>10. Fire rating of party/common walls.</li> <li>11. Energy efficiency and the ability for lots to use renewable energy.</li> <li>12. Effects on the stability of land and buildings, and potential to create new or exacerbate existing <i>natural hazards</i> and the matters in SUB-P4.</li> <li>13. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</li> <li>14. The staging of development and timing of works.</li> <li>15. Management of potential reverse sensitivity effects on existing land uses such as noise, odour, dust, and visual effects, including reverse sensitivity effects relating to <i>network utilities</i> and <i>significant hazardous facilities</i>.</li> <li>16. Financial contributions.</li> <li>17. Bonds and other payments and guarantees.</li> <li>18. The matters referred to in sections 108 and 220 of the Act.</li> </ol>
<b>General Rural Zone</b>	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance is not achieved with SUB-R4(1)(f) or (g).</li> </ol>

	<p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P5, and SUB-P6.</li> <li>2. The effects on the safe and efficient functioning of the transport network, as evidenced by a supporting Integrated Traffic Assessment.</li> </ol>
<b>General Rural Zone</b>	<p>3. Activity status: <b>Restricted discretionary</b></p> <p><b>Where:</b></p> <p>a. Compliance is not achieved with SUB-R4(1)(h).</p> <p><b>Matters of discretion:</b></p> <ol style="list-style-type: none"> <li>1. The matters set out in Policies SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, and SUB-P6.</li> <li>2. The ability to achieve on-site servicing in compliance with Council's engineering standards.</li> <li>3. Integration with the character and amenity of the existing township.</li> <li>4. The effect of non-compliance with any relevant Subdivision or Zone standard that is not met, and the matters of discretion of any standard that is not met.</li> <li>5. Management of construction effects, including traffic movements, hours of operation, noise, <i>earthworks</i>, and erosion and sediment control.</li> <li>6. Management of potential <i>reverse sensitivity</i> effects on existing land uses, including <i>network utilities</i>, or <i>significant hazardous facilities</i>.</li> <li>7. <i>Infrastructure</i> capacity to service the site, or where Council services are not available, the ability to provide for on-site servicing.</li> <li>8. The matters referred to in sections 108 and 220 of the Act.</li> </ol>
<b>General Rural Zone</b>	<p>4. Activity status: <b>Non-complying</b></p> <p><b>Where:</b></p> <p>a. Compliance is not achieved with SUB-R5(1)(a), (b), (c), (d) and (e).</p>

<b>SUB-S1</b>	<b>Minimum <i>allotment</i> size</b>
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<p>All zones</p> <p>1. All allotments created must comply with the minimum allotment size set out in SUB - Table 1: Minimum allotment size.</p>	<p>There are no matters of discretion for this standard.</p>
<p><b>SUB-S2</b></p>	<p><b><i>Building platforms</i></b></p>
<p>Residential Zones, Rural Zones, Commercial and Mixed Use Zones, General Industrial Zone</p> <p>1. All allotments created shall contain a <i>building platform</i> that is free of any land used for access, wastewater disposal, or stormwater management purposes, and complies with the relevant performance standards of the underlying zone.</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The relevant matters of discretion the underlying zone standard(s) that is/are not complied with.</li> <li>2. Whether a smaller <i>building platform</i> is practicably feasible, which should be shown via detailed design of the proposed <i>residential unit</i>.</li> </ol>
<p><b>SUB-S3</b></p>	<p><b><i>Drinking water supply</i></b></p>
<p>General Residential Zone, Commercial and Mixed Use Zones, General Industrial Zone</p> <p>1. All new allotments must be provided with a connection to Council's reticulated water supply systems at the allotment boundary, which shall be in accordance with Council's engineering standards.</p> <p>Settlement Zone</p> <p>2. Where a connection to the Council's reticulated water supply system is available, all new allotments must be provided with a connection at the allotment boundary, which shall be in accordance with Council's engineering standards.</p> <p>3. Where a connection to the Council's reticulated water supply system is unavailable, all new allotments must be provided with access to a self-sufficient potable water supply, which shall be in</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The suitability of any alternative servicing and infrastructure options considering the underlying zoning of the site.</li> <li>2. The relevant standards of Council's water bylaws and/or Wellington Water standards as applicable.</li> </ol>

