

**REPORT PREPARED UNDER S42 OF THE RESOURCE MANAGEMENT ACT 1991****FOR HEARING FOR A TWO LOT RURAL SUBDIVISION AT 373 MAUDE ROAD**

Consent Application:	SUB22/48271 and LUC24/48416
Applicant:	Gary and Catherine Broadmore
Site Address:	373 Maude Road
Legal Description:	Lot 1 DP 521015 and Lot 2 DP 563612
Site Area:	6.9 ha (Lot 1 DP 521015 – 5.63 ha and Lot 2 DP 563612 1.28 ha)
District Plan Overlays:	Operative District Plan: N/A Proposed District Plan: Waterbody – Mangakotukutuku Stream
District Plan Environment Area:	Operative District Plan: Rural Environment Area Proposed District Plan: Rural Production Zone
Activity Status:	Operative District Plan: Discretionary Activity Proposed District Plan: Non-complying Activity Discretionary Activity status of the Operative District Plan held under s88 of the RMA
Date application received:	SUB22/48271 – 28 October 2022 LUC24/48416 – 2 February 2024
Further information requested:	SUB22/48271 – 20 December 2022 LUC24/48416 – 9 February 2024
Further information received:	13 March 2024
Submission Received	One in opposition by the owners/occupiers of 335 Maude Road

INTRODUCTION

1. 373 Maude Road is an existing rural property containing a single dwelling with associated garage, sheds and areas used for grazing animals. The applicant is proposing to subdivide the site into two lots. A subdivision consent is required under the Operative District Plan (ODP) and the Proposed District Plan (PDP) and a land use consent is required under the PDP for earthworks. The application has Discretionary Activity status under s88 of the RMA.

PURPOSE OF THIS REPORT

2. This Hearing Report has been prepared to assist the Independent Commissioner in the consideration of Gary and Catherine Broadmore's (the applicant) resource consent application, subject to Section 42A of the Resource Management Act 1991 ("the Act"). This report is to provide a recommendation as to whether resource consent should be granted or declined and if granted what conditions it should be subject to. It is not a decision, and the recommendation should not read as though it is.

STATEMENT OF EXPERIENCE

3. My name is Anna Johnston. I have been employed by the New Plymouth District Council since March 2020 as a Senior Planner in the Resource Consents Team. My qualifications are a Bachelor's degree in Science majoring in Physical Geography from Otago University and a Postgraduate Certificate in Planning from Massey University. I am an Associate Member of the New Zealand Planning Institute. I have had approximately 9 years of experience as a planner - 6 years as a Consents Planner at the Taranaki Regional Council before moving to my role at NPDC.
4. My experience has largely been focussed around the preparation and processing of discharge and water permits, land use consents and subdivision consent applications including rural subdivisions and associated land use consent development, specifically within the New Plymouth District.

OTHER REPORTS AND REVIEWS RELIED UPON

5. The following reports and communication have been used to inform the discussions and conclusions within my report.
 - The Applicant's final Assessment of Environmental Effects (AEE) dated 2/04/2024 including all supporting appendices;
 - Blue Marble – Landscape Memo and Addendum Dated July 2023 and February 2024
 - Verbal and e-mail commentary from Council's Development Engineer Mr Rehan Ravi regarding vehicle access, earthworks and stormwater servicing;
 - Engineering report undertaken by oneelevensix dated 31 January 2024
 - The Applicants Section 92 (further information) responses.

SITE AND SURROUNDING AREA DESCRIPTION

6. The subject site is made up of two lots (Lot 1 DP 521015 and Lot 2 DP 563612) held together in one record of title (RT 1002193). The site is 6.9 ha in size and is shown in yellow in Figure 1 below.
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Figure 1: Site and surrounding environment

7. The site has an irregular shape and is located at 373 Maude Road, just north of the junction of Maude Road and Kent Road and 2km from the Te Papakura o Taranaki.
8. The site is undulating but generally falls towards the north and east toward the Mangakotukutuku Stream. The riparian margins of the Mangakotukutuku Stream make up the eastern boundary of most of the site but the stream itself is located wholly within the neighbouring site. Most of the site boundaries are lined with hedges and rural style fences.
9. Within the site there is one existing dwelling with a detached garage which is accessed by a sealed driveway. The site is made up of land use capability classification 4 and 5 land and is grazed by cattle. There is a large manmade pond on the site.
10. The site is subject to an existing right to convey electricity and water (EC 450756.2) in favour of Lot 1 DP 19933. There is a section 241 (2) memorial which relates to an amalgamation condition at the time of DP 563612 to create the current title. There is a consent notices (11105784.4) which applies to Lot 2 DP 563612 related to location and number of dwellings, driveway materials and entrance features (however a dwelling cannot be established as a permitted activity due to the current amalgamation).
11. From a cultural context, the site is subject to Statutory Acknowledgment (Mangakotukutuku Stream) but is not identified to contain any mapped sites of significance to Maori (SASMs) under either the ODP or PDP.

12. Maude Road at the location of the site is undulating and has a posted speed limit of 100 km/hr.
13. To the north and east of the site there are 2 smaller rural lifestyle allotments which range in size from 1 ha to 2 ha, to the west and south the site adjoins large rural allotments and to the west the site adjoins Maude Road and 335 Maude Road.
14. 335 Maude Road is a rural lifestyle allotment of approximately 2ha in area. It contains a dwelling and a number of other buildings, one of which is a former hearing bone shed which has been converted into a business 'Blue Petal' which is run from the site.
15. Site visits have been undertaken by myself on 2 March 2023 and 15 April 2024.

CONSENT HISTORY

16. The title prior to 1999 was RT TNK4/940 for Lot 2 DP 19933 (47.4 ha) as shown in Figure 2 below. In 2008 a portion of road was stopped and added to the title which became RT 436618.
17. In 2010 the land was subdivided into two lots (SUB09/44929) lot 1 DP 422055 being 5.8 ha and the balance Lot 2 DP 422055 being 41.7 ha.
18. In 2019 adjoining land was subdivided (SUB17/46804) and a minor boundary adjustment was undertaken with Lot 1 DP 422055 creating a 5.6 ha lot.
19. A further boundary adjustment of adjoining land (SUB21/47808) was undertaken in 2021 which resulted in the creation of Lot 2 DP 563612 which is now amalgamated with Lot 1 DP 521015 to create the subject title (RT 1002193 of 6.9 ha).
20. Therefore, one lot (being the subject site) has been created from the parent title since 1999. The parent title is still owned by the applicants (Broadmore Farms Limited).



Figure 2: Parent title that existed at in 1999 (in yellow).

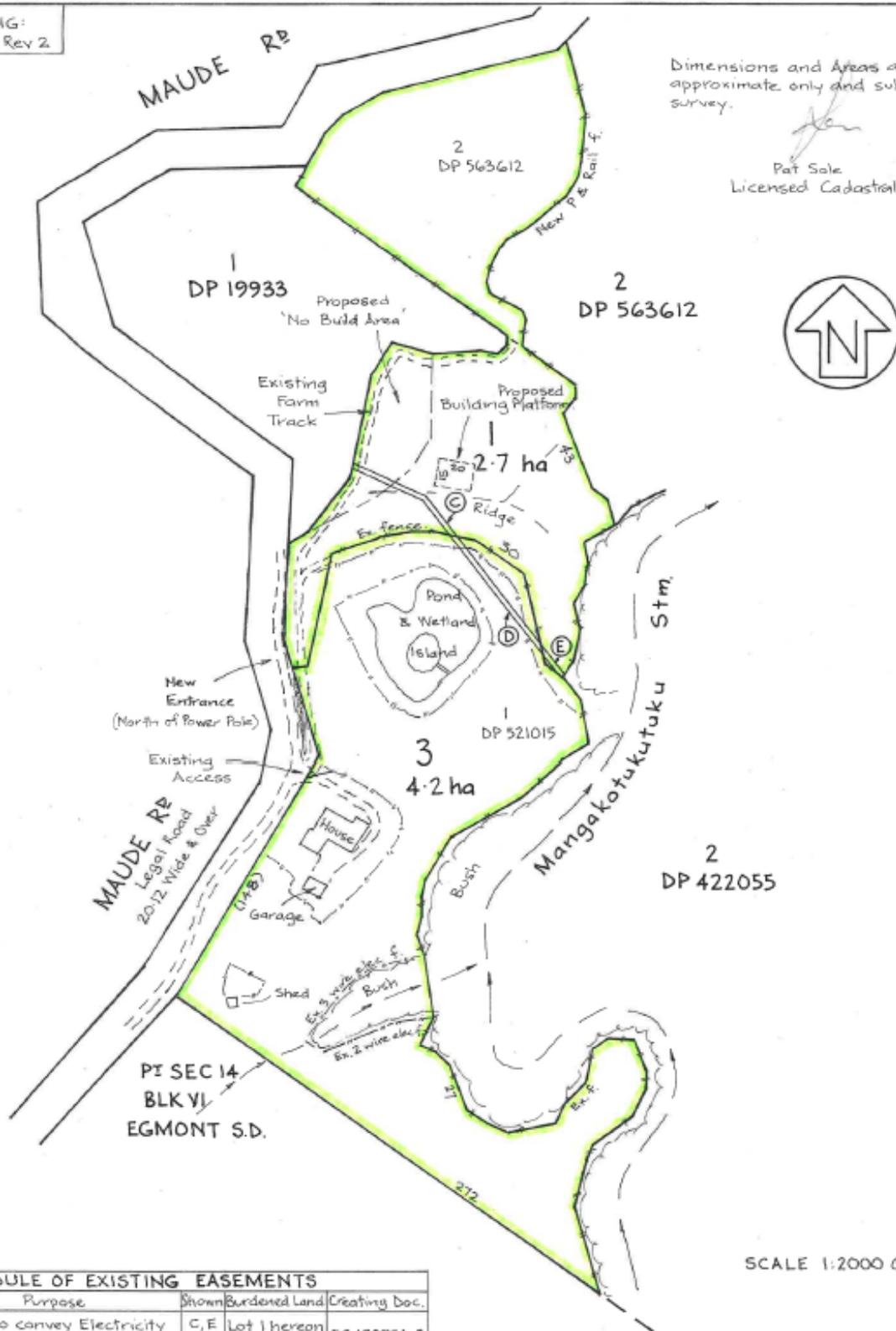
PROPOSAL

21. The applicant proposes to undertake a two-lot rural subdivision of the site, being both Lot 1 DP 521015 and Lot 2 DP 563612. This is shown in the scheme plan in Figure 3 below.

DRAWING:
2021/17 Rev 2

Dimensions and Areas are approximate only and subject to survey.

Pat Sole
Licensed Cadastral Surveyor



SCHEDULE OF EXISTING EASEMENTS			
Purpose	Shown	Burdened Land	Creating Doc.
Right to convey Electricity and Water	C, E	Lot 1 hereon	EC450756.2
	D	Lot 3 hereon	

**LOTS 1 & 3 BEING PROPOSED SUBDIVISION
OF LOT 1 DP 521015 & LOT 2 DP 563612**

OCTOBER 2023

NEW PLYMOUTH DISTRICT

PAT SOLE SURVEYORS LTD.

