



5. DESIGN APPROACH

The subject site has been through many proposals of development with differing approaches and processes with each. This is an important aspect of the design approach for this application because of the influence that they had in shaping this proposal.

The desire to develop the site began in about 2000 progressing through to this proposal being applied for today.

The range of proposals has included:

- A proposal for well over 100 lots for coastal residential living (known as the measles scheme)
- A 'sprawling' development along the length of the subject site where each lot has a minimum area of 4 ha
- A clustered development resulting in 23 lots – 18 lots for residential purpose
- This application for a 'clustered' residential development with 13 lots for residential purpose including RAP protection and continuing farming activities.

All of the proposals to date have been instrumental in identifying an appropriate and site responsive development, and in identifying any actual and potential environmental effects.

For this proposal the design approach has been an inclusive one and sensitive to the many values associated with the property and indeed the wider surrounds. These values include; conservation, ecosystem protection, mana whenua connections, archaeological significance, natural hazards, landscape and amenity issues.

These values were included in the constraints, characteristics and opportunities mapping of the area and from this two scenarios were developed:

1. a sprawling approach utilising the entire property reflecting the Plan rules with each lot having a 4ha minimum average
2. a clustered approach which reflects the desires of the Wairarapa Coastal Strategy – Caring for our Coast

Examples of these two scenarios are located in Appendix 8.



These two scenarios – sprawling and clustered were presented to key stakeholders¹. This process was important for the following reasons; to involve and engage them in the proposal, to gain feedback on any actual or potential effects of the two scenarios and to gain feedback on a ‘preferred’ approach for this development.

What was unanimous among these key stakeholders was the preference for the ‘clustered’ approach to designing the development. This process was an important mechanism to establish a preferred option of development and to gather and/or identify potential effects of the proposal from a wide range people with experience and expertise.

6. WAIRARAPA COASTAL STRATEGY – CARING FOR OUR COAST

This application has utilised the Caring for our Coast Guidelines document as it was intended; that is to achieve a sensitive sustainable low impact development on the coast. The document identifies a series of steps that have been followed through including; identifying site characteristics, site constraints and opportunities for enhancement.

Generally this proposal has:

- Adopted a holistic approach to site selection, subdivision layout and design
- Taken a flexible and creative approach to development including the use of clusters of smaller sized lots and low impact infrastructure
- Been sensitive to site and building development, landscape design and vegetation protection.

As the Caring for our Coast document states *“The creation of small lots in a rural or coastal area does not necessarily lead to a more suburban pattern of development, loss of privacy and outlook, or a reduction in the values and character of the area. The objective of creating smaller lots, is to have discrete clusters or pockets of development set within the landscape, not spread all over it.*

Smaller lots also provide the opportunity for retaining areas of open space between the clusters of houses that can then be managed for farming, conservation values or recreational purposes. It enables the essential character and landscape values of a site to be retained and it is these

¹ Key Stakeholders include: South Wairarapa District Council, Greater Wellington Regional Council, Department of Conservation, Iwi – Rangitaane o Wairarapa and Ngati Kahungunu, Hapu - Ngati Hinewaka, Archaeologist – Christine Barnett, Landscape Architect – Hudson Associates



characteristics and values that invariably attract purchasers and visitors in the first place”.

This application has followed through the steps identified in Caring for our Coast with the aim of achieving a low impact development. This process has resulted in 16 lots, 13 of which are for residential development that have been organised into three clusters ranging from 3000m² up to 9000m².

The total area is 61.5 ha and could be subdivided into approximately 15 lots of 4ha each as a Discretionary activity status as it is located within the Coastal Environment Management Area. However this option would have fragmented and had an effect on the special characteristics of the property.

The application is assessed as a non-complying activity however it is believed that the design is more appropriate and suitable to the property especially in terms of protecting and enhancing the special and unique qualities that it holds.

The proposal has been planned and designed around and in sympathy with the existing distinct characteristics, constraints and opportunities of the land and the coastal setting.

These characteristics, constraints and opportunities include areas such as the recognised wetland ecosystem, significant sites to tangata whenua including registered sites of historical and archaeological significance, areas of regenerating vegetation and areas of potential instability (natural hazard). This application identifies these significant aspects and has incorporated them into the design of the proposal to ensure their ongoing protection and mitigate any actual or potential effect to them.

Examples of this protection include:

- Creating an individual certificate of title which contains the recognised wetland area (RAP)
- Using protective covenants which will include mana whenua sites, archaeological sites, vegetation and areas of potential natural hazard
- Clustering the relatively large residential lots into three groups and specifying the building sites for each lot. This will maintain open space between lots.

There is a deliberate focus on a **low impact approach** which has been guided by the goals and policies of the Wairarapa Coastal Strategy, the Wairarapa Combined District Plan, Regional Plans and New Zealand Coastal Policy Statement.

This development has taken a holistic approach and recognised the unique nature and character of the Wairarapa Coast including the ecological, physical, cultural, historic, intrinsic and aesthetic values. These values



have been recognised in the site selection, layout and design by clustering the dwellings

Proposed Lots 14 and 15 incorporates the Recommended Area for Protection 48 (RAP 48). The Department of Conservation have identified this area in their Eastern Wairarapa Ecological District, Survey report for the Protected Natural Areas Programme (2005) and have initiated a process which has the aim of purchasing this lot. At time of lodging this consent confirmation of this purchase has not yet occurred this will however not impact on the intended outcome of this subdivision.

This application is supported by the following technical reports:

Assessment Topic	Author
Landscape Assessment	Hudson Associates Landscape Architects
Subdivision suitability including waste water disposal and other service requirements.	Eastern Consulting Ltd – Michael Hewison
Cultural Impact Report	R Smith Ngati Kahungunu ki Wairarapa
Cultural Advice (verbal)	H Rimene Rangitaane O Wairarapa
Archaeological Assessment	Christine Barnett
Background Archaeological Appraisal	Dr Foss Leach
Geological/Natural Hazard Assessment	Geological Nuclear Science - Nick Perrin
Ecological Assessment (RAP)	Department of Conservation

These technical reports are included in their entirety in the appendix of this application and parts of each have been reproduced and included in the appropriate following sections.



7. STATUTORY CONSIDERATIONS AND PLANNING FRAMEWORK

The following Acts, plans and policy statements have been considered in the development of this application. Please refer to the Assessment of Environmental Effects section for specific assessment.

Resource Management Act 1991

In assessing the merits of this application, the South Wairarapa District Council is required to have regard to matters set out in Sec 104 of the Resource Management Act 1991. Section 104 considerations are subject to Part II of the Act which sets out the purpose and principles of the Act including Sections 5, 6, 7 and 8.

Section 104(D) provides the following specific restrictions for non-complying activities which are considered to be the 'threshold tests'.

Despite any decision made for the purpose of section 93 in relation to minor effects, a consent authority may grant a consent for a non-complying activity only if it is satisfied that either:

- (i) The adverse effects of the activity on the environment (other than any effect to which 104(3)(B) applies) will be minor; or
- (ii) The application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

Wairarapa Combined District Plan

Under the Plan, Resource Consent is required prior to any subdivision of land (Rule 20).

This application is assessed as being a **Non Complying Activity under rule 20.1.7(b)** The land use consent for building setback dispensations is assessed as being **Discretionary under rule 4.5.5(e)**.

Please refer to the Assessment of Environmental Effects section in this application for an assessment of the proposal against the objectives and policies of the Plan.

Wairarapa Coastal Strategy – Caring for our Coast

The preferred design process for low impact development on the Wairarapa Coast has been specified in the Wairarapa Coastal Strategy Caring for our Coast. This document while not a statutory document is recognised in the



District Plan and was developed as a joint initiative of the Masterton, Carterton and South Wairarapa District Councils, Rangitaane o Wairarapa, Ngati Kahungunu ki Wairarapa and Greater Wellington Regional Council in 2004. It was developed through extensive community input and provides a long term vision and guidance for management of the coast. Please refer to the Design Approach section.

New Zealand Coastal Policy Statement

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies in order to achieve the purpose of the Resource Management Act in relation to the coastal environment of New Zealand.

The NZCPS 2010 took effect on 3 December 2010 when the NZCPS 1994 was revoked. Please refer to the Assessment of Environmental Effects for specific assessment.

Proposed Regional Policy Statement and Plans

The Proposed Regional Policy Statement is designed to achieve the purpose of the RMA by providing an overview of the resource management issues and objectives for the region, outlining the policies and methods required to achieve the integrated management of the region's natural and physical resources.



8. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This assessment of environmental effects will identify and address actual and potential effects of the proposal in this particular environment.

The term effects includes: positive and adverse effects, temporary and permanent effects, past, present and future effects, cumulative effects, reverse sensitivity effects.

The actual or potential effects that have been identified through the development and assessment of this proposal include the following:

- Positive Effects
- Cultural
- Archaeological
- Landscape and Visual
- Natural Hazards
- Natural Ecosystems
- Servicing (stormwater, water and wastewater)
- Amenity
- Traffic

The structure of this section follows the Wairarapa Combined District Plan format to assess the actual or potential environmental effects of the proposal.

The assessment begins with the rural zone and the district-wide issues including the Plan objectives, policies and environmental outcomes. The application is then assessed against the Plan rules and assessment criteria. Various mitigation measures are outlined for the rural zone and each district-wide issue along with any further comments.

The assessment of each of the above is in the following sections either as an individual section or interwoven into relative ones for example Traffic which is discussed in the Subdivision and Land Development section.

In accordance with the Resource Management Act 1991 this assessment of environmental effects has been prepared in such detail as it corresponds with the nature and scale of the activity and the significance of the effects that it may have on the environment.



8.1 Rural Zone

The application site is located within the Rural Zone with an over lay of the Coastal Environment Management Area. The coastal environment is assessed in Section 8.7.

The environmental quality of the rural zone is largely determined by prevailing natural elements, whether the land is used for primary productive purposes or for conservation purposes.

Rural land is a significant resource due to the economic value of primary production activities and the use of this resource is constantly changing in response to economic opportunities and conditions.

There is a wide range of land uses occurring within the rural zone and the distribution of these is largely determined by natural patterns of landform, climate and soil types, and accessibility to markets and processing facilities.

There is a recognised rural character with variations of the character due to topography, different types of primary production and the density of property-holdings. The range of activities relies on a location in the rural area and these activities contribute to the economic and social fabric of the Districts.

8.1.1 Plan Objectives and Policies

4.3.1 Objective Rur1 – Protection of Rural Character & Amenity

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

The proposed subdivision will not result in adverse impacts on the amenity values and rural character of the area. Primary production activities will continue on a large area of the proposal and the formal protection of the recognised area of wetland will maintain and enhance both the amenity and character of Tora.

4.3.2 Rur1 Policies

- (a) **Identify areas within the Rural Zone where the predominant land use is primary production, which needs to operate and develop effectively – Rural (Primary Production) Zone.**

The design approach for this proposal has identified areas that will continue to operate as primary production as an individual lot for example Lot 13, but also amalgamated with an adjacent primary production lot as with proposed Lot 16.



- (d) **Maintain and enhance the amenity values, including natural character, of the differing Rural character areas through appropriate controls over subdivision and the bulk, location and nature of activities and buildings, to ensure activities and buildings are consistent with the rural character, including an appropriate scale, density and level of environmental effects.**

The amenity values and natural character of the rural area will be enhanced by the proposal through the various protective covenants proposed for areas identified as being of significance for reasons such as cultural, archaeological and ecological. The residential component to the proposal has controls over dwelling location, height, colour and building materials including building separation to maintain the open space character of the rural zone.

- (e) **Manage subdivision, use and development in a manner which recognises the attributes that contribute to rural character, including:**
 - (i) Openness and predominance of vegetation
 - (ii) Productive working landscape
 - (iii) Varying forms, scale and separation of structures associated with primary production activities
 - (iv) Ancillary living environment, with an overall low population density
 - (v) Self-serviced allotments.

The design approach has maintained open space between individual building sites by requiring the 40metre separations and 30metre setback from the Road. Each cluster is separated by the next cluster by an area of regenerating native vegetation which will have protective covenants over it. Each residential lot will be self-serviced in terms of water supply, and sewage and stormwater disposal. Primary production activities will continue on large areas of the site.

4.3.4 Objective Rur2 – Provision for Primary Production and Other Activities

To enable primary production and other land uses to function efficiently and effectively in the Rural Zone, while the adverse effects are avoided, remedied, or mitigated to the extent reasonably practicable.

Primary production activities will continue on proposed Lot 16 on the seaward side of the road and on proposed Lot 13. Lot 13 will have protective covenants placed on the title to protect recognised values including natural hazards. The dwelling setback distances are considered to provide sufficient space between surrounding primary production such that reverse sensitivity should not be an issue.



4.3.5 Rur2 Policies

- (a) Provide for primary production activities as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects of primary production activities without unreasonably affecting landowners' ability to use their land productively.

Please refer to the comments above and under Policy Rur1 4.3.2 (a)

- (b) Provide for other land uses as permitted activities in the Rural (Primary Production) Zone and Rural (Special) Zone, subject to such environmental standards as necessary to avoid, remedy or mitigate any adverse effects.

The District Plan provides for most land use activities as being permitted provided they can comply with the standards for Permitted Activities. Any effects of the proposed residential use can be avoided or mitigated to a level where they are considered to be no more than minor.

- (c) Manage the establishment and operation of a range of other activities in the Rural Zone, such that their adverse effects on the environment are appropriately avoided, remedied or mitigated.