<p>accordance with Council's engineering standards.</p> <p>Rural Zones</p> <p>4. Where a connection to Council's reticulated water systems is unavailable, all new allotments must be provided with access to a self-sufficient potable water supply, which shall be in accordance with Council's engineering standards.</p>	
SUB-S4	Wastewater disposal
<p>General Residential Zone, Commercial and Mixed Use Zones, General Industrial Zone</p> <p>1. All new allotments must be provided with a connection to Council's reticulated wastewater systems at the allotment boundary, which shall be in accordance with Council's engineering standards.</p> <p>Settlement Zone</p> <p>2. Where a connection to Council's reticulated wastewater systems is available, all new allotments must be provided with a connection at the allotment boundary, which shall be in accordance with Council's engineering standards.</p> <p>3. Where a connection to Council's reticulated wastewater systems is not available, all allotments must be provided with an on-site wastewater system or an approved alternative means to dispose of sewage in a sanitary manner within the net site area of the allotment in accordance with Council's engineering standards.</p> <p>4. Where a connection to Council's reticulated wastewater systems is not available and sewage is to be disposed to ground, that area must not be subject to</p>	<p>Matters of discretion:</p> <p>1. The suitability of any alternative servicing and infrastructure options considering the underlying zoning of the site.</p> <p>2. The relevant standards of Council's water bylaws and/or Wellington Water standards as applicable.</p>



<p>instability, slippage, or inundation, or used for the disposal of stormwater.</p> <p><b>Rural Zones</b></p> <p>5. Where a connection to Council's reticulated wastewater systems is available, all new allotments must be provided with a connection at the allotment boundary, which shall be in accordance with Council's engineering standards.</p> <p>6. Where a connection to Council's reticulated wastewater systems is not available, all allotments must be provided with an on-site wastewater system or an approved alternative means to dispose of sewage in a sanitary manner within the net site area of the allotment in accordance with Council's engineering standards in Masterton and Carterton districts, or Wellington Water Standards in South Wairarapa district.</p>	
<b>SUB-S5</b>	<b><i>Stormwater management</i></b>
<p>Residential Zones, Commercial and Mixed Use Zones, General Industrial Zone, and Rural Zones</p> <p>1. All allotments must provide the means for treatment, catchment, and disposal of stormwater from all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces, which shall be in accordance with Council's engineering standards.</p> <p>2. Where a connection to Council's stormwater management systems is available, all new allotments must be provided with a connection at the allotment boundary, which shall be in</p>	<p>Matters of discretion:</p> <p>1. The suitability of any alternative servicing and infrastructure options considering the underlying zoning of the site.</p> <p>2. The relevant standards of Council's water bylaws and/or Wellington Water standards as applicable.</p>

<p>accordance with Council's engineering standards.</p> <p>3. Where the means of stormwater disposal is to ground, that area must be able and suitable to accommodate the stormwater discharge, and shall not be subject to instability, slippage, or inundation, or used for the disposal of wastewater.</p>	
SUB-S6	Network utility services
<p>Residential Zones, Commercial and Mixed Use Zones, General Industrial Zone, and Rural Zones</p> <p>1. Electricity and telecommunications services shall be provided to the useable area of each new lot where power lines and telecommunications lines pass within 200m of any boundary of any new lot.</p>	<p>Matters of discretion:</p> <p>1. Alternative provision of power supply and telecommunications.</p>
SUB-S7	Transport, access, and connectivity
<p>All Zones</p> <p>1. All new allotments created must have legal and physical access to a road in accordance with the relevant standards in TR - Transport.</p>	<p>Matters of discretion:</p> <p>1. The effect of non-compliance with any relevant Transport standard that is not met, and the matters of discretion of any standard that is not met.</p> <p>2. The safe, efficient, and effective functioning of any private way, including firefighting access and the safety of pedestrians and cyclists, including road hierarchy, intersection separations, and types.</p> <p>3. The safe, efficient, and effective functioning of the transport network and its connectivity, including public transport, cyclist, and pedestrian network connectivity.</p> <p>4. Safety of access to individual lots, including proximity of vehicle</p>