Figure 3: Proposed Scheme Plan

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22. The subdivision consent application was lodged by Pat Sole Surveyors on 28 October 2022. At this point in time, earthworks for the subdivision to establish access and a building platform was a permitted activity under the ODP. It is noted that it is proposed to create Lots 1 and 3. For clarity there is no Lot 2 proposed.
23. The Decisions Version of the Proposed District Plan was issued on 2 May 2023 and the new earthworks rules in the PDP-DV had legal effect from this date. As a result, a land use consent is now sought under the PDP-DV to undertaken earthworks relating to the creation of the access and building platform for the subdivision.
24. Following consultation with the submitting party and through the Section 92 process amendments were made to the proposal, primarily in association with the access, which has changed from a ROW to a separate access for Lot 1, proposed landscape mitigation and building controls and the inclusion of a Geotechnical Report. The subdivision layout has not been changed aside from the removal of road to vest.
25. The proposal is summarised as follows;
- Creation of one rural lifestyle allotment 2.7 ha in area;
 - A balance lot of 4.2 ha;
 - A new accessway to be created to serve newly created Lot 1;
 - Earthworks required to form the accessway and building platform which includes cuts, fill and batters; and
 - Mitigation measures for Lot 1 to address rural character and amenity effects.
26. A Landscape Mitigation Memo and Addendum forms part of the proposal and was prepared by Richard Bain of Bluemarble Landscape Architects. The Landscape Mitigation Plan was informed by the Landscape Memo and the submission received. Landscape planting as shown on Figure 4 below is proposed to be implemented to assist with mitigating the visual effects of the subdivision on proposed Lot 1. The applicant has proposed that the mitigation planting be planted prior to Section 224 certification and volunteered a condition also that a consent notice be registered on the Record of Title that the planting be maintained by the future owner of Lot 1.
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Figure 4: Landscape Mitigation Plan



27. The Landscape Mitigation Plan includes the following vegetation screening details:
- screen planting should be installed in the areas labelled 'Planting Mitigation'. This planting should comprise indigenous plant species with 80% capable of reaching a minimum height of four metres in six years at a maximum of 1m spacings.
 - To mitigate vehicle headlights impacting users of Maude Road, a six metre long strip of *Griselinia littoralis* is to extend to the south of the driveway entry as a single row, and maintained at a height no lower than 3m. This is shown as Area A on the Landscape Mitigation Plan.
28. The Landscape Memo also recommended that the following Design Controls be implemented to Lot 1 to manage the effects of the subdivision:
- Only one dwelling should be allowed on the Lot while zoned rural.
 - A 'no build area' should be established as identified on the Scheme Plan. This prohibition includes both habitual and non-habitable buildings ('Building' as defined in the PDP Decisions Version).
 - Any future dwelling should be restricted to no more than 5m above RL359.0 on the building platform area.
 - Any future dwelling should be clad with materials that have Light Reflectance Value (LRV) of no more than 35%. Natural timber materials left to weather are also acceptable.
 - The roof of any future dwelling should have a LRV of no more than 20%.
 - Water tanks should be a recessive dark colour (dark green or black).
 - No closed board fencing should be allowed anyway on the lot.
 - Any new boundary fencing, i.e. the new Lot 1/Lot 2 boundary, should be post and wire, post and rail, or wire mesh only.
 - All external light fitting should be hooded and cast down
29. The applicant provided an Engineering report undertaken by oneelevensix. The report concludes that the site does not meet the definition of 'good ground', and recommends the following, which are recommended consent conditions as part of the applicant's proposal:
- specific designed foundations are required for future developments on Lot 1 depending on the outcome of the completion report following earthworks; and
 - the surface water from the driveway shall be collected and piped to the existing pond on proposed Lot 3 with sufficient scour protection.

Land use consent.

30. Pat Sole Surveyors have provided an Earthworks Plan including cross-sections, cut/fill calculations and sediment and erosion control measures for the access track and building platform earthworks proposed (Figure 5 below). To establish the proposed building platform 157m³ of cut and 480m³ of fill is required. Construction of the driveway will require 608m³ of cut and 1,032m³ of fill. An additional 200m³ of fill is also provided for adjoining the access track and Maude Road. Total proposed fill is 1,712m³ (solid measure) and 765m³ of cut (solid measure).

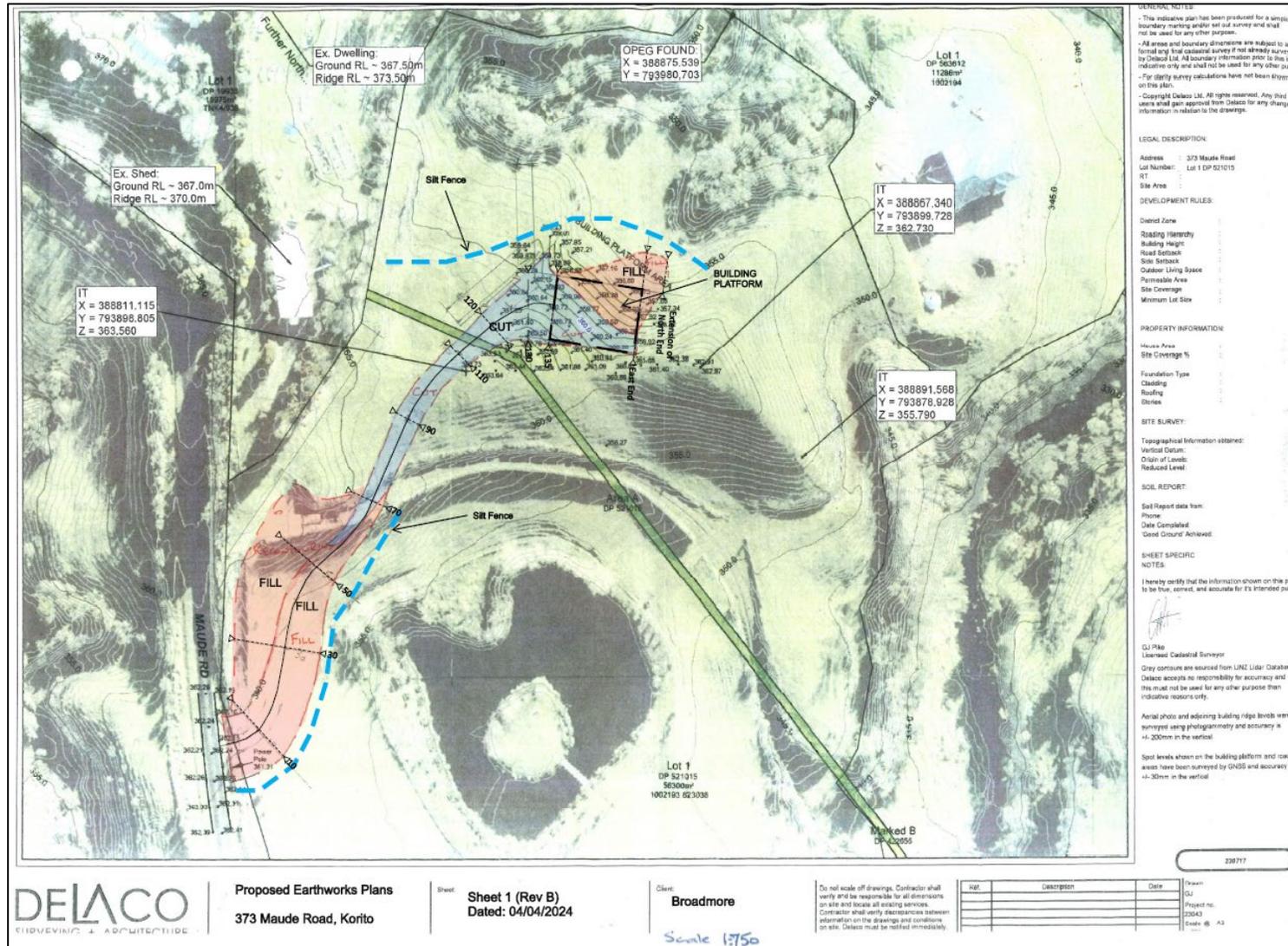


Figure 5: Earthworks Plan showing erosion and sediment control measures



STATUTORY REASONS FOR THE APPLICATION

National Environmental Standards

31. No National Environmental Standards apply to this application.

New Plymouth District Plan

32. The Operative New Plymouth District Plan was operative August 2005. The Proposed New Plymouth District Plan was notified September 2019.

33. At the time the subdivision application was lodged in October 2022 and the notification decision was made in February 2023, only the rules relating to waterbodies had legal effect for this application, under Section 86B(3) of the RMA which states:

A rule in a proposed plan has immediate legal effect if the rule—

(a) protects or relates to water...

34. All the relevant objectives and policies, including those relating to subdivision, did have legal effect, however.

35. Decisions were released on the PDP on the 13 May 2023.

36. Section 86B(1) of the RMA states a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified under Schedule 1 with exceptions. Given none of the exceptions apply to this Proposed Plan all provisions of the PDP are now considered to have legal effect.

37. Appeals have been received on the PDP-DV which directly relate to all the relevant subdivision rules triggered by this proposal. Section 86F of the RMA states any rules not under appeal *'must be treated as operative (and any previous rule as inoperative)*. Subsequently, no relevant provisions of the ODP have fallen away and still have legal effect and are considered in the assessment of this application.

Operative District Plan

38. The site is located within the Rural Environment Area and contain no overlays.

39. The proposal requires consent under the following Operative District Plan rules:

Rule #	Rule Name	Status of Activity	Comment
Rur78	Minimum allotment size in Rural Environment Area	Discretionary	The proposal will result in 1 additional allotment from the parent title (2 in total) which are greater than 4000m ² with a balance area remaining from the computer freehold register subject to subdivision that exceeds 4 ha in area.
Rur79	Requirement to provide practicable vehicular access from a road	Discretionary	The proposed access for lot 2 is existing. The proposed vehicle access for lot 1 is unable to fully comply with Appendix 23 sight visibility standards. A sight visibility of 160m in both directions is required for a road with a posted speed limit of 100km/hr. When viewed to the north 108m of sight visibility is available, when viewed to the south 55m of sight visibility is available.
Rur81	Requirement for services – storm water disposal, water supply and sewage disposal	Controlled	Each allotment will be able to achieve on-site management for all services.
Rur82	Requirement for a building platform	Controlled	The proposal confirms the location and access to the proposed building platform on lot 1. The OneElevenSix Engineers report confirms the suitability of the building platform for a dwelling subject to specific engineering design of dwelling foundations.

40. Overall the proposal is a Discretionary activity under the Operative New Plymouth District Plan being the highest status under the above Operative Plan.