The design approach has identified the sites characteristics, constraints and opportunities in order that the establishment of the proposal will avoid, remedy or mitigate adverse effects on the environment.

- (d) Ensure activities that are potentially sensitive to the adverse external effects of primary production and any other lawfully established activities, particularly those activities with significant external effects, are either appropriately sited, managed or restricted to avoid or mitigate these effects.

Any effects of the proposed residential use can be avoided or mitigated to a level where they are considered to be no more than minor.

- (f) Provide interface controls on primary production and other activities that may have adverse effects on adjoining activities.

The proposed residential activity is compatible with surrounding land uses such that no specific interface controls are necessary.

8.1.2 Plan Anticipated Environmental Outcomes

4.4 Anticipated Environmental Outcomes

- (a) Protection of primary production as a principal land use and economic driver in the Wairarapa.

The proposal retains a large area for the continuation of primary production activities.



- (b) **The efficient use of Rural Zone resources through a diversity of land use and economic activities.**

The proposal will ensure that this is achieved. The proposal will complement the existing diversity of primary production activities by adding residential activity. The residential component is consistent with the rural amenity and character of the existing Tora community.

- (c) **Diverse activities in the Rural Zone that are compatible with the rural environment in scale, amenity and character.**

The residential nature of this proposal is considered to be compatible with the rural environment in scale, amenity and character.

- (e) **Increased level of self-sustainability and a reduced level of degradation on the natural environment and processes.**

Each residential lot will be self sustainable in terms of water supply and sewage and stormwater disposal. The proposal includes several mechanisms to reduce the level of degradation on the natural environment and processes including for example creating covenants to protect significant sites and areas.

- (f) **Protection from environmental pollutants such as excessive dust and noise.**

Once the construction phase of dwellings is complete any dust nuisance will be minimal. Only typical residential noise will result which will generally be contained within the future dwellings and/or lot boundaries.

- (g) **The protection of lawfully established activities from reverse sensitivity effects.**

Primary production activities will continue on proposed Lots 13 and 16. The design approach has included areas of separation between these activities and the residential lots to ensure that reverse sensitivity issues are no more than minor.

8.1.3 Plan Rules and Assessment Criteria

This proposal does not meet the Minimum Dwelling Setback for the Rural Zone. Rule 4.5.2(d) states the setback requirements. This triggers the need for the land use consent:

- (d) **Minimum Dwelling Setback**
- (i) 10 metres from the front road boundary of sealed roads.
 - (ii) 25 metres from the front road boundary of unsealed roads.
 - (iii) 25 metres from all other boundaries.

The assessment criteria in the Plan states:



22.2.4 Building Setback

- (i) The extent to which the reduced setback will:
 - (1) adversely affect public areas, the streetscape and openness of the area;
 - (2) decrease privacy to, or visually dominate, adjoining or adjacent property;
 - (3) limit vehicle visibility and safety on the subject site and adjoining allotments.
- (ii) The extent to which the reduced setback is necessary due to the shape or physical features of the allotment.
- (iii) Proposed methods for avoiding, remedying or mitigating potential adverse effects including:
 - (1) the ability of existing topography or vegetation to mitigate adverse effects on the streetscape and public areas;
 - (2) screening, planting and alternative design.

As shown on the scheme plan the building platforms have been specified and they retain a 40 metre separation from other building platforms. The building platforms do not meet the rural zone requirement of 25 metre setback from all other boundaries. The building platforms also have a 30 metre setback from the Tora Settlement Road which is unsealed.

The proposal has aimed to retain the open space character of the rural environment zone within the cluster design approach and hence the extent of the reduced setback is directly relevant to this design approach.

There are two clusters with 4 building platforms and the third cluster has 6 which includes the building platform for Lot 13. Each cluster is separated from each other by areas of regenerating native vegetation. The vegetation areas aid in maintaining privacy and screening between each cluster also so that the clusters are not visually dominant within the landscape. The natural topography of the site also complements the open space concept.

8.1.4 Mitigation

The aspects of the proposal that are incorporated to mitigate actual or potential effects on the rural environment include:

- Clustering the residential component into three groups of 4 dwellings
- Specifying building platforms to maintain open space character and aid in reverse sensitivity issues
- Retaining primary production activities on a large proportion of the subject area
- Residential lots will be self-sufficient.



- Placing a 221 consent notice on titles for lots 1-12 for reverse sensitivity issues

8.1.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the rural environment of the District Plan.

8.2 Subdivision and Land Development

Subdivision is the precursor and necessary part of the land development process.

Subdivision often establishes the future pattern of land use in an area, with individual and cumulative effects on the environment, such as changes in character, increased traffic movements on local roads, and potentially increased risks from natural hazards.

The size and pattern of lots are a critical influence on the overall landscape, character and amenity values of the environment, and in the long-term sustainable management of the Wairarapa environment.

Providing for innovation and flexibility in subdivision design enables good, site-responsive design principles to be used to create an attractive environment, minimising the adverse effects on the environment.

8.2.1 Plan Objectives and Policies

18.3.1 Objective SLD1 – Effects of Subdivision & Land Development

To ensure subdivision and land development maintains and enhances the character, amenity, natural and visual qualities of the Wairarapa, and protects the efficient and effective operation of land uses and physical resources.

The design approach of this proposal ensures that the residential lots ranging from 3000m² to 9100m² maintain the rural character of open space. The clustering maintains and enhances the natural qualities and maintains the visual qualities of the area. The balance land will continue operate as a primary production unit.



18.3.2 SLD1 Policies

- (a) **Manage subdivision and land development in a manner that is appropriate for the character and qualities of the environmental zone in which it is located, while recognising that such change may alter the character and qualities.**

The design and setting of the proposed subdivision is such that it carefully balances the development with the character and environmental qualities of the coastal environment.

- (b) **Provide subdivision where it is compatible with the physical characteristics of the site, provided any adverse environmental effects are avoided, remedied or mitigated.**

The design and setting of the proposed subdivision is compatible and appropriate with the physical characteristics of the site.

- (d) **Set minimum allotment sizes for the Residential and Rural Zones that provide a baseline for maintaining the character, scale and intensity of development of their Zones, including their servicing capacity, while recognising the differing constraints, qualities and characteristics within each zone.**

The Plan has set minimum allotment sizes for the Rural Zone. In terms of a baseline for this development the site has a total area of 61.5ha. As a discretionary activity under Rule 20.1.5(i)(iv) of the Plan, the subject site could be subdivided into 15 developable lots with a 4ha minimum average. As such each lot could have a main dwelling, garaging and ancillary sheds situated on the lot.

This suggests that the actual and potential effects have been anticipated by local authorities planning and development framework for the zone.

This proposal is a non-complying activity because it does not meet the 4ha minimum average. The site-responsive design approach has resulted in 16 lots of which only 13 lots will be available for residential development. Lots 1-12 range in size from 3000m² to 9100m² and Lot 13 is 21.1ha, two lots (held on one Certificate of Title) is for the protection of a RAP and the remaining Lot is to be amalgamated with the balance farm.

- (f) **Limit the intensity of subdivision and land development in those rural parts of the Wairarapa in which significant intensification may have adverse effects on the risks from natural hazards, the operational requirements of key infrastructural and land use assets, water supply catchments, and the growth of urban areas.**

The intensification proposed through this subdivision will not have any impact on infrastructure, land use assets or water supply catchments as each lot will be individually serviced. Please refer to Section 8.8 for natural hazard comments.



- (g) To provide for the subdivision of rural land for rural-residential purposes through minimum standards that seek to:
- i. Avoid or mitigate any significant potential adverse effects on the viability and operational requirements of any productive use of any adjacent rural or industrial land;

The proposal has been designed to retain a viable primary production unit specific to proposed Lots 13 and 16. Adjacent land is not particularly productive in the farming sense and their operational requirements will not be adversely affected.

- ii. Ensure allotment sizes and the pattern of subdivision maintains the open rural character, particularly from public roads;
- iii. Ensure allotments are able to accommodate the likely use in accordance with the other requirements of the Plan;

The proposed residential purpose lots vary in size from 3000m² to 9100m² plus lot 13 of 21ha. All lots are of sufficient size to accommodate the residential use proposed although not in accordance with the requirements of the rural zone in the Plan in terms of building setback. The lot sizes and pattern however does ensure that the open rural character is maintained especially from public roads. The building setback from Tora Farm Settlement Road of 30metres aids in maintaining these qualities along with the covenanted areas of regenerating native vegetation.

- iv. Avoid adverse effects on the safe and efficient use of roads, and pedestrian and cycling networks;

The road out to Tora is of a typical standard that services an expansive fairly remote rural and coastal community. Tora Road is predominantly metalled and basically follows the Awhea River out to the coast. From this point to the North is Te Awaiti Road servicing the Te Awaiti community and to the South it is the Tora Farm Settlement Road servicing the Tora community. Both of these roads are also formed and metalled appropriate for the actual usage.

While the national default speed limit of 100 km per hour applies to the above mentioned roads, the achievable speed is much lower.

The proposal is for 13 residential lots and this will logically increase the traffic along the Tora Road and the Tora Farm Settlement Road from what is currently experienced. However it is important to understand the context and characteristics that applies to this potential increase.

For example the subdivision of the land is to be staged which means that it is expected to be a considerable period of time before dwellings are constructed on all of the sections proposed. As a result, the associated growth in traffic activity will take place gradually over time.

Furthermore the proposed dwellings are unlikely to be all permanently occupied and are more likely to be holiday/second homes these could also be let on a commercial basis. The characteristics of the property owners/residents may also vary widely from young families to retired people.



Similarly, the patterns of visitation and associated travel also vary, though weekend and holiday periods generally see the greatest levels of residence and hence activity in the area.

The remote nature of Tora and the considerable distance to any shops means that family groups generally bring all of the supplies needed for the duration of their stay. As such, the need for vehicle travel during their stay will be minimal, and will probably be often limited to moving boats to or from the water.

It is suggested that the large volume of practical information that is available to assess levels of traffic generation associated with residential developments cannot be reliably applied to this development the reasoning has been discussed above.

It is acknowledged that the development will generate some additional vehicle movements on the Tora Road and the Tora Farm Settlement Road however it is suggested that the frequency of use will remain low.

- v. **Satisfactorily avoid or mitigate the potential reverse sensitivity effects in relation to either nearby industrial and rural productive activities, activities allowed by the zoning, or anticipated urban growth;**

The potential for reverse sensitivity is considered to be low. Proposed Lot 13 which surrounds each cluster will continue with primary production activities but these are not intense due to the characteristics of the land. There will be covenants over the areas of regenerating native vegetation that are between each cluster. The lot areas are relatively large and if individually fenced on their boundaries will create a buffer between the residential component and the primary production activities. Proposed Lot 16 will also continue with primary production activities and is located on the opposite side of the Road which creates further separation.

- vi. **Ensure the actual and potential effects on rural character, amenity and natural values will not be compromised by intensive and ad hoc urban development and/or through the cumulative effects of rural-residential development;**

This proposal cannot be considered to be ad hoc because the design approach has followed the Wairarapa Coastal Strategy – Caring for our Coast. The proposal is site specific in the building pattern and lot sizes, the protective covenants and the creation of a lot specific to the RAP.

- vii. **Ensure the sewage effluent from all lots can be effectively disposed without any potential adverse effects on the environment.**

Eastern Consulting have assessed the ability of sewage and stormwater to be effectively disposed of for each individual lot – please refer to the full report in Appendix 2

- viii. **Ensure a potable water supply is available on each allotment.**



Each dwelling will have water storage tanks to ensure a potable water supply is available.

- (h) Allotments below the minimum standards in the Rural Zone shall avoid all of the following outcomes:
- i. The proposed subdivision is likely to have a significant adverse effect on the viability and operational requirements of any productive use of adjacent rural or industrial land, including activities allowed by the zoning, or anticipated urban growth;

As outlined previously the proposal has been designed so that primary production activities will continue on proposed Lots 13 and 16. Urban growth is not anticipated at Tora.

- ii. The allotment sizes and/or pattern of the subdivision would not maintain the open rural character, particularly from public roads and vantage points;

The subdivision layout is in response to the natural environment and the guidelines in the Caring for our Coast document. The proposed setbacks from the road and from each building platform ensure that the open rural character is retained together with the clustered layout. Please refer to the Landscape Assessment located in Appendix 1

- iii. Allotments are unable to accommodate the likely use in accordance with the other requirements of the Plan;

The lot sizes range from 3000² to 9100m² and will be able to accommodate residential uses including the ability for each lot to dispose of sewage and stormwater onsite. Please refer to Eastern Consulting Appendix 2

- iv. The subdivision would require an extension or upgrading of any service or road that is not in the economic interest of the District;

Any necessary and relevant service or road extension or upgrading within the subject site will be provided by the applicant to Council specifications.

- v. The subdivision would compromise the safe and efficient use of the road network;

The proposed subdivision will not compromise the safe and efficient use of the road network. Please refer to discussion above at 18.3.2(g)(iv).

- vi. Any exacerbation of risks from flooding or other natural hazards that is likely to occur through intensified landholdings, occupation or where capital and infrastructural investment is more than minor;

For comments on natural hazards please refer to Section 8.8 and Appendix 5 and 6.

- vii. The proposal is unlikely to be able to satisfactorily and reliably dispose of effluent;

The ability of each site to reliably dispose of effluent has been assessed by Eastern Consulting please refer to Appendix 2.



