



CLUTHA DISTRICT COUNCIL

Address all correspondence to:
The Chief Executive

Our Reference
RM3030
ID: 886467

TO: Colin Weatherall (Independent Commissioner)

FROM: Michaela Groenewegen, Planner

DATE: 15 August 2024

SUBJECT: **RESOURCE CONSENT APPLICATION RM3030
CLARK AND MEGAN CAMPBELL
239D MOTURATA ROAD, TAIERI BEACH**

Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a subdivision and residential activity within the Coastal Resource Area of the Clutha District Plan. The subdivision will create 1 lot for residential activity within the Coastal Resource Area, while the balance lot 2 will be retained by the applicant with an existing dwelling
Legal Description:	Lot 9 DP 399272
Site Address:	239D Moturata Road, Taieri Mouth
Zoning:	Coastal Resource Area
Activity Status:	Discretionary

INTRODUCTION

1. This report has been prepared on the basis of information available on 29th January 2024. The purpose of the report is to provide a framework for the Independent Commissioner's consideration of the application and the Independent Commissioner is not bound by any comments made within the report. The Independent Commissioner is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.
2. My name is Michaela Abby Groenewegen, and I am the processing planner for this application. I am a Planner at the Clutha District Council. I hold the qualifications of Bachelor of Arts from the University of Otago and currently undertaking my Master of Resource and Environmental Planning at Massey University. I am a student member of the New Zealand Planning Institute.
3. I have worked at Clutha District Council for 3 years in the Planning Team processing RMA resource consents.

4. I undertook a site visit to 239D Moturata Road, Taieri Mouth on 7th March 2024.
5. There are no potential conflicts of interest between the processing Planner and the Applicant.
6. Mike Moore Landscape Architect has provided a Peer Review Report on the Landscape and Visual Effects Assessment, this has been included as Appendix 3.
7. Bevan Mullions Council's Land Development Engineer has provided a Council Officer Advice, this has been included as Appendix 1.

SUMMARY OF RECOMMENDATION

8. For the reasons set out in my assessment below, I consider that the relevant matters that relate to the adverse effects of the activity on natural character, landscape visual amenity and rural character, wastewater, access way and the imposition of financial contributions. I recommend that subject to appropriate conditions of consent, the adverse effects on the environment of the activity can be mitigated and that the consent be granted.

DESCRIPTION OF PROPOSAL

9. Subdivision and land use resource consents are sought to undertake a two Lot subdivision with residential activity, a right of way (ROW) access within the Coastal Resource Area of the Clutha District Plan.
10. The subdivision will create 1 additional Lot (proposed lot 2) for residential activity comprising approximately 9,720m², while the balance Lot (proposed lot 1) will be 2 hectares and located within the Coastal Resource Area. Lot 1 will retain an existing Building Platform which has Building Consent, access gained to the site will be from the formed Right of Way from Moturata Road and then a further ROW over Lot 2.
11. Lot 1 has an existing Pedestrian ROW which bisects the southern boundary, enabling access to the beach. This will not be affected as a result of this subdivision.
12. It is proposed that Lot 2 will be developed for a residential activity (1 dwelling per site) and that the development site will be self-sufficient in relation to the supply of potable water and the disposal of wastewater and stormwater. Water tanks will be used for the supply of potable water and firefighting purposes. Stormwater and Wastewater from each residential lot will be disposed of within the site, both Lots are of size and shape to adequately dispose onsite without any cross boundary contamination occurring. Electricity and telecommunications will be provided to the boundary of the proposed lots.

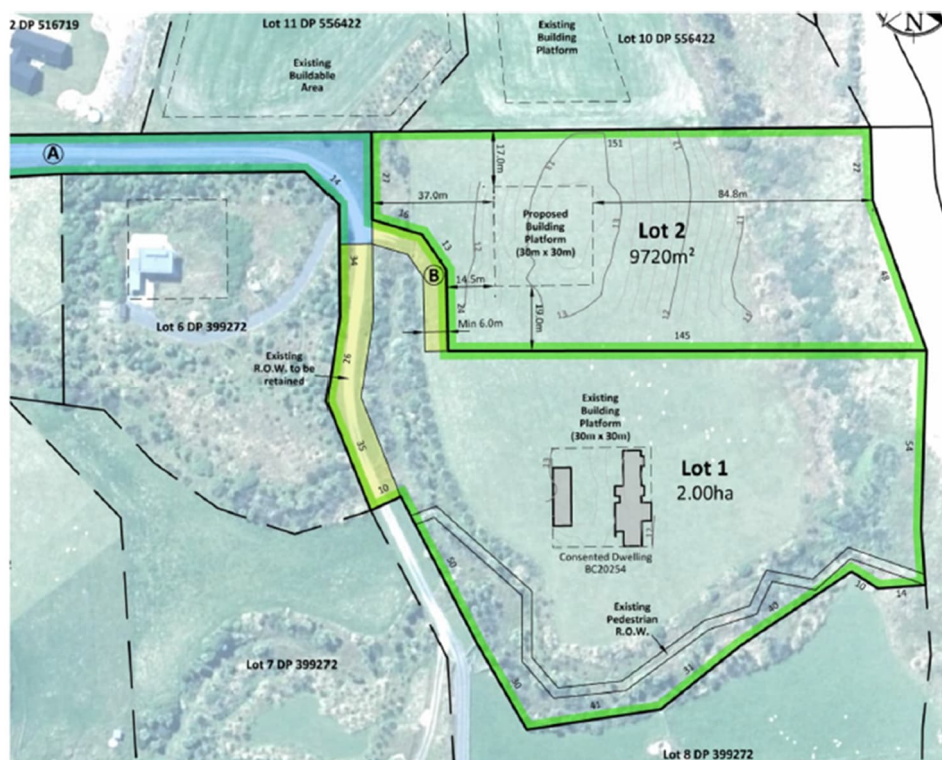


Figure 1: Proposed Subdivision Design

DESCRIPTION OF SITE AND LOCATION

13. The subject site where the subdivision is proposed is to be located south of the existing Taieri Mouth settlement, while immediately adjoining the more recently developed properties along Otuarae Drive and Moturata Road which were developed through two large subdivision consents in recent years.
14. Figure 2 below is an excerpt from Clutha District Council's GIS which illustrates the site and its context to the Taieri Mouth settlement.