Proposed New Plymouth District Plan (Decisions Version 13 May 2023)

41. The site is located within the Rural Production Zone and contains a waterbody (Mangakotukutuku Stream)

42. The proposal requires consent under the following District Plan rules and standards:

Rule #	Rule Name/ Issue	Status of Activity	Comment
Waterbody			
WB-R5	Subdivision of land adjoining a natural waterbody	Restricted Discretionary	The site adjoins the Mangakotukutuku Stream.
Subdivision			

SUB-R4 <i>Subject to appeal</i>	Subdivision of land creating allotments in a Rural Production Zone	Non-complying	The record of title for the land being subdivided is dated later than 5 March 1995 with a balance lot of less than 20 ha (it is 4.2 ha).
SUB-S1	Lot size: 4,000m ²	Meets	Proposed Lot 1 is in excess of 4000 m ²
SUB-S2	Stable, flood-free building platform that meets Building Code	Meets	Complies – a building platform can be provided which is designed by a suitably qualified engineer.
SUB-S3	Stormwater treatment and disposal	Meets	The lots will be serviced to a rural standard.
SUB-S4	Self-sufficient potable water supply (including firefighting water supply)	Meets	The lots will be serviced to a rural standard.
SUB-S5	Septic tank or soakage fields or an approved alternative means to dispose of sewage in a sanitary manner	Meets	The lots will be serviced to a rural standard.
SUB-S6	Telecommunication and power connections to lot's legal boundary and land set aside for them on site	Meets	Power and telecommunications connections will be provided.
SUB-S7	Vehicular access to a road by way of a vehicle access point, driveway or right of way.	Does not meet	The proposed access for lot 2 is existing. The proposed vehicle access for lot 1 is unable to fully comply with sight visibility standards TRAN-S2 which requires a sight visibility of 160m in both directions for a road with a posted speed limit of 100km/hr. When viewed to the north 108m of sight visibility is available, when viewed to the south 55m of sight visibility is available.
SUB-S8 <i>Subject to appeal</i>	<ol style="list-style-type: none"> 1. Lots adjoining a river listed in Schedule 9 shall be provided with an esplanade reserve or esplanade strip along the bank(s) of the river with a minimum 20m width; 2. Lots of less than 4 ha which adjoins or contains a river or lake not listed in Schedule 9, an esplanade reserve or esplanade strip of 5m in width shall be provided along 	N/a	The Mangakotukutuku Stream is not a Schedule 9 waterbody, therefore a 20 m esplanade strip is not required under SUB S8(1). Although a lot of 4ha or less is being established which is physically adjoining the riparian margin of the Mangakotukutuku Stream, it is not legally adjoining the bank of the Mangakotukutuku Stream and therefore an esplanade cannot be established within Lot 1 under SUB-S8(2).

	the bank(s) of the river or lake.		
Earthworks			
EW-R13 <i>Subject to appeal</i>	Earthworks not otherwise provided for	Restricted Discretionary	The proposed earthworks is related to a subdivision activity therefore EW-R13 is the relevant rule. More than 1,000m ³ of earthworks is intended to be undertaken.
EW-S2 <i>Subject to appeal</i>	Maximum cut depth or fill height	Does not comply	The maximum permitted cut and fill depth/height is 1.5m which reduces to 0.5m within the building setback. Cuts and fills of more than 1.5m are proposed within the site. Cut and fill of more than 0.5m depth/height is proposed within 30 m of the road boundary and 15 m of the side boundary near the entrance of the site.
EW-S3 <i>Subject to appeal</i>	Site Reinstatement	Complies	Proposal complies with standard.
EW-S4 <i>Subject to appeal</i>	Control of Silt and Sediment	Complies	Proposal complies with standard.
EW-S5 <i>Subject to appeal</i>	Requirements for discovery of sensitive material during earthworks or land disturbance	Complies	Proposal complies with standard.

43. The subdivision proposal is a Non-Complying Activity under the Proposed New Plymouth District Plan being the highest status under the above Proposed Plan. The land use consent is a Restricted Discretionary Activity.

Overall activity status

44. The subdivision application was lodged in October 2022.

45. S88A of the Resource Management Act 1991(the Act) provides that where an activity status is altered after an application was first lodged as a result of a decision being made under clause 10(1) of Schedule 1, the application continues to be processed, considered and decided as an application for the type of activity that it was for at the time that the application was first lodged. S88A also clarifies that notwithstanding the determination of activity status, any plan or proposed plan provisions which exist when the application is considered must be had regard to in accordance with s104(1)(b).

46. The subdivision proposal was a Discretionary Activity under the ODP at the time the application was lodged. Following the notification of decisions on submissions to the PDP on 13 May 2023, the subdivision proposal is now considered a non complying activity under the PDP. However in

accordance with s88A, the subdivision application will continue to be processed, considered and decided as a Discretionary Activity. The provisions of the PDP which exist at the time of consideration of the application must however be had regard to in accordance with section 104(1)(b) of the Act.

47. In terms of the landuse consent, as it was lodged after decisions on submissions were released, no reference is needed to be made to S88A of the Act in determining activity status.

NOTIFICATION SUMMARY

48. A decision was made on the 10/01/23 for the subdivision application to be limited notified to the owners/occupiers of 335 Maude Road and on 11/4/24 for the land use consent application to proceed on a non-notified basis. The notification decisions are attached to this report as Appendix 1 and 2. The applications are now being combined for efficiency and given that they are connected, i.e. the land use consent is only necessary as a result of the subdivision.

49. A submission was received in opposition to the subdivision from Donald and Martina Murray, who are the property/owners of 335 Maude Road. This property is shown in relation to the subject site in Figure 6 below:



Figure 6: Location of the submitting party

50. The full submission is attached to this report as Appendix 3. The submission is summarised below:

Key Submission points raised
<ul style="list-style-type: none">• Effects of old infrastructure (settling ponds, old farm race etc) on the proposed building platform within Lot 1.• Effects of reverse sensitivity on the submitters business 'Blue Petal', from potential use of insecticides and herbicides, or any requirement to provide power to proposed Lot 1 over the submitters land.• Lack of mitigation (within the original application).• Effects on rural character, particularly on easterly facing windows of the submitters property.• Believes there are better building platforms within the proposed site.

51. The applicant and submitters agreed to hold an informal pre-hearing meeting to discuss matters raised in the submissions and possible resolutions. A meeting was held in February 2023 of which I was present to observe. Following this meeting further discussions were undertaken by the applicant and submitters in the hope of reaching a resolution / mutual agreement. However on 16 January 2024 an email was received from the applicant that a mutual agreement had not been reached and that it will be necessary to proceed to a hearing.

SECTION 104 ASSESSMENT

51. Subject to Part 2, a consent authority must have regard to a number of matters under s104(1) of the RMA when considering an application for resource consent. These include:

- (a) the actual and potential effects of an activity on the environment;
- (b)(vi) the relevant provisions of a District Plan or proposed District Plan;
- (b)(iii) the relevant provisions of a National Policy Statement;
- (b)(v) the relevant provisions of a Regional Policy Statement; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

52. The above matters are considered in the assessment of the proposal below:

Assessment of Actual and Potential Effects on the Environment - S104(1)(a)

53. To inform my assessment I refer to the Operative and Proposed District Plans to determine the relevant effects on the environment in terms of this proposal. I consider the actual and potential effects on the environment can be categorised as:

- Rural character and visual amenity (including landscape and visual effects);
- Rural role and function (including loss of production land);
- Waterbodies;
- Traffic and transport related effects;
- Other Infrastructure;
- Earthworks;
- Cumulative Effects; and
- Reverse Sensitivity

Rural Character and Amenity Values

54. The ODP describes rural character as:

"The elements associated with the rural environment include spaciousness, low density built form, vegetation (such as pasture, crops and forest), and distinctly 'rural' noises and smells. These elements are largely developed as a result of traditional 'rural' practices such as pastoral farming, horticulture, intensive farming activities and other rural industries, including the established activities of the PETROLEUM EXPLORATION and production industry."

55. The PDP describes the "Rural Production Zone" (RPZ) in a similar manner:

"The Rural Production Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and appearance used for intensive primary production or rural industry. Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in the zone such as street lighting and footpaths. The District Plan seeks to maintain rural character."

56. Adverse effects on rural character must include future activities proposed on the site or that are enabled by the subdivision as permitted activities. In this case, approval of the subdivision would enable the establishment of a dwelling on Lot 1. The dwelling would include associated curtilage and services. The assessment must also take into consideration the mitigation proposed (outlined in the proposal section above).

57. The character of the area is described in earlier sections of this report as predominantly rural in nature. There is also presence of rural lifestyle properties - these allotments are typically located close to Maude Road, while larger farm blocks are typically located further from the road. I consider the subject site and surrounding environment as being consistent with the definitions of, and containing the characteristics of typically rural environments as described and intended by both District Plans.

58. Although the proposal is technically a non-complying activity under the PDP, as the lot being subdivided did not exist in 1999, the increase in the number of allotments being created from the Parent Title is not dissimilar to that of a discretionary activity under both plans.

59. This is because the parent title which was existing in 1999 has had one lot subdivided (existing 6 ha title) with a balance of 41 ha. Both of these lots are still in the ownership of the applicant. With the proposed subdivision, the child title of 6 ha is proposed to be subdivided into two lots, resulting in a total of 2 lots from the parent title, with a 41 ha balance still remaining.

60. In my opinion this has the same effect as if the two lots were to have been created from the parent title at the time of the original subdivision.

61. I believe the proposed subdivision is designed in a way that preserves these rural elements and characteristics. Overall the subdivision will largely retain an open and therefore spacious production-orientated landscape that will be interspersed with buildings at sufficient separation distances to be considered low density. This is largely due to the 41 ha balance lot which will continue to be used for primary production purposes with an existing dwelling and curtilage to support the productive uses.

62. Although proposed Lot 1 will increase the built form in the area it is my opinion that the character and visual amenity of the rural area is maintained given the site topography being undulating, which limits public receptors and the offered landscape mitigation and building restrictions. I have relied on the advice provided by the applicant's landscape architect. The Memo provided by Bluemarble states that:

'The impact of a new dwelling on proposed Lot 1 will create an addition to the area's built form but given the landscape pattern, the effect on character will be very low due to its discrete setting which is well away from the road and is essentially 'tucked' in behind a ridge.....The site and broader area will not appear overly urban as the vegetated and undulating pastoral landscape will continue to be the dominant landscape character... 'The position of the proposed building platform will create a very low level of effect on the site's landform. The distinctive ridge just south of the proposed building platform area will remain intact and moderate the effect of the new dwelling as an urban element in a rural setting. The driveway to the new dwelling will follow an existing farm track, albeit a new entrance will be created. Overall the sites' defining landforms will remain intact and legible.'

63. I concur with the description of the landscape, including topography, provided by Mr Bain and his subsequent assessment on the effects on character of the site and surrounding area which, as previously stated, I believe to be typically rural in character. I believe the proposal maintains prominent ridgelines, natural features and landforms, and proposes an increase in vegetation of varying types into the landscape to largely retain the rural character and amenity of the site and area.
64. Therefore overall, I consider that the proposal's effects on general rural character and amenity are acceptable in terms of both the ODP and PDP.