- viii. **The proposal is likely to lead to ad hoc urban development and/or adverse effects on rural character, amenity, and natural values through the cumulative effects of rural-residential development in the vicinity;**

This proposal cannot be considered to be ad hoc because the design approach as outlined in the Wairarapa Coastal Strategy – Caring for our Coast guidelines. The proposal is site specific in the building pattern and lot sizes, the protective covenants and the creation of a lot specific to the RAP. Please also refer to the Landscape Assessment located in Appendix 1.

- ix. **The proposal is unable to provide a potable supply of water.**

Potable water supply will be via roof collection and tank storage as is common in areas where reticulated services are unavailable.

- (i) **Protect the quality, character and values of the Wairarapa's rural environment from the cumulative effects of intensification by limiting subdivision below the rural minimum area standards to situations where there are special circumstances that would not create a precedent.**

This proposal is site specific and will not create a precedent. The design approach has utilized the site characteristics, constraints and opportunities. This process has led to the enhancement of the natural values through covenants and the creation of Lots 14 and 15 for the formal and ongoing protection of a RAP. The cultural and archaeological values are provided for by avoiding these known areas for residential development and having protective covenants over them.

- (j) **In the Rural Coastal Environment Management Area, allotments, particularly where new buildings and structures are likely to be constructed, shall:**
- i. **Avoid or mitigate any adverse effects on landscape, natural and amenity values from any buildings, structures and accessways;**

Potential adverse effects of any new building will be mitigated through height limits and building materials used as per the Plan requirements. Building sites have been identified on the scheme plan to retain the rural amenity value of open space. The cluster design approach has avoided areas of natural and cultural importance and enhanced their protection.

- ii. **Not degrade the natural character of the coastal environment through an inappropriate density, scale and location;**

The Landscape Assessment located in Appendix 1 (p.27) states that *“while there are approximately 13 residential houses proposed to be located along Tora Farm Settlement Road, the large scale of the coastal escarpments and the small scale of this proposal allows the landscape and settlement to co-exist without the overall character being modified. In fact, the expanse of undeveloped coastline is such that it will retain its significant landscape*



values, with its overwhelmingly rugged, remote, wild and undeveloped character.”

iii. Avoid the formation of new settlements in the coastal environment;

The proposed 13 residential lots designed into three clusters are not considered to be forming a new settlement. This is because of the large separation distances between each cluster and the number of lots within the clusters. The land between each cluster will have protective covenants preventing further residential development.

iv. Avoid unduly compromising coastal views and public access to the margins of the coast and rivers; and

All residential development is on the landward side of Tora Farm Settlement Road and elevated above it. Each building platform is specified. The proposal will not therefore compromise views to the coast. The existing public access will not be impacted on.

v. Not significantly exacerbate the risks from coastal erosion and inundation and/or other natural hazards.

Please refer to the Natural Hazards Section 8.8 and Appendix 5 and 6

(k) To provide for subdivision below the minimum standards if it results in the more effective management of network utilities or the protection of significant heritage assets and natural areas.

The subdivision proposal provides for the formal and ongoing protection of a RAP and areas of historic heritage that are significance to mana whenua. The network utilities are not relevant to this application.

(n) To support the use of integrated and innovative subdivision design and best practice to maintain and enhance the character and qualities of the environmental zone in which it is located.

The Rural Zone is characterised by the prevailing natural elements which includes the use of land by primary productive purposes and for conservation purposes. The design approach of this proposal has been to retain both these characteristics and enhance the natural qualities through formal protection.

18.3.4 Objective SLD2 – Effects of Servicing Requirements

To ensure that subdivision and land development is appropriately serviced to provide for the likely or anticipated use of the land.

Each lot will be self sufficient in terms of the potable water supply, sewage and stormwater disposal. Power and telephone will be available at the boundary of lots 1-13.



18.3.5 SLD2 Policies

- (a) Ensure adequate infrastructure is provided by the subdivider/developer to allow new activities and development to connect to wastewater and water reticulation where adequate capacity exists to meet the needs of the development.

There is no reticulation of water or wastewater to assess. Each developable lot will be self sufficient in respect of these services. Please refer to Eastern Central subdivision suitability assessment located in Appendix 2.

- (c) Avoid, remedy or mitigate any adverse effects resulting from stormwater discharges.

There will be no adverse effects resulting from stormwater discharges.

- (d) Ensure that owners of unserviced lots are responsible for providing a potable water supply and for the disposal of sewage and stormwater in a manner that avoids, remedies or mitigates any adverse effects.

The design approach to this proposal has allowed generous sized lots to ensure more than adequate area for the disposal of sewage and stormwater in a manner that avoids adverse effects. Please refer to Eastern Central subdivision suitability assessment located in Appendix 2.

- (e) Promote infrastructure and servicing design solutions for development that avoids, remedies or mitigates significant adverse environmental effects on natural and physical resources, ecosystems, and amenity values (for example water bodies).

The design approach and subdivision suitability assessment provided by Eastern Central (Appendix 2) demonstrates that adverse effects on the natural and physical resources of the area can be avoided, remedied or mitigated.

18.3.7 Objective SLD3 – Sustainable Infrastructure Development

To maintain sustainable and efficient public infrastructure that meets the additional demand generated by development and subdivision, while avoiding, remedying or mitigating adverse effects on the environment.

The proposed subdivision does not utilise public infrastructure, apart from the Tora Farm Settlement Road, any road upgrade within the subject site required by Council will be carried out by the applicant.

18.3.8 SLD3 Policies

- (b) Require a contribution where an activity necessitates road upgrading to avoid, remedy, or mitigate adverse effects on the road or the wider environment.

Please refer to comments above.



18.3.13 Objective SLD5 – Reserves and Open Space

To sustainably manage and develop the reserve and open space network to cater for current and future community needs and to protect and enhance significant environmental assets.

18.3.14 SLD5 Policies

- (a) Require a reserve contribution from new residential and visitor accommodation development, including rural subdivision creating vacant lots that have the ability to be developed for residential purposes, that is proportionate to the demand for passive and active community recreational requirements arising from the development, including the need to protect the Wairarapa's key environmental assets such as its coastal margins and natural features.

It is anticipated that Council will assess the demand for passive and active community recreation requirements arising from the development and require an appropriate contribution for Reserves.

- (b) Ensure land acquired as a reserve contribution is located and designed to complement the recreational and open space needs and amenity of the District.

Please refer to the comments above.

- (c) Manage subdivision and development adjacent to or near reserves to ensure public access (or future public access) is provided at the time of subdivision and/or development.

There is an existing recreation reserve (Tora Recreation Reserve) adjoining Pt Lot 4 DP 69774 which is owned by the applicant. Proposed Lot 16 will be amalgamated with this.

8.2.2 Plan Anticipated Environmental Outcomes

18.4 Anticipated Environmental Outcomes

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

The proposal has been designed so that the lot sizes, location and layout complement and enhance the values, character and qualities of the immediate environment.

- (b) The long-term protection of significant natural and historic values of subdivided land.

The subdivision provides for the long term protection of both natural and historic values of the land.



- (d) Effective wastewater systems that protect the quality of ground and surface water resources.
- (e) Appropriate stormwater disposal that does not adversely impact on adjoining properties or existing stormwater systems.

The future dwellings will be serviced using on-site waste water and stormwater disposal systems. Please refer to Eastern Central – Mr Hewison's assessment in Appendix 2.

In terms of wastewater treatment and disposal Mr Hewison recommends *“the use of a lower rate and either a low pressure effluent dosing system or drip line irrigation system for the disposal field. It is anticipated that systems for each Lot will be designed for each site and approved at the time of the building consent application. I am of the opinion that the actual or potential cumulative effects of distributed systems will be less than minor.”*

Mr Hewison's summary and conclusion states that he is *“of the opinion that the land type and aspect are suitable for the subdivision as proposed, including the ability to provide a suitably stable dwelling site, a potable water supply, a suitable stormwater disposal and/or collection system, the treatment and disposal of domestic type waste water and site access all in accordance with the District Plan, that is unlikely to be adversely affected by foreseeable natural hazards.”*

- (f) The provision of an appropriate level and standard of roads and other access facilities, services and reserves.

Each cluster will share a right of way which will be constructed to Council specifications. Any Tora Farm Settlement Road upgrade within the subject site required by Council will be carried out by the applicant.

8.2.3 Plan Rules and Assessment Criteria

The proposal is assessed as being a non-complying activity because it does not meet the discretionary activity status.

20.1.6 Standards for Discretionary Activities

Rural Zones

- (a) Any subdivision within the Rural (Primary Production) Zone under Rule 20.1.5(f) shall comply with the following:
 - (i) Minimum average lot area of 4 hectares, provided that, where there are any lots larger than 10 hectares, these lots shall be given a nominal size of 10 hectares when calculating the average lot size.

The total area of the subject site is 61.5 ha which could be subdivided into 15 lots of 4ha each as a Discretionary activity being located within the Coastal Environment Management Area. However this option would have fragmented the values associated with the environment and had an effect on the special characteristics of the property.



While the application is assessed as non-complying, it is believed that the current proposal is more sympathetic to the property especially in terms of protecting and enhancing the special and unique qualities that it holds.

22.1.1 Subdivision

(a) General Assessment Criteria Development

- (xii) Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects on the surrounding environment.

The design approach of the proposed subdivision is such that it carefully balances the development with the natural characteristics of the coastal environment. The proposal incorporates formal protection of significant cultural and natural values.

- (xiii) Whether the proposed subdivision will create an additional lot for building/development or will change the use of the affected land.

The proposal will change the use of some of the subject land. It will create 16 lots; 12 are intended for residential development, Lot 13 is for residential and primary production activities, Lots 14 and 15 (one CT) are for the protection of a RAP and Lot 16 will continue to be primary production activities.

- (xiv) The ability of any existing or likely proposed building to comply with all standards in this Plan.
- (xv) The ability of every allotment of land to accommodate a conforming dwellinghouse or a principal building and to be utilised in a manner that can comply with the Plan provisions.

A land use resource consent is sought for future dwellings being unable to comply with the setback requirements under the Plan.

The Plan requires that in the rural zone dwellings must be 25 metres from the boundary. For this proposal these distances vary for each building platform but essentially overall they do not comply. The primary reason for this is that the design approach for the proposal is three clusters which avoid sensitive areas and allow for ongoing protection and enhancement of them. This approach is what the Wairarapa Coastal Strategy prefers.

The scheme plan for the subdivision has specified the building platforms of 12 metres by 15 metres for each lot. Each building platform is separated from the next one by a distance of at least 40 metres. The front yard setback from the road is 30 metres.

- (xvi) The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.

There are no known adverse effects on the environment from this proposal that would require financial contributions to avoid, remedy or mitigate.



- (xvii) Whether additional reserve land is necessary, including connections to existing and future reserves, to provide for the increased demand on the reserve network as a result of the subdivision.

It is unlikely that the proposed subdivision will increase demand on the existing reserve network. There is an existing reserve to the north of the proposed site. The Tora Recreation Reserve has good access from Tora Farm Settlement Road and good connectivity with the existing esplanade reserve and coastal marine area. The proposed lots will have a walkway easement from the Road to the coast.

- (xviii) The extent to which the subdivision is consistent with the Development/Management/Structure Plan for the area.

At present there are no development, management or structure plans for the Tora area.

8.2.4 Mitigation

The aspects of the proposal that have been incorporated to mitigate actual or potential effects of subdivision and land development include:

- The comprehensive design approach to the development
- Provision of formal ongoing protection to the RAP, areas of significance to mana whenua, sites of archaeological importance, natural hazard areas and regenerating native vegetation.
- Clustering of the residential lots including the lot size, shape and location and the building platforms to maintain the open space characteristic and sit in with the coastal visual landscape

8.2.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings, the continuance of existing primary production activities and protection of the RAP is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the subdivision and land development section of the District Plan.



8.3 Tangata Whenua

Rangitaane o Wairarapa and Ngati Kahungunu ki Wairarapa iwi share kaitiaki responsibilities for areas and natural and physical resources within their Wairarapa rohe. They hold traditional knowledge and practices, developed over hundreds of years, which maintain their special connection and association with the environment.

Section 6 of the Resource Management Act 1991 (RMA) requires the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, waahi tapu and other Taonga, be recognised and provided for as a matter of national importance. The Act also requires the protection of recognised customary activities as a matter of national importance. In addition, Section 7 states, when managing the use, development, and protection of natural and physical resources, particular regard needs to be given to Kaitiakitanga (traditional guardianship).

In carrying out functions and powers in relation to the use, development and protection of natural and physical resources the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) must be taken into account under Section 8 of the RMA.

8.3.1 Plan Objectives and Policies

8.3.1 Objective TW1 – Recognition of Values & Traditional Relationships

To recognise and provide for the cultural values and relationship of Tangata Whenua in managing the natural and physical resources and the effects of activities, while taking into account the principles of the Treaty of Waitangi.

8.3.2 TW1 Policies

- (a) Recognise Tangata Whenua values and provide for Tangata Whenua to maintain and enhance their traditional relationship with the natural environment.
- (b) Have particular regard to the exercise of kaitiakitanga by Tangata Whenua in the management of activities and resources.
- (c) Protect waahi tapu, sites of cultural importance and other taonga.

The subject site and indeed the wider area of Tora and Te Awaiti have strong evidence of a rich Maori history both in terms of occupation and resource use.