	<p>crossings to intersections and sight distance constraints.</p> <p>5. The suitability of any alternative design options.</p>
SUB-S8	Esplanade reserves, esplanade strips, and access strips
<p>All Zones</p> <p>1. Any subdivision of land less than 4ha that involves the creation of one or more sites that adjoins:</p> <ul style="list-style-type: none"> <li>a. the line of MHWS; or</li> <li>b. the bank of a lake or a river whose bed has an average width of 3m or more;</li> </ul> <p>must provide a minimum 10m wide <i>esplanade reserve</i> or <i>esplanade strip</i> in accordance with section 230 of the RMA.</p> <p>6. The <i>esplanade reserve</i> or <i>esplanade strip</i> must be measured in a landward direction at 90° to the line of MHWS, or the bank of a river.</p> <p>7. Any subdivision of land less than 4ha that involves the creation of one or more sites that includes, adjoins, and/or can provide improved public access to a:</p> <ul style="list-style-type: none"> <li>a. Significant Waterbody;</li> <li>b. heritage feature or site of significance to Māori; or</li> <li>c. significant natural area;</li> </ul> <p>shall provide a minimum 10m wide access strip.</p>	<p>Matters of discretion:</p> <p>1. Whether safe public access and recreational use is already possible and can be maintained for the future.</p> <p>8. Whether an <i>esplanade strip</i> would better provide for public and customary access, recreation, hazard management, stormwater management, and ecological values.</p> <p>9. The extent to which ecological values and landscape features of the land adjoining the coast or other <i>surface waterbody</i> will be adversely affected.</p> <p>10. The extent to which any scheduled historic heritage places and sites and areas of significance to Māori will be adversely affected.</p> <p>11. Whether any reduced width of an <i>esplanade reserve</i> or <i>strip</i> is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change.</p> <p>12. Whether a full-width <i>esplanade reserve</i> or <i>esplanade strip</i> is not required to maintain the natural character and amenity of the coastal environment.</p> <p>13. Whether a reduced width in certain locations is offset by an</p>

		increase in width in other locations or areas that would result in a positive public benefit, in terms of public and customary access, recreation, hazard management, stormwater management, and ecological values.
SUB-S9	Financial contributions	
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.		
SUB-S10	Firefighting water supply	
All Zones		Matter of discretion:
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.		1. Alternative means of providing an adequate water supply for firefighting purposes.

**SUB - Table 1      Minimum allotment sizes**

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Residential Zones	
GRZ: General Residential Zone	350m <sup>2</sup> with an average of 400m <sup>2</sup> for subdivisions creating 3 or more lots
LDRO: Low Density Residential Overlay	400m <sup>2</sup> with an average of 500m <sup>2</sup> for subdivisions creating 3 or more lots
MDRO: Medium Density Residential Overlay	200m <sup>2</sup>
SETZ: Settlement Zone	Masterton District: 400m <sup>2</sup> South Wairarapa District: 1,000m <sup>2</sup>
Rural Zones	
GRUZ: General Rural Zone	40ha
RLZ: Rural Lifestyle Zone	0.5ha
Commercial and Mixed Use Zones	
NCZ: Neighbourhood Centre Zone	No minimum lot size
TCZ: Town Centre Zone	No minimum lot size
MUZ: Mixed Use Zone	No minimum lot size
Industrial Zones	
GIZ: General Industrial Zone	No minimum lot size
Open Space and Recreation Zones	
NOSZ: Natural Open Space Zone	No minimum lot size
OSZ: Open Space Zone	No minimum lot size
SARZ: Sport and Active Recreation Zone	No minimum lot size
Special Purpose Zones	
MPZ: Māori Purpose Zone	No minimum lot size
FUZ: Future Urban Zone	40ha with 20ha balance lot.

## Definitions

Term	Definition
Highly Productive Land	<p>As shown in planning maps and has the same meaning as in the National Policy Statement for Highly Productive Land (as set out below):</p> <p>means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)</p>
Land based primary production	<p>Has the same meaning as in the National Policy Statement for Highly Productive Land (as set out below):</p> <p>means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.</p>
Minor residential unit	<p>Has the same meaning as in the National Planning Standards (as set out below):</p> <p>Means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site.</p>
Residential activity	<p>Has the same meaning as in the National Planning Standards (as set out below):</p> <p>Means the use of land and <b>building(s) for people's living accommodation.</b></p>

Residential unit	<p>Has the same meaning as in the National Planning Standards (as set out below):</p> <p>Means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.</p>
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### *Zones and Overlays*

The General Rural Zone shown in Figure 1

The Rural Lifestyle Zone shown in Figure 2

The Martinborough Soils Overlay shown in Figure 3

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0 10 km  
1:450,000 @ A3

Data Sources: Greater Wellington Regional Council, Stats NZ, Esri, HERE, Garmin, Freemapbox, FAO, METANASA, USGS  
Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND

General Rural Zone

WAIRARAPA COMBINED DP REVIEW

General Rural Zone

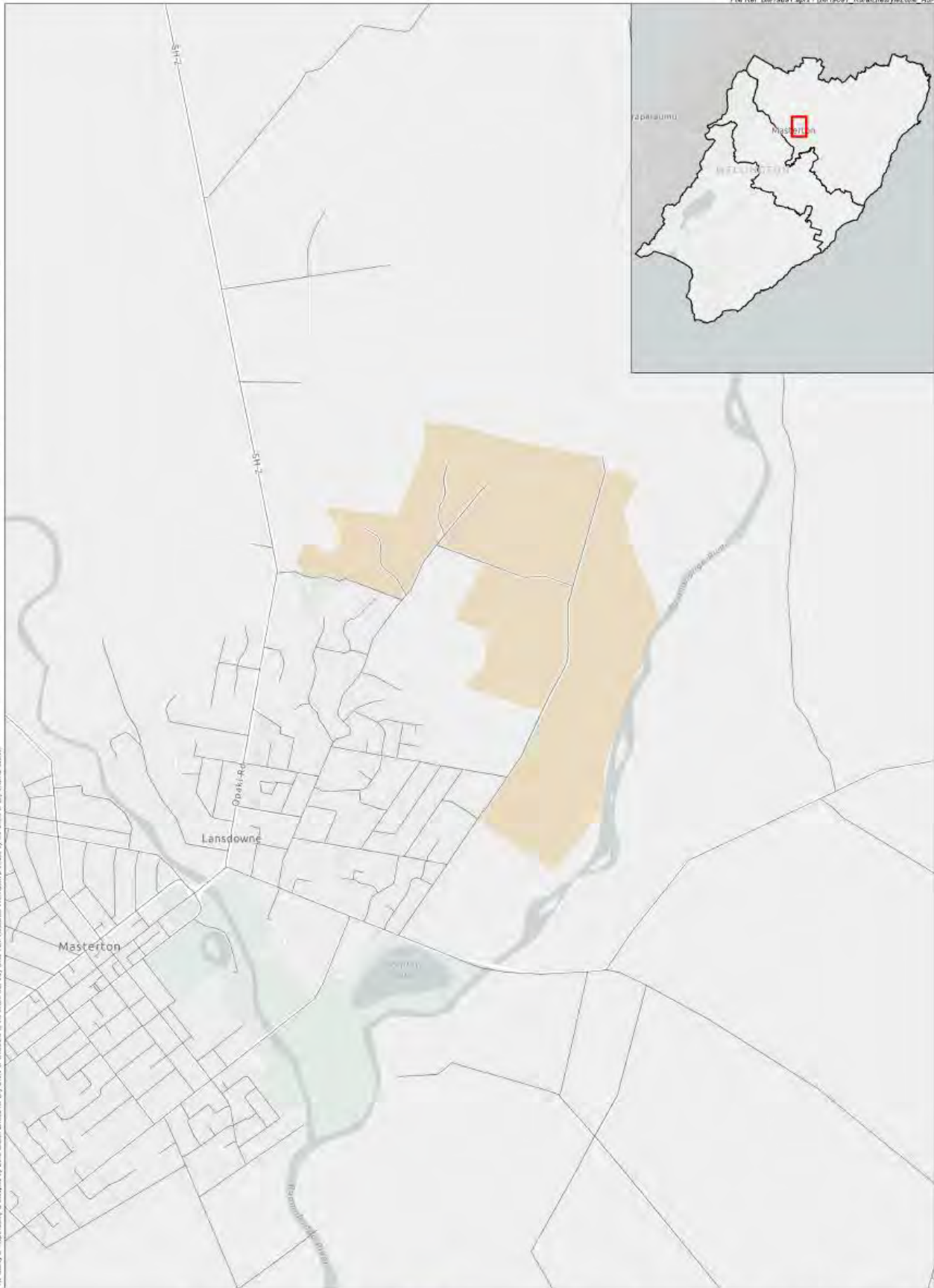
Date: 26 July 2023 | Revision: 0

Plan prepared for Wairarapa Combined District Councils by Boffa Miskell Limited  
Project Manager: Robert.Scotland@boffamiskell.co.nz | Drawn: JWa | Checked: KBe

Figure 1: Extent of Proposed General Rural Zone



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0 500 m  
1:20,000 @ A3

Data Sources: Greater Wellington Regional Council; LINZ, Stats NZ, Esri, HERE, Garmin, Foreground, MET/ANZA, USGS, Esri, HERE, Garmin, FAO, NOAA, USGS  
Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND

Rural Lifestyle Zone

WAIRARAPA COMBINED DP REVIEW

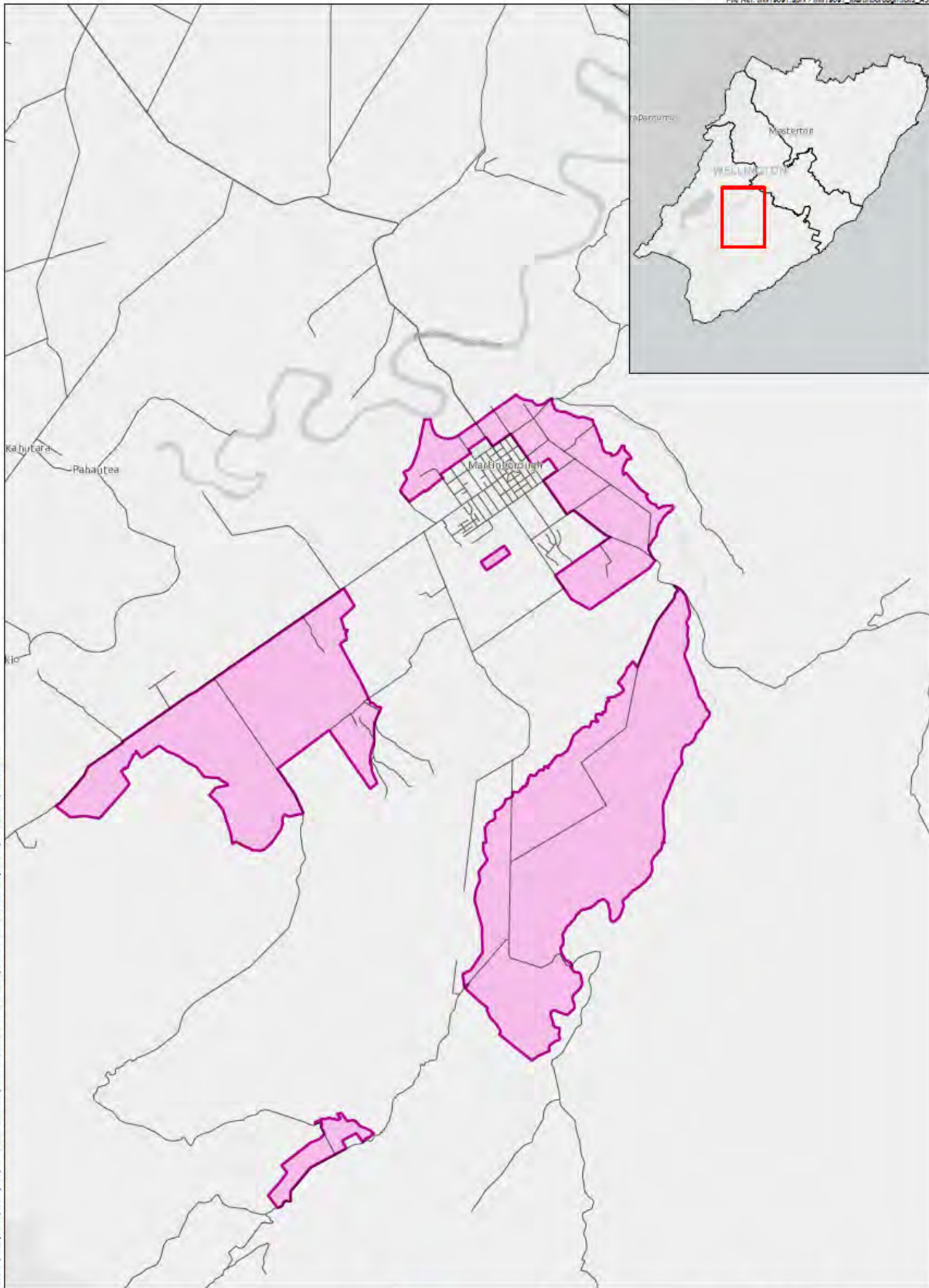
Rural Lifestyle Zone

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Figure 2: Extent of the Proposed Rural Lifestyle Zone

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Data Sources: Greater Wellington Regional Council, LINZ, Stats NZ, Esri, HERE, Garmin, Poursquare, METANASA, USGS, Esri, HERE, Garmin, FAO, NOAA, USGS  
Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND

Martinborough Soils Zone

WAIRARAPA COMBINED DP REVIEW

Martinborough Soils

Date: 27 July 2023 | Revision: 0

Plan prepared for Wairarapa Combined District Councils by Soita Miskell Limited  
Project Manager: Robert.Scott@soitamiskell.co.nz | Drawn: KMa | Checked: CHO

Figure 3: Extent of Proposed Martinborough Soils Overlay.