Effects on Rural Character and Amenity – 335 Maude Road

65. The proposal would result in one rural lifestyle allotment adjacent to 335 Maude Road. In considering the specific effects on the rural and visual amenity on the owners/occupiers of this property, being the submitters to the application, I note 335 Maude Road is a rural lifestyle allotment of approximately 2ha in area. Within 335 Maude Road is a dwelling and a number of other buildings, one of which is a former hearing bone shed which has been converted into a business 'Blue Petal' which is run from the site. The dwelling within the site is located approximately 60 m from the boundary. 335 Maude Road contains a large amount of well-established vegetation, which includes herb fields which are used as part of the Blue Petal business. The submission received from the owners/occupiers of 335 Maude Road emphasised effects on reduction in rural character values and reverse sensitivity as a primary concern. As can be seen in Figure 7 below, 335 Maude Road adjoins to the west of the subject Site, and more precisely, proposed Lot 1.
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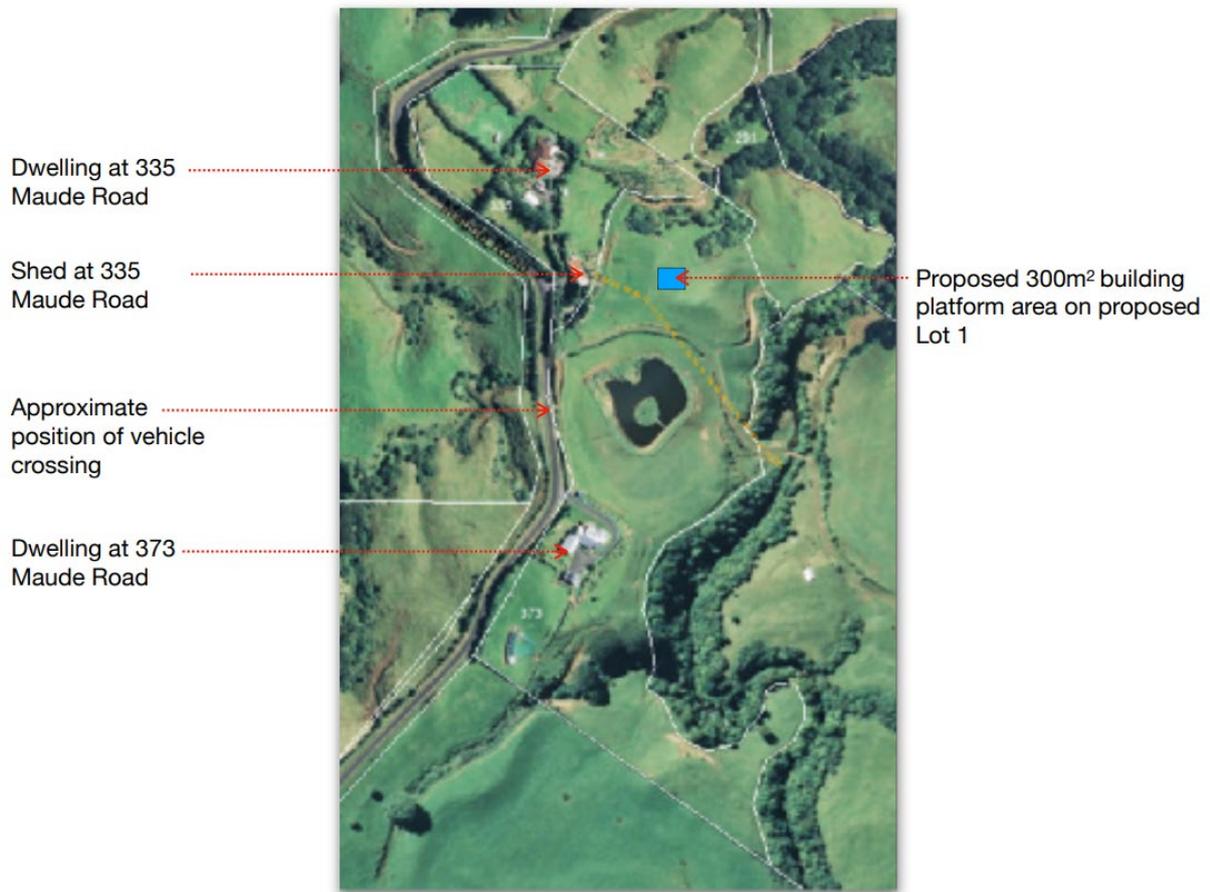


Figure 7: A map showing the existing and proposed buildings

66. The Bluemarble Memo describes the potential landscape and visual effects on the owners/occupiers of 335 Maude Road taking into account the existing layout and the orientation of the primary dwelling within 335 Maude Road. The Memo states that the building platform on proposed lot 1 is *'partially visible from parts of their property, in particular from the shed nearest the site boundary and from outdoor paddock/orchard areas. Views are partially mitigated by intervening vegetation on the submitter's property. However, because the views that are available are overtly rural, the proposal would likely add an urban element into their view that could affect visual amenity'*. The Memo concludes without mitigation that the effects would be low to moderate (minor to more than minor).

67. The applicant has offered the mitigation previously described above and summarised as:

- Screen planting as show on the Landscape Mitigation Plan;
- A proposed no build area; and
- Limit of one dwelling; and
- Building controls such as restricted dwelling height, reflectivity controls on dwelling cladding and roofing

68. Mr Bain considers *'I am aware that the applicant has proposed design controls to mitigate effects on 353 Maude Road, many of which will ameliorate landscape and visual effects. These include screening, a limit to one dwelling on Lot 1, a no build area (40m wide), restricted dwelling height, reflectivity controls on dwelling cladding and roofing, colour controls on watertanks, and fencing typology controls, exterior lighting controls and driveway materials. These are in addition to the defined building area. To further reduce effects screen planting is proposed - as shown on the Landscape Mitigation Plan. In my opinion these measures will maintain rural character by reducing the visual impact of the future dwelling on the submitter's property to an extent where effects will be very low.'*

69. Figure 8 shows the direct view from 335 Maude Road at its eastern boundary to the proposed building platform within Lot 1:



Figure 8: View towards building platform from eastern boundary of 335 Maude Rd.

70. I concur with the professional landscape expert of Mr Bain in terms of the effects on owners/occupiers of 335 Maude Road. In addition, given views of the proposed lot 1 are not from the dwelling within the site but rather the orchard and shed, I consider that the building separation and proposed planting ensures privacy, spaciousness and low density-built form which mitigates effects on rural and visual amenity on the owners/occupiers of 335 Maude Road to an acceptable level.

71. Further, the mitigation planting proposed enhances the characteristic of the rural zone being vegetation cover, and it will achieve this without losing a sense of openness as the screen planting is set back from property boundaries, in locations where there is not already existing boundary vegetation.

72. The building platform is also located at a lower level than 335 Maude Road, as shown in Figure 9 below, which further mitigates built form effects by ensuring the new dwelling within Lot 1 will not protrude into the skyline and will sit within the existing landscape.

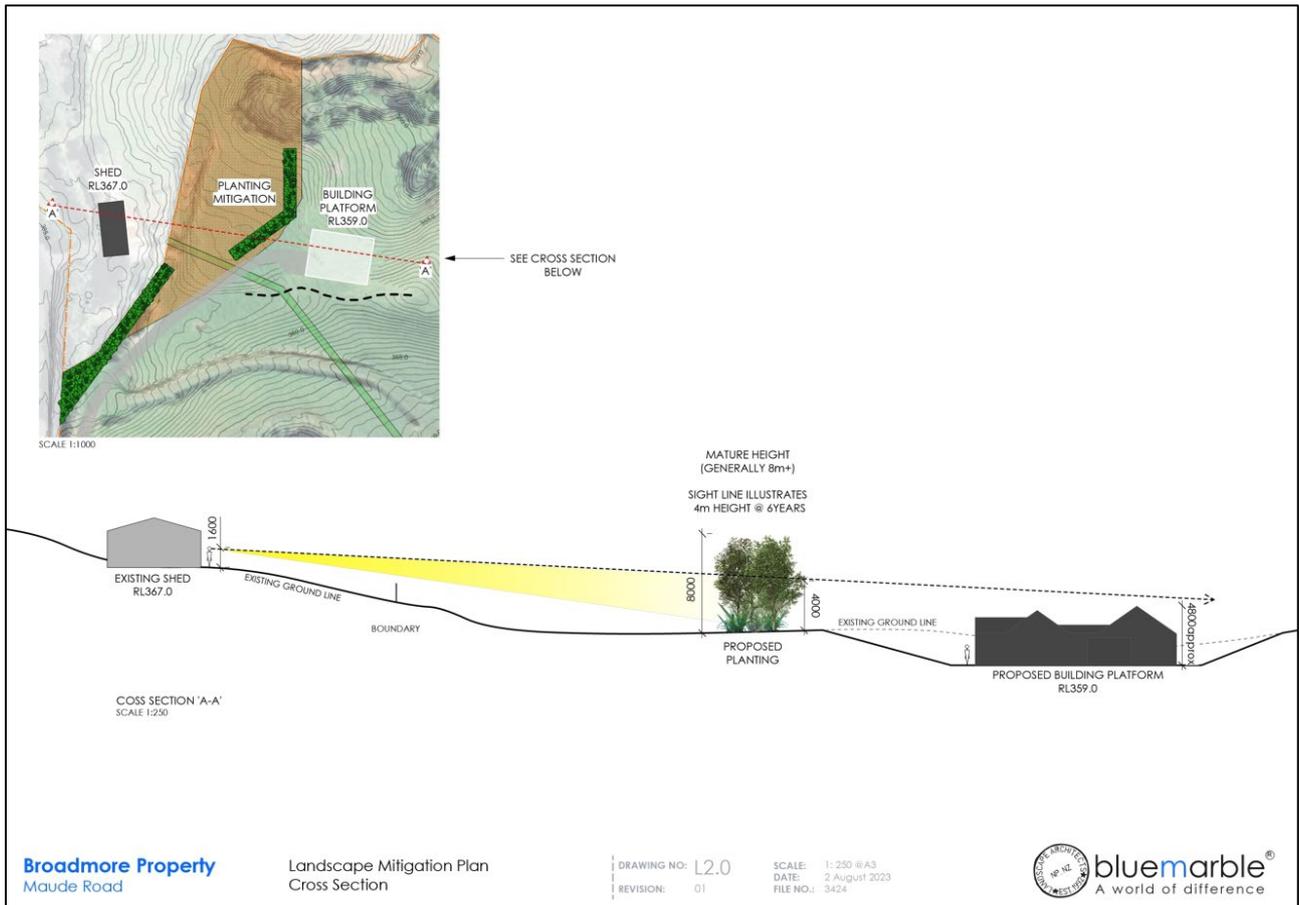


Figure 9: Cross section showing building height levels.

73. Reverse Sensitivity effects have also been considered in terms of proposed lot 1 being located adjacent to the submitter's organic business, 'Blue Petal botanicals and connoisseur honey'. One of the submitters' main concerns is from the potential use of insecticides and herbicides within Lot 1 and potential spray drift falling on the herbs and beehives of their business. The mitigation proposed includes a 40m no build zone along the boundary of the site and 335 Maude Road. The size of the proposed allotment (2.7 ha) indicates that, outside the building platform area, proposed lot 1 is likely to remain rural in nature and continue to be grazed as it is currently without an increase in pesticide usage. I do not foresee any potential adverse effects on the business operating at 335 Maude Road resulting from the proposal that are more than that already existing in this existing rural environment.

74. In conclusion it is my opinion that the proposed planting and building controls mitigate potential adverse effects, including on rural character and amenity as well as on the organic business located within 335 Maude Road, to an acceptable level.

Role and Function of the Rural Production Zone including loss of Rural Production land.

75. The proposal will result in two lots subdivided from the parent title with a balance lot of 41 ha (1 additional allotment compared to the existing lot layout). Although there will be some loss of productive land through creation of the second lifestyle lot and associated building platform, I do not consider the proposal will result in unacceptable fragmentation of rural land. The allotment subject to subdivision is currently run as a smaller rural site used for grazing of animals (being only 6.9 ha) and is not classified as 'highly productive land'. The

subdivision proposed will create 2 lots which are 2.7 ha and 4 ha in size, both capable of retaining some rural functions, with the exception of the areas used for a building platforms. The proposed building platform area in Lot 1 represents only small portion of the land from the parent title. I consider this to be minor in scale and therefore acceptable in the level of effects on the role and function of the existing rural land which, overall is not compromised in my opinion.