The applicant acknowledges the special relationship and kaitiaki responsibilities that mana whenua have with the subject area. This spiritual and physical connection is apparent because of several aspects such as the food bearing properties of the coast, the two urupa and pa site on adjacent lands, the karaka tree and horticultural areas.



Mana whenua whanau and hapu continue to have an active and special association with the area because of their traditional and ancestral links. It is because of these links that whanau and hapu have been involved with this proposal since its inception in 2010².

The involvement has been in the form of proposal discussions and correspondence and site visit with Horipo Rimene (Rangitaane o Wairarapa), Haami Te Whaiti and Niniwa Munro (Ngati Hinewaka) and Ra Smith (Ngati Kahungunu ki Wairarapa). The cultural advice has been invaluable and has formed part of the process and the final application.

A presentation giving information about the proposal was also given to the South Wairarapa District Councils Maori Standing Committee at their February 2012 meeting prior to lodging the resource consent application with the Council.

Through these discussions it was decided that a Cultural Impact Report (CIR) would be appropriate for this application. Ra Smith of Ngati Kahungunu ki Wairarapa has written the CIR on behalf of Ngati Hinewaka and is specific to Bert and Christine's property. The CIR can be found in Appendix 3 in its entirety.

There is another CIR that was produced for David Tyers property, adjacent to this proposal site. This CIR is also relevant because the content of this CIR covers a wider Tora area and includes associations with the subject site being adjacent to David's property. For convenience Council reference for Mr David Tyers application is 3650 4th September 2009.

*"It is always the hope of Tangata whenua that an understanding of how they relate to their environment will enrich the area and that their values might be sustained. The impact of the proposed subdivision on cultural values will, I am sure, be mitigated as this has already been the direction the applicant and developers have undertaken."*³

The areas of significance to mana whenua within the subject site have been incorporated into the planning and design approach of this subdivision. This process has resulted in including formal protection mechanisms for these cultural areas through covenants and providing separation between them and the intended residential lots.

The CIR recommends⁴:

1. Apply for an Archaeological Authority from HPT to modify an archaeological site under section 11 of the Historic Places Act 1993
2. No earthworks near any archaeological sites and/or waahi tapu

² Note that there have been many subdivision proposals for the Tyer property over the years and mana whenua have been involved in each one.

³ Ngati Kahungunu ki Wairarapa CIR page 3 Entire report in Appendix 3

⁴ Ngati Kahungunu ki Wairarapa CIR page 24



3. All earthworks to be monitored by a qualified archaeologist
4. Conform to protocols (Accidental Site Discovery)
5. Discharges of effluent and wastewater only to land and not to any water body
6. Management of all covenanted areas to be shared with Tangata whenua.

Please note that an authority from the Historic Places Trust will include protocols for anything found on site during construction works. There will be no site works without an Authority from the NZHPT both for service provision (applicant responsibility) or individual lot development (future lot owner).

8.3.2 Plan Anticipated Environmental Outcomes

8.4 Anticipated Environmental Outcomes

- (a) **Tangata Whenua actively participating in the resource management processes, and managing their ancestral lands and resources.**

There is rich evidence of connection and association with the Wairarapa coast as a whole and more specifically with Tora and the subject site itself. This has been respected and embraced by the Tyer family over their many years of farming the land. The importance of the active participation through the development of this proposal by key mana whenua representatives has been paramount.

- (b) **Greater recognition and provision for the protection of sites of significance to Tangata Whenua within resource management processes.**
- (c) **Identify Sites of Significance to Tangata Whenua, where appropriate, to assist the resource consent process.**

As mentioned above the Tyer family have known and respected the cultural sites on their property for many years. This proposal of subdivision will allow for a formal protection mechanism through covenants for the known sites of significance within the subject land. It will also provide for the unknown sites or sites that could be uncovered through individual lot development for example the need for an Authority from NZHPT. Please also refer to the Historic Heritage Section 8.4 and Christine Barnett's archaeological assessment located in Appendix 4.

8.3.3 Plan Rules and Assessment Criteria

22.1.1 Subdivision

- (a) **General Assessment Criteria**
 - Heritage**
 - (xxi) The effect of the subdivision on the values of any waahi tapu site and any resources of significance to Tangata Whenua.



The design approach for this proposal has been to include the known cultural sites into covenanted areas and make provision for unknown/subsurface ones through the consent notice specific to both the applicant and future lot owners requiring them to apply to the NZHPT for an Authority before any works begins.

The proposal includes resources significant to mana whenua and provides protection to them by, for example, placing developable lots on the landward side of the road at approximately 200metres from the coast and requiring land based sewage disposal systems to protect both the coastal and freshwater resources. To this end it is anticipated that any effect will be no more than minor.

8.3.4 Mitigation

The following mitigation measures are proposed:

- Locating the three clusters away from areas of cultural significance and maintaining some separation by specifying building platforms
- Placing protective covenants over areas of cultural significance including regenerating native vegetation
- Applying to NZHPT for an Authority before any development works proceed including roading and service provision
- Placing a 221 consent notice on lots 1-12 requiring them to gain an Authority from NZHPT before any works begins
- Requiring land based sewage disposal systems

8.3.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings, the continuance of existing primary production activities and protection of the RAP is not contrary to the objectives, policies, environmental outcomes, rules and assessment criteria for the tangata whenua section of the District Plan.



8.4 Historic Heritage

Section 6(f) of the RMA requires Councils to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development. The Act defines historic heritage as meaning those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures.

The Wairarapa has rich cultural and spiritual heritage resources which are important as they represent linkages to the past and provide insights into the way the Wairarapa communities and settlements have developed. They also contribute to the character and amenity values of localities.

Historic heritage includes sites where physical traces of past activity remain such as former buildings, sites of human occupation, burial and archaeological sites. It also includes places that are significant for their spiritual or historical associations, such as places where historic events took place.

Historic resources are finite and can be vulnerable to disturbance, damage or destruction from land use. Risks include earthworks, inappropriate development or incompatible adjoining uses.

8.4.1 Plan Objectives and Policies

10.3.1 Objective HH1 – Historic Heritage Values

To recognise and protect the important historic heritage of the Wairarapa.

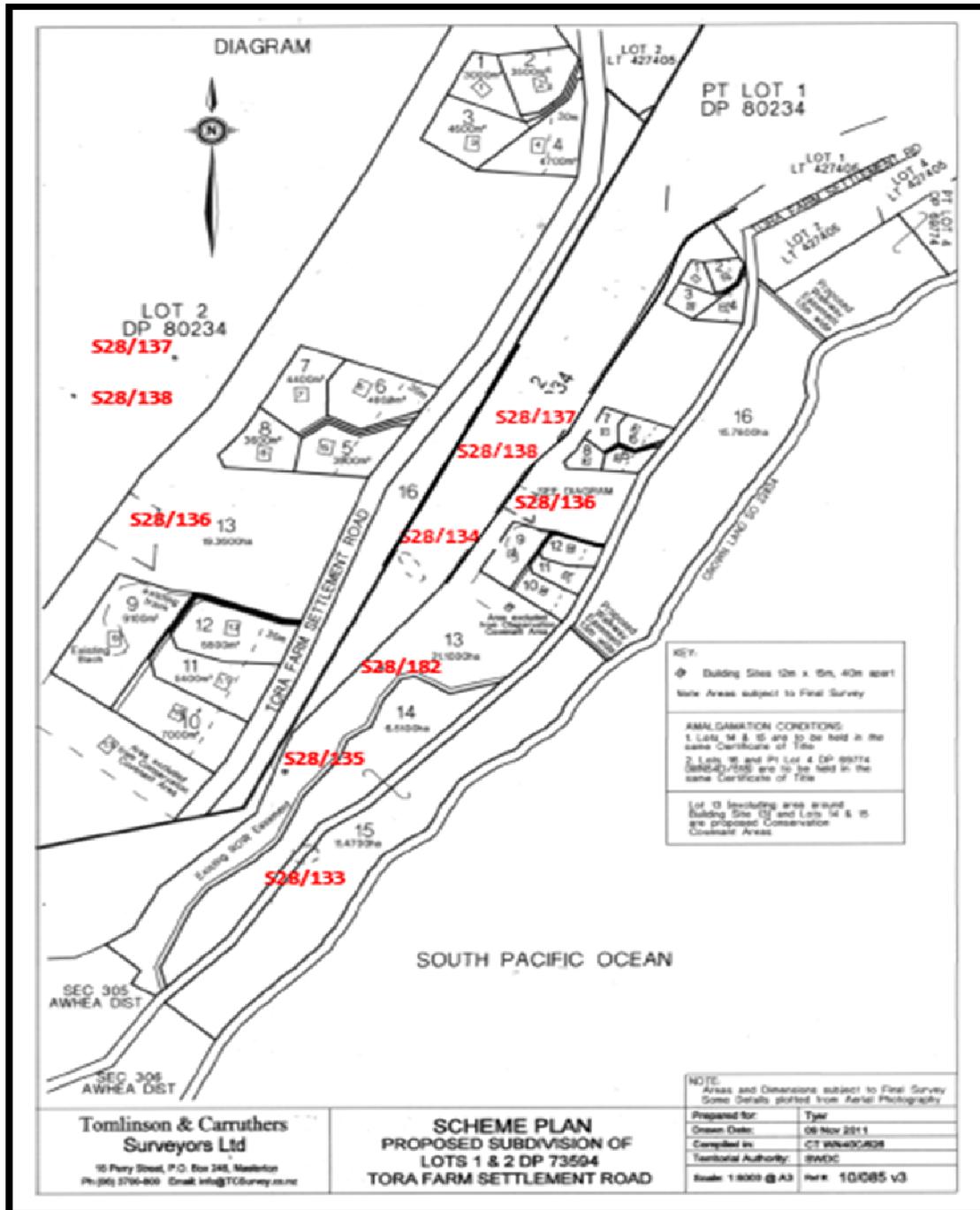
The proposal has recognised and protected important historic heritage through the design approach and associated archaeological assessment.

10.3.2 HH1 Policies

(a) Identify significant historic heritage.

Christine Barnett, and indeed other archaeologists for example Dr Foss Leach⁵, has identified significant historic sites within the proposed subdivision lands. Please refer to Christine's full report in Appendix 4 and the map below.

⁵ Dr Leach's assessment can be found in Appendix 4



6

⁶ Christine Barnett Archaeological Assessment 2012 page 23



- (b) Avoid, remedy or mitigate the potential adverse effects of subdivision, development and use on historic heritage.
- (c) Ensure the important attributes of historic heritage is not disturbed, damaged or destroyed, by inappropriate subdivision, use and development.
- (d) Provide for the use of historic heritage where the activity is compatible with the identified historic attributes and qualities and there are no more than minor adverse effects on the historic heritage values.

The design approach for this subdivision has attempted to avoid areas of known archaeological sites. The known heritage sites are contained within either the RAP (lots 14 and 15) or the covenanted areas of Lot 13 and not in areas of residential development.

Christine Barnett states that *"This subdivision does not propose to modify, damage or destroy any archaeological sites.....However given the topography of the area, the recorded archaeological sites in the vicinity, the cultural history of the area, the presence of Karaka trees and the urupa there is the potential for subsurface archaeological features in this proposed subdivision"*⁷.

Because subsurface archaeological features may be uncovered during site works Christine has recommended and Authority from Historic Places Trust. This will also be placed on the individual lot titles as a 221 consent notice as a means of alerting future owners.

- (e) Provide for land subdivision to create conservation lots to protect recognised historic heritage.

As mentioned above lots 14 and 15 include the Recommended Area for Protection as identified in the Wairarapa Combined District Plan. Within these lots (which are separated because of the paper road) are registered archaeological sites.

- (f) Increase public awareness of historic values and their importance, and encourage the community to support the protection and conservation of historic heritage.

The Tyer family are very aware of the historic values within their property boundaries and indeed with the wider area of Tora. The Tyers have embraced the protection of not only the historic heritage values but also the conservation values associated with the site.

8.4.2 Plan Anticipated Environmental Outcomes

- (a) Protection of historic heritage from the adverse effects of activities and development.

The application aims to protect historic heritage from adverse effects of activities and development.

⁷ Barnett 2012 pp 39 Appendix 4



- (b) Greater public awareness of the importance of the Wairarapa's historic heritage.
- (c) Well-maintained and sympathetically upgraded and enhanced historic heritage.

The application is fully aware of the importance of the historic heritage within the subject property and indeed the wider area; the subdivision reflects this awareness through the actual design and through the protective covenants proposed.

8.4.3 Plan Rules and Assessment Criteria

22.1.1 Subdivision

(a) General Assessment Criteria Heritage

- (xx) The effects on any historic or archaeological site and the surroundings associated with any historic or archaeological site.

Please refer to the section above Historic Heritage Plan Objectives and Policies.

22.1.3 Historic Heritage (including archaeological sites) and Sites Significance to Tangata Whenua

- (i) The extent to which the heritage value, integrity and character of the site or item will be maintained or enhanced.
- (ii) The effect of any removal, demolition, relocation, modification, addition or alteration on the historic values of the site or item.
- (iii) The extent to which any proposed mitigation measures will protect or preserve the value and/or significance of the site or item.

The application has incorporated known archaeological sites into areas that are to have formal protective covenants and management mechanisms/protocols for unknown or subsurface features if they were to be uncovered during site works.