Servicing

76. As described in the Oneeleven six engineering report stormwater from the driveway will be collected and piped beneath the driveway to the existing man-made pond on proposed Lot 3. A condition is recommended that an easement to convey stormwater will be created over proposed Lot 3. The location of this easement will be identified and shown at s223 stage once the driveway has been established and the pipe under the driveway installed. The pond is not considered a natural waterbody as it was man made and therefore there will be no increase in sediment or downstream effects on waterbodies of the proposed stormwater discharge.
77. I note the comments made by the submitter regarding power paths and the existing water easement. I have therefore consulted with Mr Ravi, Council Development Engineer, power can be accessed via Maude Road through the applicant's property and will not cross the submitters land. The existing land covenant to allow for the right to convey water will be carried over to any new title. I also note consideration of the Landscape Mitigation plan to ensure planting along the southern boundary of Lot 3 does not affect these instruments.
78. It appears that the location of the proposed driveway and associated batters serving the building platform within Lot 1 on the earthwork's plans are location within both Lot 1 and 3 and not solely within Lot 1. I believe the applicant needs to address this within their evidence and that additional conditions may be required, or existing conditions amended to address this.
79. It is my opinion that any effects on servicing are of an acceptable level.

Transport/traffic

80. Lot 3 is accessed by an existing vehicle access from Maude Road, this will not change as part of the proposal, the existing crossing have been through an approval process and is fit for purpose. A new vehicle access point will be required for Lot 1.
81. The location proposed of the Lot 1 vehicle access point is not able to provide sight visibility of 160m in both directions (Maude Road is a local road has an open road legal speed of 100km/hr). When viewed to the north 108m of sight visibility is available, when viewed to the south 55m of sight visibility is available. The application states that due to the geometry of the road, with tight bends both to the north and south of the application site, the operational speed of Maude Road for the section of road adjoining the application site is approximately 60km/hr.
82. In reliance on the comments and recommendations of the Mr Ravi I conclude that the adverse effects of the proposal in relation to traffic safety and the efficiency of the roading network can be mitigated through conditions on consent. Mr Ravi has outlined that the access to Lot 1 is in an appropriate location, although the crossing will not meet the required sight distances in the District Plans for a posted speed limit of 100 km/h, which is 160m. The proposed crossing can meet a site distance of operating speed in this location is 60 km/h, which requires a sight distance of 55 m. This is achieved at the site. Mr Ravi has stated that any effect of the reduced sight distances is minimised due to the reduced operation speed.
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83. To further mitigate any safety effects of the proposed access for Lot 1 the Bluemarble LVIA offers a single row of specimen trees to screen driveway headlights from Maude Road.
84. The addition of on allotment will increase traffic in the immediate environment but not to a discernible level that it is likely to significantly alter the amenity of the existing environment. Any loss of amenity from an increase in traffic is not likely to impact the character and amenity of the environment.
85. It is my opinion that both allotments will be able to be provided with suitable access and the effects on the safe and efficient operation of Maude Road are of an acceptable level.

Waterbodies

86. The Mangakotukutuku Stream adjoins the site, however, it is contained solely within the neighbouring site. The banks of the Mangakotukutuku Stream is fenced and planted and the proposed dwelling on proposed lot 1 is located approximately 100 m from the stream, allowing space to locate any waste and stormwater treatment away from the waterbody and avoid indirect discharges to the stream.
87. There is another small tributary within proposed Lot 3 which is not identified as a waterbody in the PDP. This tributary contains existing planting which will not be affected by the proposed subdivision. Maintenance of existing fencing and riparian planting adjoining the tributary within proposed Lot 3 will also be protected by this subdivision consent via consent notice.
88. In terms of the cultural effects, the Mangakotukutuku Stream is a statutory acknowledgement area. The application was sent to Te Atiawa for their comment, Te Atiawa replied on 14/2/23 with the following comments:
- The existing fencing and planting adjacent to the tributary within proposed Lot 3 traversing the property shall be retained, maintained, protected and enhanced in perpetuity.
 - Appropriate silt and sediment control measures in place during the construction of building platform within proposed Lot 1.
 - No mitigation measures are proposed for the proposal with regard to rural character. We assume the typical design measures will be recommended.
 - No assessment of the matters to be considered under rule Rur78 has been undertaken. We consider matters (16) and (31) to be of particular interest.
 - No Part 2 of the Resource Management Act 1991 assessment has been undertaken. We consider sections 6(e), 7(a) and 8 to be most relevant.
 - No assessment of the higher order planning documents has been undertaken, including the Regional Policy Statement for Taranaki, the Regional Freshwater Plan for Taranaki and the National Policy Statement for Freshwater Management.
 - No assessment of Tai Whenua, Tai Tangata, Tai Ao has been undertaken.
89. As previously stated, the applicant has agreed to maintaining the fencing and planting the tributary in perpetuity via consent notice. Appropriate silt and sediment control will be undertaken as per the Earthworks Plan. Mitigation measures have been put in place since the original application was received. An assessment of the mentioned documents have been assessed in the amended AEE as well as within other sections of this report.
90. The matters raised by Iwi have therefore either been addressed or will be considerations in following sections in my report above and below in relation to provisions in the District Plans
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and RMA matters. For these reasons I believe cultural effects on the waterbodies within the site will be acceptable.

91. Overall my opinion that there will be acceptable effects on the waterbodies within and adjoining the site.

Reverse sensitivity

92. Consideration has been given to the potential for reverse sensitivity effects to arise through the proposed subdivision and the introduction of a lot designed for rural lifestyle living in the rural production zone. The proposal will result in the establishment of a future dwelling but will remain a size capable of enabling some rural use of the property around the dwelling, the location of which has been identified in the building platform area. Adjoining properties are either smaller lifestyle Lots (no rural land use) or pastoral grazing farmland that do not raise any concerns for reverse sensitivity effects.

93. Overall it is considered that any reverse sensitivity effects will be acceptable.

Cumulative Effects

94. A cumulative effect is one that arises over time or in combination with other effects. Cumulative effects are included in the definition of 'effect' in Section 3 of the RMA. The term cumulative effect encompasses two concepts;

- Effects arising over time; and
- Effects arising in combination with other effects.

95. The proposed subdivision will result in one additional rural lifestyle allotment. The allotment is additional to the 2 existing smaller allotments in the surrounding area, however these allotments are broken up by existing title Lot 2 DP 563612 which will be part of Lot 1 following the subdivision and will not be able to contain any dwelling in the future due to the proposed restrictions on the site and the permitted standards of the PDP. Therefore no clustering of lifestyle lots or an unacceptably high density of development and lack of spaciousness will result.

96. In my opinion the proposed application, with the sufficient mitigation, will not result in an adverse cumulative effect.

Earthworks

97. The potential adverse effects of the earthworks that are required to be undertaken to enable the subdivision to be given effect to are land instability, erosion and sediment runoff and visual effects.

98. Conditions are recommended to ensure that the works are appropriately undertaken, both in terms of their construction and supervision. This will ensure that adjacent properties are not subject to any instability, that appropriate dust management, erosion and sediment controls are in place and that the finished land is suitable for construction of accessways and buildings. The final finished contours of the site once earthworks are completed will be consistent with the surrounding landform.

99. No sites of significance to Māori or archaeological sites recorded and identified in the PDP-AV are located on the application site or adjoining the application site. The site is subject to a Statutory Acknowledgement (the Mangakotukutuku Stream).
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100. The applicant undertook consultation with Ngāti Tawhirikura and Ngāti Te Whiti Hapu in line with Policy EW-P3, the following comment was received:

“On behalf of Ngāti Tawhirikura and Ngāti Te Whiti, we are comfortable with the proposed earthworks based on the sediment and silt controls (identified in the A3 erosion and sediment control plan) that will be put in place to prevent it entering waterbodies in the vicinity of the activity.”

Due to the above comment and the mitigation proposed within the application I am satisfied that cultural effects on Hapu are acceptable.

101. The proposed earthworks to establish a metal driveway to proposed Lot 1 will include an vehicle access entering the site from Maude Road, the accessway will then cross the site in a northerly direction to connect to the proposed building platform. This alignment specifically avoids earthworks on the ridgeline landform and the driveway will be established through a low point prior to reaching the building platform. Metal tracks are common within the rural environment. The proposed metal driveway is proposed for a residential use but will have an ancillary use associated with agricultural for access to stock grazing for the paddocks within proposed Lot 1. There is a prominent ridgeline located on proposed Lot 1 which will be maintained through the proposed earthworks design. The ridgeline has been identified in the Bluemarble Landscape and Visual Impact Assessment. The Bluemarble Addendum confirms that the earthworks proposed will have ‘very low visual effects within this rural landscape’.

102. The OneElevenSix Engineering report confirms that the subdivision and proposed earthworks will not create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows or create instability if the measures recommended within the report are followed.

103. The applicant has provided sediment and erosion control measures which sets out the methods in which stormwater will be managed during earthworks to ensure that sediment that may become entrained in stormwater does not leave the application site. This will be a recommended condition of consent.

104. Noise during construction, will comply with the construction noise standards and will overall be for a temporary duration. An excavator and a truck trailer will be used to form the access track and building platform, with the machinery remaining onsite until the works are completed. Any effects are considered to be no more than minor due to the temporary duration and small volume of works required.

Conclusion on Assessment of Effects

105. Based on the above assessments I consider that the effects of the proposal will be acceptable.

Assessment of Proposal against Planning Documents - Section 104(1)(b)

Operative District Plan

106. The following objectives and policies of the District Plan are relevant to this application:

Objective 1;

To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.

Policy 1.1

Activities should be located in areas where their effects are compatible with the character of the area

107. The above provisions seek to ensure that new activities are appropriately located so that they do not adversely affect the, in this case rural, values of the area. The proposal has been designed to manage the effects of establishing the rural lifestyle allotment to retain a substantial portion of openness as well mitigation measures for future buildings to ensure that the rural amenity values are not adversely affected. Therefore I am satisfied that the proposal is consistent with these provisions.

Objective 4

To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.

Policy 4.2

Control the density, scale, location and design of subdivision by providing limited opportunities for small ALLOTMENT subdivision, having consideration to the following matters:

- (a) The environment is spacious, maintains a low density and the subdivision provides a large balance area.*
- (b) The subdivision is of such a scale to ensure the intensity of use is typical of the rural environment and not of an urban or lifestyle area.*
- (c) The subdivision and resulting development is not highly visible in the landscape and there is no apparent aggregation of development because of; (i) the undulating nature of the landscape; (ii) the design and layout of the ALLOTMENTS and any servicing requirements; (iii) the design and visual treatment of the resulting development.*
- (d) The contours of the landscape are retained and there is limited need for EXCAVATION and FILLING.*
- (e) The subdivision does not impact OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES and other features protected by other OVERLAYS.*
- (f) There are no community costs associated with upgrading INFRASTRUCTURE as a direct result of the subdivision and development.*
- (g) The rural nature and purpose of rural INFRASTRUCTURE (small scale, unserviced with a lack of urban INFRASTRUCTURE) is maintained.*
- (h) The proposed ALLOTMENT size, shape and resulting land use will recognise the production orientated nature of the rural area.*
- (i) Consistency of the proposal with Policy 4.5.*

Policy 4.5

Ensure that the design of subdivision and development is sensitive to the surrounding environment. In particular the following design principles will be considered:

- (a) Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.*
 - (b) Ensure the intensity and scale of the development is in keeping with RURAL CHARACTER.*
 - (c) Ensure that ALLOTMENTS and BUILDINGS are in context with the surrounding environment and are positioned to recognise natural features in the landform.*
 - (d) Ensure that ALLOTMENTS and BUILDINGS are sited and designed in a manner that is integrated with the surrounding environment with minimal disturbance to the landform by considering:
 - (i) softening with vegetation related to the area and treatment of boundary elements;*
 - (ii) BUILDING design of a form and scale that is in keeping with the landscape;*
 - (iii) the use of materials, that are in keeping with the environment, including consideration of colour and low reflectivity;*
 - (iv) low level INFRASTRUCTURE and services that is rural in nature.**
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- (e) *Consistency of any full discretionary activity with design guidelines.*
(f) *Consideration towards any recommendations from a design panel.*

Policy 4.8 - Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.

108. The above provisions seek that subdivisions such as the one proposed, maintain the elements of rural character. Proposed Lot 1 will be the second lot from the parent title existing in 1999 with a balance of 40 remaining. The applicant has proposed a number of measures to manage the effects of a future buildings within Lot 1 that contribute towards maintaining rural character. Although there are earthworks proposed in relation to the subdivision the contour of the site is maintained by retaining the prominent ridgeline. Maude Road is capable of absorbing the additional traffic movements and the one additional allotment will not generate traffic that will have an adverse effect on rural character. Lot 3, although a child title is of a size, shape and position that retains the production orientated activities on the predominant portion of the subject site along with the 40 ha remaining in the parent title. Therefore I am satisfied that the proposal will be consistent with these provisions.

Objective 19 To recognise and provide for the cultural and spiritual values of TANGATA WHENUA in all aspects of resource management in the district in a manner which respects and accommodates TIKANGA MAORI.

Policy 19.3 The cultural and spiritual values of TANGATA WHENUA should be recognised and provided for in the resource management of the district.

109. The above provisions seek that the values of tangata whenua are included in the preparation and consideration of applications for resource consent. The applicant has liaised with mana whenua. Therefore I am satisfied that the proposal will be consistent with these provisions.

Objective 20

To ensure that the ROAD TRANSPORTATION NETWORK will be able to operate safely and efficiently.

Policy 20.1

The movement of traffic to and from a SITE should not adversely affect the safe and efficient movement of VEHICLES, both on-SITE, onto and along the ROAD TRANSPORTATION NETWORK.

Policy 20.7

Subdivision should not adversely affect the safe and efficient operation of the ROAD TRANSPORTATION NETWORK.

110. I consider that through the implementation of suitable consent conditions that the proposal ensures that the road transportation network will be able to operate safely and efficiently. All building platforms are set back at least the required 30m from the Road. Therefore I am satisfied that the proposal will be consistent with these provisions.

Conclusion

111. I am satisfied that the proposed subdivision is consistent with the relevant objectives and policies of the Operative District Plan.

Proposed District Plan

112. The objectives and policies of the Proposed District Plan: Decisions Version are considered relevant to this proposal:

RE11- Primary production and rural industry activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.

113. The proposal would create one smaller rural residential lot 2.7 ha in size leaving a larger lot measuring 4 ha in area, both of which have the potential to remain in rural use in terms of grazing which is currently undertaken at the site. I am satisfied that the creation of the additional allotment will not impact the ability of existing primary production activities on surrounding land to operate efficiently and effectively.

RE-12 Highly productive land and natural, physical and cultural resources located within rural areas that are of significance to the district are protected from inappropriate activities.

114. The application site includes no land which is classified Land Use Capability Class 1, 2, or 3 by the New Zealand Land Resource Inventory. RE-12 is not considered to be relevant to this application.

SUB-O1,

Subdivision results in the efficient use of land and achieves patterns of development which deliver good quality community environments that are compatible with the role, function and predominant character of each zone.

SUB-O2,

Subdivision is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:

- 1. responds positively to the site's physical characteristics and context including any non scheduled features;*
- 2. is accessible, connected and integrated with the surrounding neighbourhoods;*
- 3. contributes to the predominant or planned character of the zone and a sense of place;*
- 4. protects or enhances scheduled;*
- 5. provides accessible and well-designed open space areas for various forms of recreation, including sport and active recreation, for the health and wellbeing of communities; and*
- 6. protects highly productive land in the Rural Production Zone.*

SUB-P1

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

- 1. reflects patterns of development that are compatible with, and reinforce the role, function and predominant or planned character of the zone;*
 - 2. does not compromise the integrity and planned outcomes for the zone with lot sizes sufficient to accommodate intended land uses;*
 - 3. in the City Centre, Town Centre, Mixed Use and Local Centre zones, minimises proliferation of vehicle crossings that could restrict the ability of pedestrians to move safely and efficiently along the street and within public places or reduces the presence of retail activity at the ground floor;*
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4. *in the Mixed Use and General Industrial zones, incorporates sufficient setbacks at residential zone interfaces (where subdivision adjoins such a zone) to provide sufficient space for planting and landscaping;*
 5. *in the Large Format Retail Zone, avoids the fragmentation of land or creation of small allotments that would limit or constrain the ability to use land for large format retail activities;*
 6. *in the General Industrial, Large Format Retail, Residential and Rural zones, incorporates sufficient space for on-site stormwater disposal including the use of water sensitive and low-impact design solutions; and*
 7. *protects highly productive land in the Rural Production Zone.*

SUB-P2

Manage the subdivision of land and development of associated infrastructure so that non-scheduled features are appropriately considered in the site layout and design, and scheduled features are protected and enhanced.

SUB-P5

Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision that:

1. *incorporates water sensitive and low impact design principles, that are sufficient for the amount and rate of anticipated runoff, in accordance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3.*
2. *Mitigates the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land, especially if sufficient infrastructure capacity is not available;*
3. *where feasible, utilises stormwater management areas for multiple uses, while ensuring they have a high quality interface with residential activities or commercial activities;*
4. *avoids and increase in sediment and/or contaminants entering waterbodies or downstream effects as a result of stormwater disposal; and*
5. *considers the outcomes of any consultation with tangata whenua where it is proposed to dispose of stormwater to a waterbody that has cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, including with respect to mitigation measures and opportunities to incorporate mātauranga Māori principles into the disposal method.*

SUB-P10

Manage the scale, design and intensity of subdivision in the Rural Production Zone by:

1. *allowing one additional record of title only where there is a large balance area, and where the subdivision design reinforces the role, function and predominant character of the zone;*
2. *managing subdivision that involves multiple small allotments with a large balance area; and*
3. *avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.*

SUB-P12

Ensure that that subdivision in the Rural Zones results in Lot sizes and lot configurations that:

1. *are appropriate for the development and land use intended by the zone;*
 2. *are compatible with the role, function and predominant character of the zone;*
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3. *maintain rural character and amenity; and*
 4. *are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and/or conflict with activities permitted in the zones.*

SUB-P14

Require subdivision design and layout in the Rural Zones to respond positively to, and be integrated with the surrounding rural or rural lifestyle context, including by:

- 1. incorporating physical site characteristics, constraints and opportunities into subdivision design;*
- 2. minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform;*
- 3. avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places;*
- 4. incorporating sufficient separation from zone boundaries, transport networks, rural activities and rural industry to minimise potential for reverse sensitivity conflicts;*
- 5. incorporating sufficient separation between building platforms and scheduled features to minimise potential adverse effects on those features and providing for the protection and maintenance of indigenous biodiversity;*
- 6. where a subdivision has the potential to compromise cultural, spiritual or historic values of importance to tangata whenua, considering the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to:*
 - a. opportunities to incorporate mātauranga Māori into the design and development of the subdivision;*
 - b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
 - c. options to avoid, remedy or mitigate adverse effects;*
- 7. promoting sustainable stormwater management through water sensitive design solutions; and*
- 8. in the Rural Lifestyle Zone, achieving patterns of development and allotment sizes that provide opportunities for rural lifestyle living.*

115. The Objectives and policies above set out direction on how to manage the scale, design and intensity of subdivision in the Rural Production Zone and are more directive than those under the ODP. Proposed Lot 1 will be the first lot subdivided from a title which is dated later than 5 March 1999 with a balance lot of less than 20 ha (4ha) making the proposal a non-complying activity under the PDP. However, when looked at the site objectively the subdivision will be the second lot from the parent title, owned by the applicant, which existed in 1999 with a remaining balance of 41 ha, twice that of what is required, which will remain in productive use.

116. In combination the Rules, Policies and Effects Standards of the Subdivision and Rural Production Zone are suggesting that development of parent titles in addition of 20 ha in size is acceptable within the rural production zone when effects are managed.

117. The proposal is designed in a way that, including that the isolated location of the site, minor loss of productive land, proposed offered mitigation/consent notices that the role, function and predominant character of the rural production zone will not be compromised and landforms will not be disturbed by earthworks. The subdivision allows for efficient and sustainable stormwater control and the site does not include any highly productive land.

118. Therefore in my opinion although the activity is a noncomplying status the effects are consistent with the intended outcomes for the rural environment. Overall the development is consistent with the policies listed above.

RPROZ-03

The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.

RPROZ-04

Maintain the predominant character and amenity of the Rural Production Zone, which includes:

- 1. extensive area of vegetation types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of large numbers of farmed animals.*
- 2. low density built form with open spaces between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);*
- 3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and/or transportation of raw materials derived from primary production;*
- 4. interspersed existing rural industry facilities associated with the use of the land for intensive indoor farming, quarrying, oil and gas activities and cleanfills;*
- 5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.*

RPOZ-05

The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that:

- 1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and*
- 2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities and/or reverse sensitivity effects.*

RPROZ-P3

avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and/or activities that will result in:

- 1. reverse sensitivity effects and/or conflict with permitted activities in the zone; or*
- 2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on:*
 - a. rural character and amenity values;*
 - b. the productive potential of highly productive soils and versatile rural land.*

Incompatible activities include:

- 1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;*

RPROZ-P4

Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:

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- 1. building height, bulk and location;*
 - 2. setback from boundaries and boundary treatments; and*
 - 3. earthworks and subdivision.*

RPROZ-P7

Require sensitive activities to be appropriately located and designed to minimise any reverse sensitivity effects, risks to people, property and the environment and/or conflict with activities permitted in the Rural Production Zone, including by:

- 1. ensuring sufficient separation by distance and/or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry;*
- 2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and*
- 3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.*

119. The Rural Production Zone Objectives and Policies outline the planned character and use for the zone, stating that it should be used predominantly for primary production and that it should not be compromised by incompatible activities such as residential activities that are not ancillary to rural activities.

120. Technically the proposal creates one small allotment for rural lifestyle activities and has no 20ha balance allotment, however as discussed above the subdivision will create the second allotment from the parent title with a 40 ha balance. The subdivision is designed to be of a low built form with areas of vegetation and is not compromising the role, function or character of the Rural Production Zone. In this regard the proposal is consistent with this directive policy and overall, I consider the proposal is consistent with the character and use of the Rural Production Zone.

TRAN-O2

The transport network is safe, efficient and effective in moving people and goods within and beyond the district.

TRAN-O3

Activities generate a type or level of traffic that is compatible with the local road transport network they obtain access to and from.