Christine Barnett through her archaeological assessment has reassessed the known archaeological sites and indeed located ones that have previously not been recorded hence the heritage and archaeological knowledge of the site has been enriched through this process of subdivision.

- (iv) The importance of the site or item in its locality and its contribution to the area's amenity and character.

Please refer to Christine's assessment page 33 (Appendix 4) where she describes the cultural landscape and associations.



- (xi) The extent to which the site or item will be disturbed or modified as a result of the subdivision, use or development, including earthworks.
- (xii) Site suitability, and the extent to which alternative sites or locations have been considered.
- (xiii) Whether the subdivision, use or development can take place on the site without adversely affecting the site's significance.

The residential lots of the proposal have been located away from areas of known archaeological sites. The areas with known sites have been incorporated into Lots 14 and 15 developed for the protection of the RAP, and Lot 13 which is to have protective covenants placed on the title.

Because there is such a complex of historical features there is the potential to uncover subsurface materials. This has been planned for with the recommendation for an Authority from the Historic Places Trust and the use of consent notices upon individual titles to alert future land owners.

8.4.4 Mitigation

The following mitigation measures are proposed:

- Design approach to the development to avoid heritage site areas for residential development
- Place protective covenants over areas of known archaeological sites
- Notify NZHPT for their comment on the resource consent application as an affected party
- Place a 221 consent notice on residential Lots 1-12 regarding the need to apply to NZHPT for an Archaeological Authority before any proposed works
- The applicant will apply for an Archaeological Authority to the NZHPT for any construction development site works

8.4.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings, the continuance of existing primary production activities and protection of the RAP is not contrary to the objectives, policies, environmental outcomes, rules and assessment criteria for the historic heritage section of the District Plan.



8.5 Landscape

The purpose of the RMA is to promote the sustainable management of natural and physical resources. In achieving the Purpose of the Act, Section 6 requires recognition and provision for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development, and Section 7 of the Act requires Council to have regard to the maintenance and enhancement of amenity values, which includes values associated with the landscape.

The term 'landscape' refers to the visual interaction of natural and cultural processes. The significance of any one landscape is determined by a complex interaction of many factors, such as the size, shape, dominance and the scarcity of a landscape feature within the Wairarapa or indeed New Zealand. However, the values associated with some landscapes may be the product not so much of prominence but of other more intrinsic values and the way people experience the environment.

Landscape values may derive from physical and perceptual factors, resulting from layers of association and meaning and different cultural values attributed over time. While landscapes change over time through natural processes such as erosion they can also change through the effects of human activity, indeed the character of many landscapes has been primarily formed by human activities.

8.5.1 Plan Objectives and Policies

9.3.1 Objective Lan1 – Outstanding Landscape & Natural Features

To identify and protect the Wairarapa's outstanding landscapes and natural features from the adverse effects of inappropriate subdivision, use and development.

The subject site is not listed in the Wairarapa Combined Plan as an outstanding landscape nevertheless the landscape and natural features and values of the site have been assessed through the Wairarapa Coastal Strategy technical reports process. Please refer to Hudson Associates Landscape Architects Landscape Assessment pages 23 to 25 located in Appendix 1

9.3.2 Lan1 Policies

- (a) **Comprehensively and consistently identify and assess the outstanding landscapes and natural features within the Wairarapa.**

Please refer to the above comments.



- (b) Manage the effects of activities with the potential to adversely affect the attributes and values of outstanding landscapes and natural features.
- (c) Protect the particular attributes and values of outstanding landscapes and natural features from inappropriate development, with any adverse effects on those attributes and values being avoided, remedied or mitigated.
- (d) Encourage new development to be located and designed in a way that protects the attributes and values of the Wairarapa's outstanding landscapes and natural features.

“The proposed subdivision emphasises the value of the natural coastal environment by defining covenant areas and protection of an extensive and valued coastal wetland. The development uses a more expansive design, which defines a minimum lot size at 3000m² and the sites are clustered into 3 groups distributed on the northern, middle, and southern slopes. The pattern of allotments is dominated by small groups accommodated by a large balance lot. The regenerating bush areas, where known archaeological sites are contained, are located within the balance lot and are covenanted. Light grazing will be allowed to continue as a means of reducing the risk from fire. The intent of this design approach is to protect the natural character and processes while retaining openness between the three small residential groupings.”⁸

- (g) Ensure subdivision and development is managed by having regard to the adverse effects on the landscape values of the site and locality.

“Through subdivision design (location and clusters) and landscape management (covenant and separation distance), the proposed development will have minimum impacts onto this wild coastal environment, and can appropriately accommodated within this expansive coastal landscape.”⁹

8.5.2 Plan Anticipated Environmental Outcomes

9.4 Anticipated Environmental Outcomes

- (a) Protection of outstanding landscapes and natural features from the adverse effects of activities and development.
- (b) Maintenance of local amenity values through subdivision and land development.

The comprehensive design approach of this subdivision proposal works toward maintaining the landscape character and qualities of the area including the formal protection of the RAP and covenanting other natural and cultural features of the site.

⁸ Hudson Associates 2012 page 29

⁹ Hudson Associates 2012 page 31



8.5.3 Plan Rules and Assessment Criteria

22.1.5 Outstanding Landscapes and Natural Features

- (i) The extent to which the landscape or natural feature will be disturbed or modified as a result of the activity or development, including earthworks.

“...the resulting landscape and visual effects of the proposed subdivision will be no more than minor. It will be consistent with the relevant planning provisions, maintaining the rural and coastal character of the area and its openness, wildness and remoteness”¹⁰

- (ii) Mitigation to minimise adverse visual and/or landscape effects of the activity, including screening through plantings or the reinstatement of any previous plantings.

Mitigation measures to minimise adverse effects include *“the covenanting of the ecologically significant coastal wetland, setback from the coastal edge, controlled waterfront access, separation between buildings, large residential lots, clustering of houses in groups of no more than 4 lots and controls on building height and colour. The emphasis on a comprehensive approach to the design of the subdivision helps maintain the landscape character and qualities of the area”¹¹*

- (iii) The ability of the Outstanding Landscape or Natural Feature to absorb the overall impact of the activity or development.
- (iv) Site suitability, and the extent to which alternative sites or locations have been considered.

Please refer to the Hudson Associates Landscape Assessment in Appendix 1.

The Tyers property has been through many draft proposals for subdivision since about 2000. These proposals have varied greatly in terms of lot sizes and total number of lots and the lot layout. The comprehensive design approach for this proposal has overall attempted to maintain and enhance the particular significant features for perpetuity.

8.5.4 Mitigation

Mitigation measures include:

- Covenanting the ecologically significant wetland area
- The development is setback from the coastal edge
- There is controlled waterfront access
- Good separation between buildings
- Large residential lots
- Clustering of houses in three groups of four lots
- Controls on building height, colour and cladding.

¹⁰ Hudson Associates 2012 page 37

¹¹ Hudson Associates 2012 page 37



8.5.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the landscape section of the District Plan.

8.6 Indigenous Biodiversity

The RMA requires District Councils to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna. This includes the control of any effects of the use, development, or protection of land, for the purpose of maintaining indigenous biological diversity.

Human settlement has resulted in most of the Wairarapa indigenous vegetation being significantly reduced or heavily modified, through clearance of large areas of indigenous vegetation, drainage of wetlands and the introduction of exotic species, including pests. These pressures mean it is important to protect the remaining areas of significant indigenous flora and fauna on a long-term sustainable basis where indigenous species can regenerate naturally.

The Department of Conservation (DOC) predominantly through Tony Silbery has been involved with the planning and design of this application because of his extensive knowledge of the indigenous flora and fauna communities within the Tora area and indeed Wairarapa as a whole.

DOC has provided an assessment of the biodiversity values and ecosystem health for the subject area. These consist of three written papers and a copy of the RAP 48 (which is from the Eastern Wairarapa Ecological District, Survey Report for the Protected Natural Areas Programme 2005) these are all located in Appendix 7.

There are several types or mosaics of vegetation throughout the site. The vegetation “includes coastal forest, secondary scrub and shrub land, and mosaics of wetland vegetation types toward the sea.”¹²

The fauna present includes several species of birds both indigenous and introduced. DOC has named these within their papers that are located in the Appendix 7.

¹² Recommended Areas for Protection [RAP 48 Tora Coast](#) See Appendix 7



8.6.1 Plan Objectives and Policies

11.3.1 Objective Bio1 – Biological Diversity

To maintain and enhance the biological diversity of indigenous species and habitats within the Wairarapa.

The Wairarapa Combined District Plan lists a significant natural area within the subject site (SNs16), which is the RAP 48, and another just to the north (SNs15). The significance of both of them is listed as coastal habitat and refers to the Wairarapa Coastal Strategy background reports and maps. These reports state that for the SNs16 site the natural character is low-moderate (WR-HR(c)) and notes the hill slope forest, extensive wetlands on marine bench landforms, and regenerating vegetation.

The RAP 48 is described by DOC as the vegetation being diverse, including coastal forest, secondary scrub and shrub land, and mosaics of wetland vegetation types toward the sea.

The comprehensive design approach for this development has included the wetland area (RAP 48/SNs16) into Lots 14 and 15, held on one CT, to provide formal and ongoing protection to it.

Lot 13 includes areas of regenerating native vegetation between each of the three clusters; protective covenants will be placed on this certificate title also. This lot is part of a working primary production unit and has been subjected to ongoing grazing stock. A grazing regime will continue on Lot 13, because of the very real risk of fire.

11.3.2 Bio1 Policies

- (c) **Control the further destruction or irreversible modification of areas of indigenous vegetation or habitats where there may be significant biodiversity value.**
- (d) **Protect the ecological integrity of areas of indigenous vegetation or habitat of significant biodiversity value.**
- (e) **Support and encourage the protection of natural habitats on private land, including restoring and protecting linkages and ecological corridors.**
- (f) **Increase public awareness of the natural values within the Wairarapa, and encourage community support for the protection and conservation of the Wairarapa's biodiversity.**
- (h) **Avoid, remedy or mitigate the adverse effects to indigenous wildlife and indigenous ecosystems that result from the use, development or subdivision of a site.**

This application aims to avoid, remedy or mitigate any adverse effects to indigenous wild life and indigenous ecosystems by formally protecting and conserving, maintaining and enhancing the various indigenous biodiversity values of the subject site.



11.3.4 Objective Bio2 – Significant Vegetation and Habitats

To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Wairarapa.

This application contributes to the protection of areas of significant indigenous vegetation and significant habitats.

11.3.5 Bio2 Policies

- (a) Identify those areas that are habitats comprising significant indigenous vegetation or significant habitats of indigenous fauna in the Wairarapa.
- (b) Control the further destruction or irreversible modification of significant areas of indigenous vegetation or significant habitats of indigenous fauna to protect their ecological integrity.
- (c) Ensure that adverse effects on the values of Significant Natural Areas are avoided, remedied or mitigated.
- (d) Provide for conservation lots to be created during land subdivision to protect Significant Natural Areas.

The Department of Conservation has identified the wetland within the proposed Lots 14 and 15 as being significant and the District Plan also recognises this.

This application also recognises this and through the design of the subdivision has avoided development in areas that have been identified as having high values. These areas are included in Lots 14 and 15 as stated above but also on Lot 13 where there are areas of regenerating vegetation along with cultural heritage values. Protective covenants are intended for proposed Lots 13, 14 and 15 to control the destruction or modification.

8.6.2 Plan Anticipated Environmental Outcomes

11.4 Anticipated Environmental Outcomes

- (a) Permanent protection of all of the Wairarapa's significant natural areas from the adverse effects of use, subdivision and development, with the majority as a result of voluntary landowner initiatives.

The applicant is voluntarily providing formal protection to identified significant natural areas that have been identified in the District Plan and in the Wairarapa Eastern Plains RAP (DOC publication 2005).

- (c) Maintenance and enhancement of the biodiversity of the Wairarapa's indigenous flora and fauna, natural habitats and ecosystems.
- (d) The sustainable management of the Wairarapa's natural areas and ecological linkages.

This formal protection will provide for the maintenance and natural enhancement of the indigenous flora and fauna and provide ecological linkages with neighbouring habitats and ecosystems.



8.6.3 Plan Rules and Assessment Criteria

22.1.6 Significant Natural Areas and Areas of Indigenous Vegetation and Habitats of Indigenous Fauna

- (i) Effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.

The comprehensive design approach aims to avoid effects to the many values of the area by the clustered approach and the use of covenants as protective mechanisms for areas of cultural, archaeological and biodiversity significance. Intrinsic and amenity values of the subject site will be altered in a fashion but this is deemed to be of a minor nature and in keeping with the wider Tora settlement area.

- (ii) The effectiveness of any existing or proposed protection or enhancement mechanisms.

The RAP is listed in the Wairarapa Combined District Plan as a significant natural area. This proposal provides further formal protection by creating a title specific to the RAP. The known cultural and archaeological sites are registered with NZHPT however by placing a covenant over these areas it also provides a further formal layer of protection. There are no protective mechanisms in place for the regenerating native vegetation. Overall the proposed protective mechanisms will be more effective than what is currently in place.

- (iii) The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of meeting the criteria listed below.