TRAN-P2

Allow the following activities provided they do not compromise the safety, efficiency and effectiveness of the transport network:

- 1. roads and vehicle access points;*

TRAN-P13

Require that activities provide for the safe and efficient movement of vehicles on-site, onto and along the road transport network by:

- 1. providing appropriately designed and/or located vehicle access points, on-site parking including bicycle parking, loading and standing spaces, driveways, manoeuvring space and queuing space to reduce disruption to traffic flow, driver distraction and road congestion;*
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121. The above provisions seek that activities do not adversely affect the safe and efficient operation of the Road network including ensuring that it is capable of absorbing the increased volume of traffic. Each allotment is being provided with an appropriate level of access and will be easily able to provide for on-site parking. It has been assessed earlier that Maude Road can readily absorb the additional vehicle movements of one lot. Therefore I am satisfied that the proposal will be consistent with these provisions.

WB-01

Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.

WB-03

The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.

WB-04

The relationship of tangata whenua and their traditions, values and interests associated with waterbodies are recognised and provided for.

WB-P3

Require that activities proposing to locate on sites adjoining a waterbody, including a significant waterbody, demonstrate that the activity is located appropriately having regard to:

- 1. the particular natural character, ecological, recreational, cultural, spiritual, heritage and/or amenity values of the waterbody and the extent to which the values of the waterbody may be adversely affected by the activity;*
- 2. the purpose of the activity and whether it has a functional need to be located adjoining a waterbody;*
- 3. the ability to effectively restore and rehabilitate the waterbody and/or off-set adverse effects;*
- 4. for waterbodies which have cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, the outcomes of any consultation with and/or cultural advice provided by tangata whenua as kaitiaki, including with respect to mitigation measures; and*
- 5. whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.*

122. The above provisions seek that the effects on waterbodies are appropriately managed. The Mangakotukutuku Stream is located within the neighbouring site and is fenced and planted. The dwelling on proposed lot 1 is located approximately 100 m from the stream and silt and sediment erosion control measures will be used during earthworks. Therefore I am satisfied that the proposal will be consistent with these provisions.

EW-01

Earthworks and associated retaining structures necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects are avoided, remedied or mitigated.

EW-P2

Manage earthworks that have the potential to:

-
1. *create new or exacerbate existing natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes;*
 2. *result in adverse effects on:*
 - a. *the stability of land or structures;*
 - b. *visual amenity and character;*
 - c. *waterbodies and scheduled features;*
 - d. *the health and safety of people and communities;*
 - e. *indigenous biodiversity;*
 - f. *the operation of network utilities; or*
 3. *result in adverse construction noise, vibration, odour, dust, lighting and traffic effects.*

EW-P3

Ensure earthworks are undertaken in a way that avoids or appropriately remedies or mitigates adverse effects on cultural, spiritual or historical values of importance to tangata whenua, by:

1. *having regard to:*
 - a. *the extent to which the earthworks or land disturbance may compromise the particular cultural, spiritual or historical values of importance to tangata whenua associated with the site and, if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to:*
 - i. *opportunities to incorporate mātauranga Māori into the overall scale, form and extent of the earthworks or land disturbance;*
 - ii. *opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened;*
 - iii. *options to avoid, remedy or mitigate adverse effects; and*
 - b. *the outcomes of any consultation with Heritage New Zealand Pouhere Taonga.*
2. *in all cases, requiring appropriate steps to be followed in the event that sensitive material is discovered during earthworks and land disturbance.*

EW-P4

Ensure that earthworks are of a type, scale and form that is appropriate for the location having regard to the effects of the activity, and:

1. *the impact on existing natural landforms and features and indigenous vegetation;*
 2. *changes in natural landform that will lead to instability, erosion and scarring;*
 3. *impacts on natural drainage patterns and secondary flow paths;*
 4. *compatibility of the earthworks and the design and materials for any retaining structures with the visual amenity and character of the surrounding area;*
 5. *the extent to which the activity mitigates any adverse visual effects associated with any exposed cut faces or retaining structures, including through screening, landscaping and planting; and*
-

6. *the impact of the movement of dust and sediment beyond the area of development.*

EW-P5

Require earthworks and any retaining structures associated with future land development or subdivision to be designed, located, managed and undertaken in a coordinated and integrated manner, including by:

- 1. managing large-scale earthworks associated with subdivision, including for the purpose of site development and creating roads or access to and within the subdivision; and*
- 2. considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and development of land, particularly for future infill or greenfield subdivision.*

EW-P6

Ensure that earthworks and any associated structures are designed as far as practicable to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.

123. Consistent with the findings under 104 1 (a), the effects of earthworks proposed on the site would be acceptable and can be avoided, remedied or mitigated via standard conditions of consent. Overall, the development is consistent with the above Objectives and Policies.

124. In summary, the development can be seen as being broadly consistent with the relevant Objectives and Policies of the Earthworks Chapter.

Summary of ODP & PDP Objectives and Policies Assessment

125. As described above the application is considered to be consistent with the objectives and policies of the ODP and PDP.

Assessment of Proposal against Planning Documents - Section 104(1)(b)(c)

National Policy Statements

126. I do not consider there are any National Policy Statements relevant to this proposal.

Taranaki Regional Policy Statement

127. The Taranaki Regional Policy Statement (RPS) considers regional wide issues on water, soil and land, air, freshwater, indigenous biodiversity, natural and historic features, waste management, minerals, energy and the built environment. A number of these issues are high level regional issues and the proposed subdivision will not impact on these wider regional issues.

128. Section 10 of the RPS outlines Natural Features and Landscape, historic heritage and amenity values. The proposed land use will not impact on outstanding natural features and landscape. Of relevance to this proposal is 10.3 of the RPS which seeks to maintain and enhance amenity values. AMY Objective 1 and AMY Policy 1 seeks to maintain and enhance amenity values both in a rural and urban setting. As concluded in the effects assessment above the

application will not result in a loss of amenity values. Therefore, the application is not seen to be contrary to the relevant objectives and policies of the ODP.

Other Matters - s104(1)(c)

Iwi Environmental Management Plan

129. Tai Whenua, Tai Tangata, Tai Ao, the Iwi Environmental Management Plan for Te Atiawa iwi includes the following matters, as referred to by iwi in their comments, which I believe are particularly relevant to this application:

General (Gen) Ob. TTAN1.1 - Protect and enhance native vegetation, species and environments such as rivers, streams, tributaries and wetlands.

Pol. TTAN4.9 – Require planting of site-specific native vegetation as a condition of any resource consent.

Pol. TTAN4.10 – Require setback areas along the river and stream boundaries at the time of subdivision development. These reserves or set back areas should be at least 20 metres.

Pol. TTAN4.11 - Require setback area agreements include clauses that provide for the protection of waterways, access to those waterways, provision for wildlife corridors, and connectivity between environments and future communities.

Pol. TTAN4.12 - Require that all setback areas are planted with sites-specific native species to provide protection for the waterways, ensuring that access is not restricted.

Pol. TTAN4.13- Encourage retaining the natural landform and topography within the subdivision.

Ob. TTAN7.1 – Achieve a “zero stormwater discharge off-site” approach which utilises the natural ability of Awhi-Nuku to filter and cleanse stormwater before entering a waterbody.

Pol. TTAN7.1 – Require that stormwater is managed on-site in all new applications...

Pol. TTAN7.2 – Oppose discharging stormwater directly into rivers, streams, tributaries and wetlands.

Pol. TTAN8.2 – Require on-site solutions to wastewater that avoid waste entering the stormwater system, waterways and ocean.

Gen. Ob. TTOM1.7 - Waterbodies are protected by lush, healthy riparian margins and are fenced to protect from stock.

Pol. TTOM6.1 - Require planting of sites-specific native riparian vegetation along Te Atiawa Statutory Acknowledgement waterways.

Pol. TTOM6.2 - Require that Te Atiawa Statutory Acknowledgement waterways have setback areas from residential, commercial or urban activities of at least 20 metres. Practise note: It is expected that the implementation of this policy will provide protection for the waterways, access to those waterways, provision for wildlife corridors, and connectivity between environments and future communities.

Pol. TTOM6.3 - Require that all waterways have set back areas from rural activities of either;

a) 20 metres; or

b) 5 metres where the area is well planted to ensure protection of water quality and prevention of stock accessing these waterways.

Gen. Ob. Te Tai o Tāne Tokorangi (TTTT)1.1 - Protect and enhance indigenous biodiversity and taonga species within our Te Atiawa rohe.

Pol. TTTT1.3 - Encourage that landowners protect remnant areas of indigenous biodiversity to connect species and habitats.

Pol. TTAR3.3 – Require colours and building design to fit with that of the surrounding environment.

Pol. TTAR3.4 – Require consent conditions that require planting of site-specific native trees which provide bird corridors as well as screen obtrusive developments.

130. The above matters have all been addressed under the s95 and 104 assessments when assessing iwi's recommendations/comments as they all refer back to the above objectives and policies.

131. I consider that the proposal is generally consistent with Tai Whenua, Tai Tangata, Tai Ao.

Precedent

132. Overall, I consider that the granting of the application would not set a precedent which will influence the way in which future applications are dealt with.

Particular Considerations for Subdivision (s106)

Section 106 of the RMA states:

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) there is a significant risk from natural hazards; or...

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

133. As per the Geotechnical Assessment there are no identified natural hazards affecting the site subject to subdivision.

134. Sufficient provision will continue to be made for legal and physical access from Maude Road to the new lot created by the subdivision via a new access point and driveway.

135. Given the above, there is no reason to decline this application under section 106 of the RMA.

Overall Assessment to Grant or Decline under the Operative District Plan

136. I conclude the effects of the proposal are acceptable and the proposal is consistent with the objectives and policies of the Operative Plan. I recommend that the application be granted under the Operative District Plan.

Overall Assessment to Grant or Decline under the Proposed District Plan

137. I conclude the effects of the proposal are acceptable and the proposal is consistent with the objectives and policies of the Proposed Plan, I recommend that the application be granted under the Proposed District Plan.

Part 2 Assessment

138. The Court of Appeal decision on RJ Davidson Family Trust v Marlborough District Council influenced the way in which Part 2 should be applied and determined that:

"If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words "subject to Part 2" in s 104(1), the statement of the Act's purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8."

139. I am satisfied in this case that the provisions of the Proposed District Plan have been robustly prepared in accordance with Part II of the Act. However I consider that seeing the operative plan has been in place for over 15 years that it is necessary to have regard to Part 2 of the RMA.

Section 5 – Purpose

140. The overriding purpose of the RMA is 'to promote the sustainable management of natural and physical resources'. While the proposal meets the applicant's family's social and economic wellbeing, that consideration must be balanced against the remaining matters in Section 5(2).

141. The proposal involves the creation of one additional allotment and larger balance allotment with the associated land use to allow for earthworks relating to the subdivision. The application must therefore ensure it can achieve the following in addition to the social and economic well-being of the applicant:

Section 5 (2)...

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

142. The s104 assessment provided above demonstrates that the application can appropriately meet s5 (2) (a,b,c).

Section 6 – Matters of National Importance

143. Section 6 requires that Council shall recognise and provide for matters of national importance. In this case, I do not consider any of the matters of national importance under Section 6 are relevant to the consideration of the proposal.