Criteria for determining the significance of areas of indigenous vegetation and habitats of indigenous fauna

- Representativeness;
 - Contains an ecosystem that is unrepresented, uncommon or unique;



- Rarity: Contains or supports:
 - Threatened ecosystems;
 - Threatened species;
 - Endemic species.
- Diversity: Diversity of ecosystems, species, vegetation.
- Distinctiveness:
 - Large population of viable species;
 - Natural state;
 - Uninterrupted ecological sequence;
 - Significant Landforms.
- Continuity: Corridor or buffer zone present.
- Ecological Restoration: Contains/supports indigenous vegetation/habitat that contributes to the recovery or restoration of threatened or uncommon species. Ability of the area to be restored.
- Sustainability: Including size, shape, activities on boundary, adjoining protected areas, links and management.

The proposal will have a positive effect on the biodiversity of the subject site and the links it creates with the wider area. The site is listed in the District Plan because DOC has recommended it as an area to be protected because of its ecological significance. Please refer to the DOC papers in Appendix 7

8.6.4 Mitigation

Mitigation measures include:

- Creating an individual certificate of title that encompasses the Recommended Area for Protection.
- Clustering the residential lots so as to avoid areas with biodiversity values
- Using covenants to mitigate any potential effect to the areas with regenerating vegetation situated predominantly between each of the clusters.

8.6.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the indigenous biodiversity section of the District Plan.



8.7 Coastal Environment

The Wairarapa coastal environment has a widely varied coastal environment, ranging from sandy beaches bordered by dunes, through to rugged rocky shorelines that steeply ascend to mountainous country immediately behind.

Much of the coastal environment is relatively inaccessible, and only small isolated settlements have developed at accessible parts of the coast, with each settlement having its own unique character and qualities. While most of the coastline is farmed, most of it is only suitable for extensive pastoral grazing. Although the natural environment has been greatly modified, there are many places in which there are significant ecological values and important coastal habitats, as well as landscapes of valued natural character.

This diverse coastal environment is highly valued and used by both locals and the wider community, in terms of its aesthetic, natural, productive, recreational and historical values. The Wairarapa Coastal Strategy and its technical reports provide valuable information and rank different parts of the coastal environment for natural values, landscape and natural character values etc. These reports have been utilised for assessing and designing this proposal.

Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use, and development. Another matter of national importance is the maintenance and enhancement of public access to and along the coastal marine area. Furthermore, the New Zealand Coastal Policy Statement sets clear directions for the management of the coastal environment.

The coastline is also subject to a range of natural hazards that may adversely affect inappropriately located development, including coastal erosion, tsunami and inundation.

The sustainable management of the coastal environment is important to mana whenua for social, economic, spiritual and cultural reasons. The Wairarapa coast is an important source of kaimoana and there are many waahi tapu and other cultural heritage sites located in the coastal environment.

While actual or potential adverse effects of activities in the coastal environment may be high, the level of activity currently occurring is relatively low but under increasing pressure. The main concerns arising from this pressure relate to the potential adverse effects on the natural character of the coastal environment, which can be maintained if development occurs with due regard to the landscape, ecology and other values of the coastline.

Therefore, reasonable use of the coastal environment, including existing use, should be provided for, while protecting the Wairarapa coast from inappropriate activities and development. Most developed or modified areas



can accommodate further development without compromising the overall attributes that define the natural character of the Wairarapa Coast.

8.7.1 Plan Objectives and Policies

13.3.1 Objective CE1 – Natural Character

To protect the natural character of the coastal environment by ensuring use, subdivision and development maintains the comparatively undeveloped nature of the Wairarapa Coast.

The proposed subdivision has followed the Wairarapa Coastal Strategy – Caring for our Coast Guidelines comprehensive design approach. The three clusters have four large residential lots in each. Each cluster is separated from the next by regenerating native vegetation. This design approach will ensure that a sense of ‘undeveloped’ nature is maintained.

13.3.2 CE1 Policies

- (a) **Identify the extent of the coastal environment based on landscape and ecological principles.**

Hudson Associates describe the existing character as being a *“narrow coastal flat with steeply rugged hills behind is distinguished from other areas on the Wairarapa coast due to the presence of an extensive coastal wetland.”*¹³

- (b) **Manage the design, location and scale of subdivision and development in the identified coastal environment to ensure the special qualities and natural character of the coast are retained and adverse effects are avoided, remedied or mitigated, with priority given to avoiding effects.**

The comprehensive design approach to this subdivision has given priority to avoiding effects to its special qualities by clustering the proposed dwellings and large section sizes to maintain openness, and covenanting other areas of cultural heritage and biodiversity significance.

- (c) **Recognise the key role of the subdivision process in establishing the framework for development in the coastal environment, including the siting and design of structures.**

The design approach to this proposal includes specifying building platforms for the residential lots with separation distances between neighbouring lots and the road.

- (d) **Ensure that adverse cumulative effects of subdivision, land use and development on the special qualities and natural character of the Wairarapa coast are avoided, remedied or mitigated.**

This proposal will not have adverse cumulative effects on the coast. This is because the special qualities have been incorporated into the design of the subdivision and will be provided formal protection for example the wetland area (RAP) is incorporated into its own certificate of title.

¹³ Hudson Associates 2012 page 11



- (e) **Promote the consolidation of urban development at existing coastal settlements.**

Recent residential developments have occurred at Te Awaiti and Stony Bay, north of the application site. Tora itself has residential activity with varying lot sizes ranging from approximately 1000m². *“The modified character created by the pastoral land use plus the scattered presence of settlements and buildings leads to an environment where additional buildings can be accommodated, provided they remain subservient to the rugged and wild coastal character.”*¹⁴

- (f) **Manage the expansion of existing coastal settlements to ensure the special qualities of each settlement are protected.**

The special qualities have been incorporated into the design of the subdivision and will be provided formal protection such as the wetland area (RAP) incorporated into its own certificate of title and covenanting areas of cultural significance.

- (g) **Ensure the provision of adequate infrastructure, services and on-site mitigation measures as subdivision, land use and development occurs.**

Each lot intended for residential development will be self sufficient in terms of water supply, sewage and stormwater disposal. Each lot is of ample size to accommodate the disposal including a reserve field. Please refer to Eastern Central assessment located in Appendix 2.

- (h) **Protect foreshore amenity values and avoid hazard risks by controlling the location of structures in close proximity to the foreshore.**
(i) **Discourage built development between roads and the foreshore where such roads are in close proximity to the foreshore, to protect the open coastal vistas.**

All developable lots are located on the landward side of Tora Farm Settlement Road well above the 10metre contour line and at a distance of approximately 200metres from the foreshore thus protecting open coastal vistas.

- (j) **Promote a strategic approach to the use and management of the Wairarapa Coast through the development of management plans, particularly for coastal settlements, for areas with significant natural character values and/or areas with significant environmental issues.**

No management plans have been developed for this part of the Wairarapa coast.

- (k) **Encourage and support innovative land uses and development that retains or enhances the special qualities of the coast.**

This proposal is innovative and retains and enhances the special qualities that distinguish this site from other coastal residential development. The clustering of the residential lots using the unique land form and providing protection for the wetland area, regenerating native vegetation and cultural/archaeological sites ensures that these special qualities are maintained and/or enhanced.

¹⁴ Hudson Associates 2012 page 13



- (m) **Adopt a precautionary approach to new subdivision and development where knowledge is lacking about coastal processes and where the risks from natural hazards are likely to be high.**

Mr Nick Perrin from GNS has provided a hazard assessment for the proposal site and he concludes that *“the risk presented by natural hazards (landslides, debris floods and tsunami) is low enough to be acceptable to allow development of these proposed sites”*¹⁵

- (n) **Require esplanade reserves/strips along the coastal marine area and estuaries and river mouths of significant waterbodies, recognising that esplanade strips may be more appropriate if the special qualities of the coastal environment are likely to be detrimentally affected by esplanade reserves.**

There is an existing marginal strip (S28008) along the foreshore of the site; there are no significant water bodies within the subject site.

13.3.4 Objective CE2 – Coastal Settlements

To provide for further development at coastal settlements in a manner that maintains the distinctive character and amenity values of each settlement.

The proposal is designed to complement the existing amenity values and protect its distinctive character specific to the site. This is through mechanisms such as the use of covenants and creating an individual certificate of title for the RAP.

13.3.5 CE2 Policies

- (a) **Through the preparation and implementation of Management Plans, adopt a strategic and community-based approach to long-term planning for the use, development and subdivision of coastal settlements.**
- (b) **Use the Management Plan process to develop Structure Plans that identify appropriate opportunities for further growth within and/or adjoining coastal settlements.**

No management plans have been developed for this part of the Wairarapa coast.

- (c) **Provide for further subdivision, use and development within existing coastal settlements in a manner that is appropriate to each settlement's character, its landscape and recreational values and its infrastructural capacity.**

The design of the subdivision has incorporated the special characteristics and landscape qualities. Certain attributes will be formally protected such as the wetland area (RAP) being incorporated into its own certificate of title and covenanting areas of cultural significance. The only infrastructure utilised will be telecommunication facilities and power supply.

¹⁵ Nick Perrin GNS Email 30 November 2011 located in Appendix 5



- (e) **Establish development standards that recognise and maintain the character and amenity values of coastal settlements as appropriate.**

The specified building platforms and the separation between each platform aids in maintaining the openness of the rural/coastal environment along with the setback distance from the road. Each cluster is separated by areas of regenerating native vegetation. Any future building will need to comply with the land use rules in the District Plan which refer to building height, materials used and colour.

13.3.7 Objective CE3 – Public Access & Enjoyment

To facilitate public access to, and enjoyment of, the Wairarapa's coast and its margins in a manner that protects its natural character.

The Tora Marginal Strip (S28008) along the foreshore of the subject site connects with the existing Tora Recreation Reserve just to the north of the development proposal.

13.3.8 CE3 Policies

- (a) **Recognise and provide for existing recreational activities on the coast and its margins that do not cause detrimental effects to the coastal environment.**

This proposal will not impact on the existing Tora Recreational Reserve and Marginal Strip.

- (b) **Ensure use, subdivision and development of the coastal environment provides for, or enhances, public access to and along the coast. Access should only be restricted for the following reasons:**
- i. **To protect natural habitats;**
 - ii. **To protect historic heritage features and areas; or**
 - iii. **To protect public health and safety.**

As mentioned above there are is an existing Recreational Reserve and Marginal Strip providing the public with access to and along the coast. Because of the reasonable closeness of this reserve to the subject site and because of the special features of the property including cultural heritage and natural habitats there is no proposal to provide further public access.

Within the site itself each lot will have walking access to the coast via two walkway easements of 1.5metre width; one opposite the northern cluster and the other opposite the southern cluster. Beyond the third cluster the road is only a paper road and there is an existing right of way providing access to land to the south of the subject site.



8.7.2 Plan Anticipated Environmental Outcomes

13.4 Anticipated Environmental Outcomes

- (a) **A pattern of settlement and development in the coastal environment that does not adversely affect natural, cultural or historic heritage values, and is able to be serviced efficiently, and does not result in sporadic, sprawling or ribbon development.**

The clustered design approach to this proposal has followed the Wairarapa Coastal Strategy – Caring for our Coast document and incorporated mechanisms to maintain and protect the natural, cultural and historic heritage values of the site. If the site was developed under the district plan rule of 4ha lots it could then be classified as ribbon development and would not have taken into account the special qualities that the site has.

- (b) **Commercial and residential development generally confined to existing settlements where the natural character values have already been compromised.**

The proposal maintains and protects the existing natural character values. There is existing residential development within the Tora settlement.

- (c) **The natural character of the Wairarapa's coastal environment is preserved or enhanced, and is protected from inappropriate use, subdivision and development.**

The natural character of the site is both preserved and enhanced through this subdivision proposal. There will be covenants to protect the cultural and archaeological sites and regenerating native vegetation and the creation of Lots 14 and 15 (held together on one title) to incorporate the RAP. The residential lots are to be clustered into three groups, each lot is a minimum area of 3000m² and there is at least 40metres between each building platform to maintain the open space character.

- (d) **Public access to and from the coastal environment is maintained or enhanced, except where it would compromise other values in the coastal environment such as natural habitats, historic heritage, or increase risks associated with natural hazards, and public health and safety.**

The existing public access adjacent to the site is maintained.

- (e) **Subdivision and development occurs where there is no further exacerbation of significant risks from natural hazards, and where appropriate measures are taken to avoid or mitigate life and property from the risks of being adversely affected by natural hazards.**

There will be no further exacerbation of significant risks from natural hazards arising from this development. Please refer to the Natural Hazards Section located 8.8.



8.7.3 Plan Rules and Assessment Criteria

22.1.18 Coastal Environment

- (i) The actual and potential effects of the location, type and density of subdivision and development on coastal amenity, landscape, open space, heritage values, ecological values, riparian management, foreshore management, and the natural character of the rural and coastal environment.

These aspects have been discussed in greater detail under the appropriate headings through this application and the supporting technical reports such as Hudson Associates – Landscape Assessment, Christine Barnett – Archaeological Appraisal and DOC.

- (ii) Whether the subdivision/development introduces built structures to the coastal environment, and their effects on the open coastal vistas from public viewpoints, in particular where public roads are in close proximity to the coastal margin.

The subdivision proposal will, over time, introduce 13 residential dwellings with their associated structures. All developable lots are situated on the landward side of Tora Settlement Road and will not impact on open coastal vistas.

- (iii) The cumulative effects of subdivision and development on the coastal environment and the provision of infrastructure and services.

There will be no cumulative effects on infrastructure as none is available to the subdivision, and each lot will be self sufficient in terms of storm water and effluent disposal and water supply and storage.