Section 7 – Other matters

144. Section 7 requires that Council shall have particular regard to a number of other matter, of relevance this includes

(b) the efficient use and development of natural and physical resource

(c) the maintenance and enhancement of amenity values

(f) maintenance and enhancement of the quality of the environment and

145. With regard to Section 7(b)(c) and (f) the proposal is considered to have acceptable effects on rural character and amenity values. In this context, it is my opinion the proposal is a sustainable use of the land resource.

Section 8 – Treaty of Waitangi

146. Section 8 concerns the principles of the Treaty of Waitangi. The application has engaged with mana whenua and offered conditions of consent to ensure potential cultural effects are

avoided. Given this information and the conditions of consent offered it is unlikely the proposal will offend section 8 of the RMA.

Summary of Part 2 Assessment

147. In assessing the proposal against sections 5 to 8 of the RMA, I conclude that the application is not contrary to the purposes and principles of the RMA.

CONCLUSIONS

148. In this s42A report I have considered the proposed activity against the relevant provisions of the relevant statutory and planning documents and other matters. The activity itself is not precluded from the Rural Environment area or the Rural Production Zone but its effects, namely, on rural character and amenity, the road network, infrastructure and waterbodies and the potential increase in natural hazards must be avoided, remedied or mitigated adequately to meet the objectives and policies of the Operative and Proposed District Plans, other relevant documents and the purpose and principles of the RMA.

149. Although one submission has been received in opposition, raising some questions and concerns with the proposal, I consider that with the inclusion of the following recommended conditions which will ensure the development is carried out as proposed, that the adverse effects on the environment will be no more than anticipated which, taking into account expert advice, I believe will be acceptable.

150. It is my opinion the proposed development will not be contrary to the relevant objectives and policies of the Operative and Proposed District Plans, National Policy Statements, Regional Policy Statement or Iwi Environmental Management Plan.

151. Overall, I believe the proposal will be consistent with the purpose and principles of the Resource Management Act 1991 and should be granted resource consent.

RECOMMENDATION

152. That for the above reasons the application be approved with the following conditions under Sections 104, 104B, 108 and 220 of the Resource Management Act 1991.



SUGGESTED CONDITIONS – SUBDIVISION CONSENT SUB22/48271

1. Except as modified by the consent conditions below, the development and use of the site shall be generally in accordance with the plans and all information and further information submitted with the application referenced by the Council as consent numbers SUB22/48271 and LUC24/48416, including the following:
 - Scheme plan – entitled 'Lots 1 and 3 being proposed subdivision of Lot 1 DP 521015 and Lot 2 DP 563612', drawn by Pat Sole Surveyors Ltd, Rev02, dated October 2023;
 - Landscape Mitigation Plan, drawn by Bluemarble, Drawing Number L1.0, dated 28 July 2023;
 - 'Engineer's Report', by onesixeleven, Job No. 24005, Rev B, dated 31 January 2024;
 - 'Proposed Earthworks Plans' drawn by Pat Sole Surveyors, Sheet 1 to 4 Revision B dated 4 July 2024.

Note: Depending on applicant feedback, a revised Scheme Plan may need to be referenced should the boundary between Lots 1 & 3 need to be amended to include all elements of the proposed driveway.

Prior to Commencement of Construction:

2. The consent holder shall appoint a suitably qualified geo-professional (refer NZS4404:2010 Definitions clause 1.2.2) to carry out functions as described in NZS4404:2010 Chapter 2, including the assessment of the stability of slopes, earth fills, cut and fill batters associated with the subdivision.
3. Prior to the commencement of earthworks, the consent holder shall submit an Earthworks Management Plan to display how the effects of earthworks will be managed, for certification by the Planning Lead which shall include:
 - Existing and proposed contours;
 - Areas of cut and fill;
 - Batter slopes to comply with the requirements of the NZ Building Code.
 - Subsoil drainage;
 - Proposed erosion and silt controls;
 - Dust management measures;
 - Stabilised construction entrance;
 - Measures for preventing tracking of material onto the Road network, and if any occurs measures to clean up such material; and
 - Ground stabilisation/revegetation measures.
4. Prior to the commencement of earthworks, the consent holder shall ensure that all silt and sediment control measures are in place in accordance with the Earthworks Management Plan certified in accordance with Condition 3.
5. The consent holder shall contact the Council's Monitoring Officer planningconsents.monitoring@npdc.govt.nz at least 48 hours prior to any physical works commencing on the site and advise the officer of the date upon which works will commence.

During Construction:

6. During construction, the consent holder shall undertake all earthworks in accordance with the Earthworks Management Plan certified in accordance with Condition 3.

Section 223 RMA Approval

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7. Except as modified by conditions of consent below, the Land Transfer plan shall conform to the subdivision scheme plan submitted with application no: SUB22/48271 Scheme plan – entitled '*Lots 1 and 3 being proposed subdivision of Lot 1 DP 521015 and Lot 2 DP 563612*', drawn by Pat Sole Surveyors Ltd, Rev02, dated October 2023;
 8. Prior to approval under Section 223 of the Resource Management Act 1991, the easements specified on the approved plan and any other necessary easements, shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
 9. Prior to approval under Section 223 of the Resource Management Act 1991, an easement to drain water in favour of Lot 1 over Lot 3 over the drain constructed in accordance with Condition 20 shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
 10. The 'no build area' identified on the Scheme Plan shall be endorsed on the Land Transfer Plan.

Section 224 Approval

11. Prior to issue of certification under Section 224 of the Resource Management Act 1991, all areas exposed by earthworks are to be stabilised by gravel or re-grassed.
12. All work shall be constructed under the supervision of a suitably qualified person who shall also certify that the work has been constructed to the NPDC Land Development & Subdivision Infrastructure Standard.
13. Prior to certification under Section 224 of the Resource Management Act, all works shall comply with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).
14. Prior to 224 certification screen planting shall be installed in the areas labelled 'Planting Mitigation' on the Landscape Mitigation Plan. This planting should comprise of indigenous plant species with 80% capable of reaching a minimum height of four metres in six years at a maximum of 1m spacings.
15. Prior to 224 certification a six metre long strip of *Griselinia littoralis* planted as a single row shall be established along the south of the driveway entry as shown as Area A on the Landscape Mitigation Plan.

Building platform

16. A Geotechnical Completion Report as detailed under Chapter 2 of council's Land Development & Subdivision Infrastructure Standard shall be provided for Lot 1 confirming soil compatibility by a suitably qualified geo-professional (refer NZS4404:2010 Definitions clause 1.2.2) and submitted to the Council's Planning Team to confirm a stable, flood free building platform that meets the requirements of the NPDC District Plan, including the soil's suitability to dispose of stormwater, is available. This would demonstrate that the allotments are suitable for building foundations in accordance with the requirements of the New Zealand Building Code B1.
 17. The Geotechnical Completion Report shall include the assessment of the stability of slopes, earth fills, cut and fill batters associated with the subdivision. The Geotechnical Completion report shall make reference to the Geotechnical Investigation referred to in Condition 14 of
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this resource consent and include any relevant recommendations from it. This report shall be provided at the time of 224 completion along with the Schedule 2A Statement which relates to matters in Chapter 2 of the Land Development & Subdivision Infrastructure Standard.

18. If the Geotechnical Completion Report identifies limitations needed to be raised with future property owners, the consent holder shall apply for consent notices at the time of Section 224 certification.

Advice Note:

The limitations and ability to identify constraints on consent notices will be considered by Council at the time of the Section 224 certification and the Planning Lead shall retain discretion of whether consent notices are applicable in this regard.

Vehicle crossing

19. A type G sealed vehicle crossing shall be constructed to serve Lot 1 to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard.

Advice Note

An application with the appropriate fee shall be made to the Council for a new Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.

Stormwater

20. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the stormwater for the access shall be installed in general accordance with the Engineering Report prepared by oneelevenix, Job Number 24005 Rev B and dated 31/01/2024.

Consent Notices

Lot 1

21. The consent holder or any future owners of Lot 1 shall comply with the following:
- a. Only one residential unit shall be established on the lot.
 - b. No buildings (including dwellings or non-habitual buildings) shall be located within the 'no build area' identified on area [insert area on LT Plan] on DP [insert LT Plan number].
 - c. Any future dwelling shall be restricted to no more than 5m above RL359.0.
 - d. Any future dwelling shall be clad with materials that have Light Reflectance Value (LRV) of no more than 35%. Natural timber materials left to weather are also acceptable.
 - e. The roof of any future dwelling shall have a Light Reflectivity Value of no more than 20%.
 - f. Water tanks shall be a recessive dark colour (dark green or black).
 - g. No closed board fencing shall be allowed anywhere on the lot.
 - h. Any new boundary fencing, i.e. the new Lot 1/Lot 3 boundary, shall be post and wire, post and rail, or wire mesh only.
 - i. All external light fitting shall be hooded and cast down
 - j. The screen planting labelled as 'planting mitigation' and the Griselinia shown in 'Area A' on the Landscape Mitigation Plan shall be kept in perpetuity, if it is to be removed due to disease or similar, the planting shall be replaced in the next planting season.
22. Condition 21 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 and registered against the new Record of Title for Lot 1.
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Lot 3

23. The consent holder or any future owners of Lot 3 shall comply with the following:

- a. Any new boundary fencing, i.e. the new Lot 1/Lot 3 boundary, shall be post and wire, post and rail, or wire mesh only.
- b.
- c. The existing fencing and vegetation along the banks of the unnamed tributary within Lot 3 shall be retained and maintained in perpetuity. Where any trees or plants are removed due to disease within the fenced area (i.e plantation pines), these shall be replaced with native species appropriate to that area.

24. Condition 23 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 and registered against the new Record of Title for Lot 3.

General Advice notes

1. *This consent lapses on xxxx 2029 unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.*
2. *A Development Contribution of \$3176.66 excluding GST for Lot 1 shall be payable by the consent holder and shall be invoiced separately. The 224 certification of this subdivision will not be approved until payment of this contribution is made.*
3. *This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.*

SUGGESTED CONDITIONS - LANDUSE CONSENT LUC24/48416

1. Except as modified by the consent conditions below, the development and use of the site shall be generally in accordance with the plans and all information and further information submitted with the application referenced by the Council as consent numbers SUB22/48271 and LUC24/48416, including the following:
 - Scheme plan – entitled 'Lots 1 and 3 being proposed subdivision of Lot 1 DP 521015 and Lot 2 DP 563612', drawn by Pat Sole Surveyors Ltd, Rev02, dated October 2023;
 - Landscape Mitigation Plan, drawn by Bluemarble, Drawing Number L1.0, dated 28 July 2023;
 - 'Engineer's Report, by onesixeleven, Job No. 24005, Rev B, dated 31 January 2024 Proposed Earthworks Plans' drawn by Pat Sole Surveyors ,Sheet 1 to 4 Revision B dated 4 July 2024.
2. The earthworks shall be undertaken in accordance with all conditions of subdivision resource consent SUB22/48271.

General Advice Notes.

1. *This consent lapses on xxxxx/2029 unless the consent is given effect to before that date; or unless an application is granted before the expiry of that date under section 125 of the Resource Management Act 1991 to extend the expiry date.*
 2. *This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.*
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Report and Recommendation by: _____

Anna Johnston

SENIOR ENVIRONMENTAL PLANNER



Reviewed by: _____

Zane Wood

PLANNING AND CONSENTS LEAD

Date: 16/4/24



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

APPENDIX ONE:	Notification Report Subdivision
APPENDIX TWO:	Notification Report Land Use Consent
APPENDIX TWO:	Submission