There are recent subdivisions to the north of the subject site at Te Awaiti and Manurewa Point; Tora itself has existing residential dwellings, the Cosmopolitan Club and a crayfish operation. Introducing 13 residential dwellings in three clusters in a staged manner will not have adverse cumulative impacts on the coastal area.

- (iv) The risks from natural hazards.

All developable lots are above the 10metre contour line; please refer to the Natural Hazards Section 8.8 and Mr Perrin's (GNS) assessment located in Appendix 5

- (v) The extent to which public access is maintained and enhanced to the coast, including the provision of esplanade reserves.

There is an existing reserve north and adjacent to the subject site. There is also an existing Marginal Strip along the foreshore of the site.

- (vi) The extent to which the subdivision and development protects historic heritage, archaeological sites and waahi tapu sites.

The comprehensive design approach to the proposal has avoided known sites and incorporated them into covenanted areas. Please refer to Christine Barnett's Archaeological Assessment and the Ngati Kahungunu CIA in Appendices 4 and 3 respectively.



- (vii) Whether the area is known for its importance as a food gathering or mahinga mataitai and/or mataitai area, and the development's effects on these areas.

The Wairarapa coast and indeed Tora itself is an important food gathering place for tangata whenua. This proposal will not alter any potential future designation as a mataatai fishing reserve under the customary fishing regulations.

- (viii) The extent to which a proposal on the landward side of MHWS will affect the coastal marine area.

The developable lots are located approximately 200metres from the MHWS and are anticipated to have no affect on the coastal marine area.

- (ix) The extent to which the subdivision and development is consistent with the 'Caring for our Coast' Guidelines and any applicable Management/Structure Plan.

The proposal is consistent the Caring for our Coast Guidelines and has been designed to achieve the low impact development approach. Key aspects to the proposal include: clustering the residential lots, creating a separate certificate of title for the RAP, covenanting areas of regenerating vegetation and areas of archaeological and cultural significance, maintaining open space, including building height, colour and cladding restrictions.

There is no applicable Management Plan or Structure Plan for the area.

8.7.4 Mitigation

Mitigation measures include:

- Following the Wairarapa Coastal Strategy – Caring for our Coast guidelines for the design of the development
- Clustering the 13 residential lots into 3 groups on the landward side of the road approximately 200 metres from the foreshore and above the 10 metre contour line
- The residential lots are relatively large
- Providing good separation distances between each residential lot
- Protecting areas of natural, cultural and historic significance
- Avoiding areas of potential natural hazard

8.7.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the coastal section of the District Plan.



8.8 Natural Hazards

A natural hazard is the result of natural processes that shape, form and alter the environment and potentially conflict with human activities. The Wairarapa is subject to a range of natural hazards, and in some areas these can pose significant risks where property is particularly vulnerable to their effects. These effects are primarily:

- Flooding and river erosion
- Earthquakes
- Coastal erosion and inundation (storm surges, tsunami)
- Hill country erosion (slips, slumps and runoff)

Under the RMA both regional and territorial authorities have responsibilities for controlling land use to avoid, remedy and mitigate the risks from natural hazards. The Regional Policy Statement sets out the different roles and responsibilities in relation to natural hazards. It requires territorial authorities to be responsible for controlling land use, except land within the coastal marine area and the beds of lakes and rivers.

Principles for the management of coastal hazards and policies which must be given effect to are set out in the New Zealand Coastal Policy Statement.

The principal role of the District Plan is to identify where the risks are most significant, and to manage subdivision, development and activities within these areas to both avoid the exacerbation of such risks, and to reduce the risks as appropriate.

8.8.1 Plan Objectives and Policies



14.3.1 Objective NH1 – Areas at Significant Risk from Natural Hazards

To manage activities and development within areas at significant risk from natural hazards, to avoid, remedy or mitigate the adverse effects of those hazards.

14.3.2 NH1 Policies

- (a) Identify areas at significant risk from the effects of natural hazards, and update as new information becomes available.
- (b) Control the location and design of land use and subdivision in identified areas of significant risks from natural hazards to avoid remedy or mitigate adverse effects, with the controls appropriate to the level of risks.
- (c) Manage the type, location and design of new activities and development to avoid, remedy or mitigate the adverse effects of natural hazards to prevent unnecessarily exacerbating the risks to life, property and the environment from the effects of natural hazards.
- (d) Avoid as practicable the siting of new 'lifeline' infrastructure and services within areas of significant risks from natural hazards.

GNS (Mr Nick Perrin) has identified areas that are suitable for development and areas of natural hazard risk specific to the subject property. Please refer to Appendix 5 for the full report and additional commentary.

Greater Wellington Regional Council has been involved with the proposal both in terms of various discussions and a site visit with Lucy Harper and Dave Cameron. They have also considered Mr Perrin's assessment¹⁶.

In order to avoid areas for residential purpose of identified natural hazard risk, because of debris flow/flooding and tsunami/storm surge risk, the hazard areas have been included into the covenanted areas located between the three clusters.

The middle cluster has been identified by Mr Perrin as possibly requiring further foundation assessment. Mr Hewison (Eastern Consulting) on his site visit dug test pits in the location of the building sites for this cluster (and indeed all three clusters). Mr Hewison is of the opinion that floor level and actual soil bearing capacity should be determined for each lot at building consent stage¹⁷

Other areas not suitable for residential development include Lots 14 and 15 (the RAP) and Lot 16 (to be amalgamated with the adjacent Tyer parcel) there is no proposal to develop these lots in residential sense.

Mr Perrin's confirmed, after viewing the scheme plan that the building sites are within areas where risk of landslide, flood and debris flow is low or can be mitigated against.¹⁸

¹⁶ Please refer to Greater Wellington Regional Council email in Appendix 5

¹⁷ Eastern Consulting M Hewison 2011 Appendix 2

¹⁸ N Perrin Email correspondence 30 November 2011 Appendix 5



- (f) **Ensure that where development occurs within areas of significant risks from natural hazards, property owners and/or occupiers are appropriately informed of the risk.**

There are no significant risks where residential development is proposed. Please refer to GNS correspondence in Appendix 5

- (h) **Ensure a precautionary approach is taken in relation to planning for and adapting to the effects of natural hazards caused by long term shifts in climate and the possibility of sea level rise on both the natural environment and existing and future development.**

The design approach for this proposal has taken a precautionary approach by ensuring all residential lots are above the 10 metre contour line, elevated above the road and approximately 200 metres from the foreshore.

- (j) **The ability of natural features such as beaches, sand dunes, wetlands and barrier islands, to protect subdivision, use or development should be recognised and maintained, and where appropriate, steps should be required to enhance that ability.**

Please refer to the comments above.

8.8.2 Plan Anticipated Environmental Outcomes

14.4 Anticipated Environmental Outcomes

- (a) **The avoidance of further development in areas at significant risk from natural hazards where the hazards cannot be effectively mitigated.**
- (b) **Reduced effects from natural hazards, where possible, to minimise damage to property, land and life in areas subject to the natural hazards.**
- (c) **Activities or structures that do not create, accelerate, displace, or increase the effects of a natural hazard.**

The proposed residential lots are located outside areas that have been identified as being a potential natural hazard risk. The risks assessed by GNS are the risk of landslide, flood and debris flow and tsunami.

Areas that have been identified as being a potential risk have been either incorporated into covenanted areas or excluded from built development and continued to be farmed. Please refer to Appendix 5 for further information.

8.8.3 Plan Rules and Assessment Criteria

22.1.1 Subdivision

- (a) **General Assessment Criteria**



Hazards

- (xxii) The risk where land is subject to flooding or inundation, erosion, landslip or subsidence, or is within an identified natural hazard high-risk area.

The risk has been assessed by GNS (Mr Nick Perrin) as being low enough to be acceptable to allow development of these proposed sites.

- (xxiv) The risk of fire, and whether mitigation measures will effectively mitigate this risk.

Fire out at Tora is a real risk because of the distance from assistance. This is the main reason why grazing of Lot 13 will continue and be incorporated into the covenant details for this lot. Each residential lot will be required to have 30,000 litres of water storage. Fencing of each individual residential lot will be at the discretion of the future owner. Some may choose not to fence the entire section and rely on the grazing animals of Lot 13 to keep the grass under control where as others may fence the entire lot and maintain the grass themselves.

22.1.11 Flood Hazard Area

- (i) Changes to flood risk resulting from climate change, particularly, adopting the precautionary approach for the frequency and intensity of events.

“Each cluster is located away from the potentially more active areas where streams exit the coastal hills.....Catchment condition (degree of vegetation cover) is improving all the time and will lessen the impact of localised storm events, both in terms of flood flow peaks and debris movement.....Overall....the risk of course change of the two major streams is low.”¹⁹

- (ii) The nature of the activity, its intended uses, including whether the use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.

As previously mentioned the proposal includes 13 residential coastal lots with the balance of the area continued to be farmed and one title which includes the RAP. While the use is permanent, actual time spent in residence is likely to be less than permanent. All residential lots are sited in areas deemed to be of low risk.

8.8.4 Mitigation

Areas that have been identified as being a potential natural hazard risk of landslide, flood and debris flow have been either incorporated into covenanted areas or excluded from built development and continued to be farmed. Please refer to Appendix 5 for further information.

8.8.5 Comment

¹⁹ Greater Wellington Regional Council Email David Cameron 12 December 2011 Appendix 6



The proposal to subdivide the subject site to include 13 residential dwellings is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the natural hazard section of the District Plan.

8.9 General Amenity

“Amenity values” refers to those environmental characteristics of an area that contribute to the pleasantness and attractiveness of that area as a place to live, work or visit. Inherently, amenity values are subjective in nature, although there are qualities that are commonly accepted and shared by most people.

Many factors contribute to the perception of an area’s amenity values. These values derive from a range of environmental characteristics, including the built form, as well as from the absence of buildings – open space, planting, and the naturalness of an area.

In general, the combined amenity values of an area go towards defining the character of that area. Thus, amenity values within the Wairarapa vary from location to location, and largely depend upon the perceived character of each area.

The environmental effects of incompatible activities can compromise the characteristic amenity values of a locality, particularly where activities are in close proximity.

Land uses can produce noise, odour, dust, smoke, smell, light spill, traffic, appearance, shading and various pollutions. All of which have the potential to adversely affect the amenity values of the surrounding environment.

Inappropriate development, including the bulk, site, and design of buildings, can compromise amenity values of a locality, especially through effects on access, vehicular, pedestrian and personal safety, daylight, outlook and privacy.

When these elements or issues are then subjectively assessed by different individuals or interest groups, issues potentially become the subject of conflict due to differing opinions.

8.9.1 Plan Objectives and Policies



19.3.1 Objective GAV1 – General Amenity Values

To maintain and enhance those general amenity values which make the Wairarapa a pleasant place in which to live and work, or visit.

The amenity of Tora is based upon rural and coastal dependant activities inclusive of residential dwellings. Existing dwellings are both clustered and with larger separations between. The vast coastal landscape and extensive 'natural' areas and related processes that occur within the area include sights, movements, smells and noise created by these processes.

The perception of isolation is also a significant contributing factor. The considerable stretch of metalled road which provides access to the area is a large part of this isolation perception. The sparser residential development compared to settlement areas such as Castlepoint and Riversdale are also a factor in the isolation perception of the area.

Residents also value the presence of neighbouring residents in the Tora area. As a smaller community there is significance placed on having people living in reasonable vicinity. This may have several contexts such as having social importance via interaction, and also reassurance that in an emergency or serious incident that there is help available nearby.

The proposal will alter the land use and visual appearance of the site, but it is suggested that the amenity of the area will not be adversely affected. This is primarily based upon the fact that the amenity of the area is largely influenced by large scale processes and elements that will continue independent of what occurs on the application site. These are namely coastal process, farming and commercial fishing.

It is acknowledged that the current land use will change by the introduction, over time, of 13 residential dwellings. However this does not mean that the effects associated with changes will be inherently negative.

In many instances landscaped areas can offer a higher quality of visual effect and value than open paddocks. Careful landscaping of the proposed lots of specific species by future lot owners in conjunction with building height, colour and cladding restriction can contribute to the existing amenity on the site and in the general surrounding area.

The natural amenity of the subject site is an important consideration; this includes the wetland and regenerating native vegetation areas. These characteristics are to be protected through this proposal by way of individual certificate of title creation and covenanting so that these attributes will continue to contribute to the natural amenity of the area for perpetuity.

8.9.2 Plan Anticipated Environmental Outcomes



19.4 Anticipated Environmental Outcomes

- (a) The maintenance of amenity values appropriate to the surrounding environment.

As discussed above the amenity of the area will be maintained. The introduction of residential dwellings and the retention of the larger scale farming and coastal activities will not be contrary to the existing amenity. The natural amenity of the subject site will be formally protected through covenants.

- (b) Minimised conflict over amenity between established uses and temporary activities.

The design approach to this proposal has located developable lots in clusters. The building platforms for each are specified and separated from each other by at least 40 metres and 30 metres from the road in order to minimise any potential conflict between each lot but also from the existing surrounding rural practices.

8.9.3 Plan Rules and Assessment Criteria

22.1.1 Subdivision

- (a) General Assessment Criteria

Amenity

- (i) The extent to which the area's amenity values and character are protected and/or enhanced.

The established use of the subject site is dry stock farming and cropping. Proposed Lot 16 will continue with these activities. Lot 13 will be grazed although not intensely because of the risk of fire. This lot will also have covenants over the areas identified for cultural, archaeological, regenerating vegetation and potential natural hazard areas. The residential lot sizes are large enough to allow for buffers between existing farming practices and residential dwellings.

- (ii) The ability to avoid, remedy or mitigate reverse sensitivity effects where specific site characteristics and the nature of adjoining or nearby land uses are likely to generate the potential for complaints about adjoining land based primary production activities, or other lawfully established activities.

The three clusters are located within a working farming unit. Each lot is of ample size to create a buffer from these activities by fencing the boundaries if future lot owners deem this necessary. It is noted however that the farm activities are not intense and the grazing regime is necessary because of the fire risk.

8.9.4 Mitigation



Mitigation measures include:

- Retaining existing rural primary production activities for large areas
- Placing a 221 consent notice upon lots 1-12 regarding reverse sensitivity issues
- Three clusters containing a total of 13 residential lots to be developed in a staged manner
- Residential lot sizes are considered to be large and will be self sufficient
- Building height, colour and cladding restrictions
- Protection of natural areas and cultural and archaeological areas
- Distance from the foreshore

8.9.5 Comment

The proposal to subdivide the subject site to include 13 residential dwellings is considered to be generally consistent to the objectives, policies, environmental outcomes, rules and assessment criteria for the amenity section of the District Plan.



9. SUGGESTED CONDITIONS OF CONSENT

The suggested conditions following have not been separated into the three stages of development rather they are relative to the development as a whole.

Archaeological and Cultural Protection

1. Known archaeological sites shall be indicated on the survey plan to the satisfaction of the Council's Planner.
2. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 13, 14 and 15 at no cost to the Council:

Lots 13, 14 and 15 contain a recorded archaeological site (NZAA refs). Work affecting known and unknown archaeological sites is subject to an authority process under the Historic Places Act 1993 and the owner is advised to contact the New Zealand Historic Places Trust (NZHPT) for further advice. If any activity or development, such as but not limited to earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the NZHPT must be obtained for the work prior to commencement.

3. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 1-12 at no cost to the Council:

Lots 1-12 may contain unknown archaeological sites. Work affecting known and unknown archaeological sites is subject to an authority process under the Historic Places Act 1993 and the owner is advised to contact the New Zealand Historic Places Trust (NZHPT) for further advice. If any activity or development, such as but not limited to earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the NZHPT must be obtained for the work prior to commencement.

Covenants

4. Lots 14 and 15 (held on one title) will have a protective covenant placed on it for the wetland area
5. Lot 13 will have a protective covenant placed on it for the following reasons: natural hazard risk areas, regenerating native vegetation areas, archaeological and cultural sites and grazing regime.



Landscaping

6. That pursuant to Section 221 of the RMA, the following condition secured by way of a Consent Notice registered on the Titles of Lots 1-13 at no cost to the Council:

The landscaping shall be of native species tolerant to this Wairarapa coastal environment. The Caring for our Coast booklet produced by the Wairarapa Coastal Strategy should be referenced for appropriate species.

Engineering - Connections

7. That electricity services be installed to the boundary of lots 1-13. These service lines are to be located underground unless the relevant supply authorities determine otherwise.
8. That telephone reticulation with sufficient capacity be provided to or adjacent to the boundary of lots 1-13. If reticulation is not available from the existing network, new lines are to be extended to the lots and located underground, unless the relevant supply authorities determine otherwise.

Engineering – Design/Approvals

9. That the consent holder obtains written approval of engineering designs, plans, and specifications of all the engineering works from Council's Manager Works and Services prior to doing any construction work.
10. That the consent holder engages their surveyor or a professional engineer to supervise all the engineering works, and to provide as-built-plans in accordance with Schedule 1D of NZS4404:2010 (electronic and two hard copies) on completion of the work.

Engineering – Roading/Access/Entranceways

11. The formed section of Tora Farm Settlement Road from the gate on the northern boundary to the location of the southern walkway shall be constructed by the applicant at the applicant's expense in accordance with the as-built-plans approved by Council (refer condition above)
12. That during construction of the road carriageway, the consent holder shall take all practicable steps to ensure that all stormwater run-off from the site is treated so that sediment is retained on the site and the discharge does not cause adverse effects on surrounding properties and waterways.
13. That new entranceways and right of ways to lots 1-13 be formed at the consent holder's expense and in compliance with the Wairarapa Combined District Plan Appendix 5 – Requirements for Roads, Access, Parking and Loading to the satisfaction of Council's Manager Works and Services. Plans for this work, including stormwater drainage, are



to be approved in writing by Council's Manager Works and Services prior to any work being undertaken.

Engineering - Foundations

14. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 1-13 at no cost to the Council:

At the time of application for Building Consent on Lots 1-13, site specific investigations shall be undertaken at each identified building site within the subdivision. On the basis of the investigations, a Chartered Professional Engineer shall confirm that the foundation conditions are appropriate for the proposed structures and shall provide specific design ensuring that the foundations including substructure (below floor level) for all the buildings conform to the requirements of NZ Building Code.

Engineering - Stormwater

15. That stormwater from buildings that is not used for water supply purposes be disposed of within the respective lots. Stormwater disposal shall be by properly designed soak pits or other methods to the satisfaction of Council's Manager Works and Services.

Engineering – Rural Water and Wastewater

16. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 1-13 at no cost to the Council:

Dwellings must have at least 45,000 litres of potable water storage, and the location of the tanks, connections and fittings shall be in accordance with the Code of Practice for Fire Fighting Water Supplies. SNZ PAS 4905:2008.

Water tanks are to be shown on the building consent application for any dwelling.

17. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 1-13 at no cost to the Council:

A full on-site wastewater disposal, suitable disposal site identification, site evaluation, site assessment and subsoil investigation must be completed for this lot by a Chartered Professional Engineer in accordance with AS/NZS 1547:2000 On-site Domestic Wastewater management and to the approval of Council's Manager Works and Services for any proposed wastewater treatment system at the time of application for a building consent.



Easements

18. That right-of-way easements for walking access to the foreshore over those parts of Lot 16 lettered () appurtenant to Lots 1-13 be shown in a Memorandum/schedule of Easements endorsed on the survey plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum/schedule hereon."
19. That right-of-way easements for the existing right of way easement of those parts of Lot 13 appurtenant to Lots 1-12, 14 and 15 be shown in a Memorandum/schedule of Easements endorsed on the survey plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum/schedule hereon".²⁰

Amalgamation Condition

20. Lots 14 and 15 shall be amalgamated and held on the on Certificate of Title.
21. Lots 16 and Pt Lot 4 DP 69774 (WN/518) are to be held in the same Certificate of Title

Financial Contributions

22. That the following financial contributions are paid:

- Reserve fund contribution of 2.0% plus GST of the market value of Lots 1-13 assessed by independent valuation
- Roading contribution of 3.0% plus GST of the market value of Lots 1-13 assessed by independent valuation.

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

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

Tsunami Risk

23. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 1 and 3 at no cost to the Council:

Coastal properties are at risk from tsunami. Information of tsunami warning and evacuation can be obtained from South Wairarapa District Council.

²⁰ Please note that this supersedes the comment in the Landscape Assessment on page 15 referring to only lots 13, 14 and 15 gaining right of way.



Reverse Sensitivity

24. That pursuant to Section 221 of the RMA 1991, the following condition shall be secured by way of a Consent Notice registered on the Titles of Lots 1-12 at no cost to the Council:

This lot is located within a Rural Area. Any purchaser of this allotment should expect the noise, smell and activities associated with a working rural environment.

Notes:

- a) There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage, or destroy any archaeological sites, an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.
- b) Please note that only one dwelling per certificate of title is permitted in the Coastal Environment Management Area
- c) A Permitted Dwelling in the Coastal Environment Management Area must meet the standards in Rule 21.1.17 of the Wairarapa Combined District Plan, including;

No part of any structure shall exceed 7 metres in height above natural ground level;

All buildings shall use as exterior materials:

- *Natural stone; or*
- *Natural timber provided any stains and protectants used do not contain colorants to change the natural colour of the timber (for example, to green or red); or*
- *Another material painted or finished in visually muted, recessive colours, from British Standard 5252 A01 to C40 inclusive, with a reflective value of 60% or less.*



10. CONSULTATION AND NOTIFICATION

Several persons/organisations have been identified as being potentially affected or have an inherent interest in this proposal.

Because of the length of time involved in this application, and the previous proposals, there appears to be widespread knowledge of the subdivision potential for this property.

The following have been specifically consulted with and their issues/discussions have been interspersed throughout the application where appropriate.

Name	Address	Interest
Greater Wellington Regional Council	P O Box 41 Masterton	Statutory Body
Department of Conservation	South Road Masterton	Statutory Body
South Wairarapa District Council	19 Kitchener Street Martinborough	Statutory Body
South Wairarapa District Council – Maori Standing Committee	19 Kitchener Street Martinborough	Statutory Body
Rangitaane O Wairarapa	P O Box 354 Masterton 5840	Iwi Authority
Ngati Kahungunu Ki Wairarapa	P O Box 132 Masterton 5840	Iwi Authority

The following persons are aware of the proposal and have been notified by sending out an information leaflet and submission form prior to lodging this consent – a copy of the information leaflet is located in Appendix 9.

New Zealand Historic Places Trust	P O Box 2629	Statutory Body
Alister and Leigh Brown	P O Box 6091 Te Aro Wellington	Nearby land owner
Bob, Alistair and Jenny Boyne	Tora R D 2 Martinborough 5782	Nearby land owner
Campbell and Janice Edwards	Tora Farm Settlement Road R D 2 Martinborough 5782	Nearby land owner
Mike and Debbie Doyle	'Langsam' Tora R D 2 Martinborough 5782	Nearby land owner



Tony and Lynne Hanks	9 Hollaway Road Aro Valley Wellington 6021	Nearby land owner
Ben Lutyens	White Rock Road Martinborough 5782	Adjacent land owner
Neville and Diane Baldwin	118 Oxford Street Ashhurst 4810	Nearby land owner
Sally Brown	Apt 7/79 Manner Street Wellington City	Adjacent land owner
Ronnie and Jenny Harley	8 Greenaway Place Martinborough 5711	Nearby land owner
The President	Upper Hutt Cosmopolitan Club 11 Lagon Street Upper Hutt 5018	Nearby land owner
Dave McKee	Tora Farm Settlement Road Martinborough 5782	Nearby land owner
D R Tyer and F D Findlayson	Little Oroi R D 2 Martinborough 5782	Adjacent land owner
SPV Bargh and CH Thorenaar	Kahutara R D 2 Featherston 5772	Adjacent land owner
Neil and Lea Bramley	Tora R D 2 Martinborough 5782	Nearby land owner
Dan Riddiford	50 Garden Road Northland Wellington 6012	Nearby land owner
Hiwirikiriki Trust	Te Awaiti R D 2 Martinborough 5782	Nearby land owner
Rabs Island Limited	13 Daniel Street Martinborough	Nearby land owner



11. CONCLUSION

In conclusion this application has demonstrated that the proposal to subdivide the Tyer property is generally consistent with the RMA and is not contrary to the objectives, policies and other relevant District Plan provisions.

The design and the implementation of the development, in accordance with agreed conditions, will ensure that any adverse effects are no more than minor and the thresholds for granting a non-complying activity are met and the consent application can and should be granted.

Below is a summary of the key aspects and considerations of the proposal:

- Subdivision, and the residential use that follows, has a number of positive social and economic effects. The provision of dwellings on separate titles is a significant way in which the health and well-being of people and communities is provided for.
- In this respect subdivision at Tora capitalises on the attributes of the area to provide an ideal setting for those people who choose a recreational lifestyle where fishing, boating and access to the beach is a significant component.
- The development has been comprehensively planned and designed using specific key planning tools such as the Wairarapa Coastal Strategy – Caring for our Coast and other relevant planning tools.
- The inclusive nature of the development of this proposal has allowed the vital input from key stakeholders to shape and massage the proposal so that it avoids, remedies or mitigates actual or potential effects.
- The clustered approach to lot placement recognises and protects special areas and attributes of the property for example sites significant to mana whenua and regenerating vegetation.
- The specified building platforms for developable lots are located so that they maintain privacy and open space from each other and sit into the natural landscape.
- The proposal creates a conservation lot of 17.9ha which incorporates a significant coastal wetland that has previously been identified in the District Plan as a recommended area for protection (RAP) and therefore providing formal future protection.
- This development provides opportunities for people to gain benefit from the special qualities that the coastal environment of Tora has to offer.



- The additional properties and therefore people with long term interests in Tora can contribute to increased supervision of activities and ensure, as far as practical, that coastal resources and the special qualities of Tora are protected.



12.APPENDIX

- 1 Landscape Assessment – Hudson Associates
Landscape Architects**
- 2 Land Suitability Assessment – Eastern
Consulting Ltd**
- 3 Cultural Impact Report – Ngati Kahungunu ki
Wairarapa**
- 4 Archaeological Assessment (2) – Christine
Barnett and Dr Foss Leach**
- 5 Natural Hazard Assessment – Geological and
Nuclear Sciences Ltd**
- 6 Greater Wellington Regional Council
correspondence**
- 7 Department of Conservation correspondence**
- 8 Examples of past development proposals**
- 9 Copy of information leaflet sent to neighbours
and NZHPT**
- 10 Copy of information leaflet presented at the
South Wairarapa District Council Maori Standing
Committee**
- 11 Power Design information**
- 12 Certificate of Title**