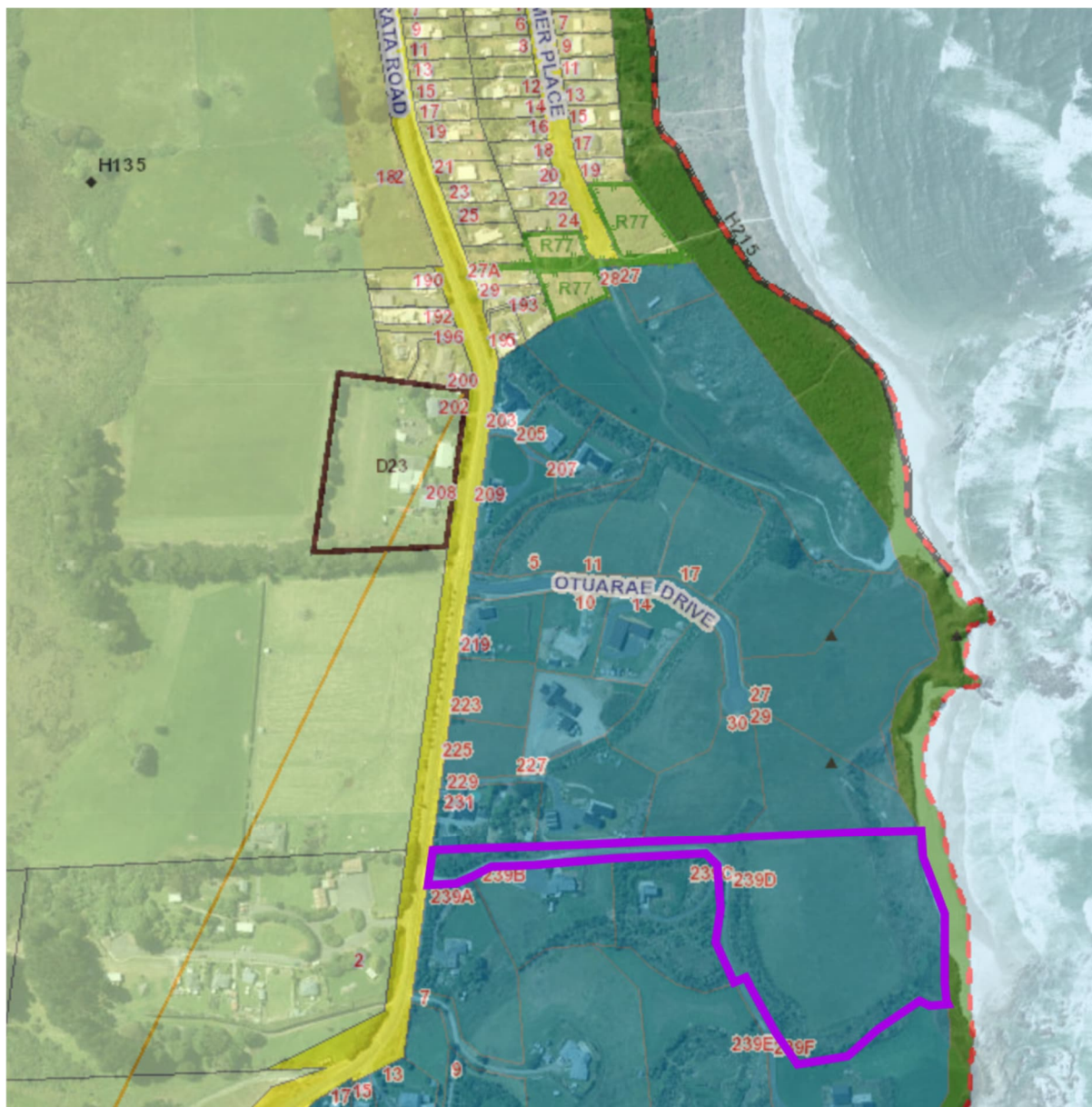


Figure 2: Subject site in relation to the Taieri Mouth Settlement within the Urban Resource Area (Yellow) and existing development within the Coastal Resource Area (Blue)

15. The site is currently vacant, vegetated in pastoral grasses and livestock are grazing the site. This will continue to be utilised for these purposes until the dwelling on proposed Lot 1 is built. The dwelling is being erected on the approved Building Platform established under the resource consent RM1411, and by the approved Building Consent BC20254.
16. **RM1411** – This subdivision created 8 residential allotments now legally described as Lots 2 to 9 DP 399272 and the shared access ROW (Lot 9 comprising the application site). Figure 3 below illustrates these lots and the ROW created under this subdivision. The consent was granted on the 27 April 2006. The subdivision was subject to consent notices (7921033.5) being registered on the titles for each property owner to abide by these

enforced mitigation measures relating to landscape, planting, and amenity. The existing consent notices have been included as Appendix 1b in the applicant’s appendices.

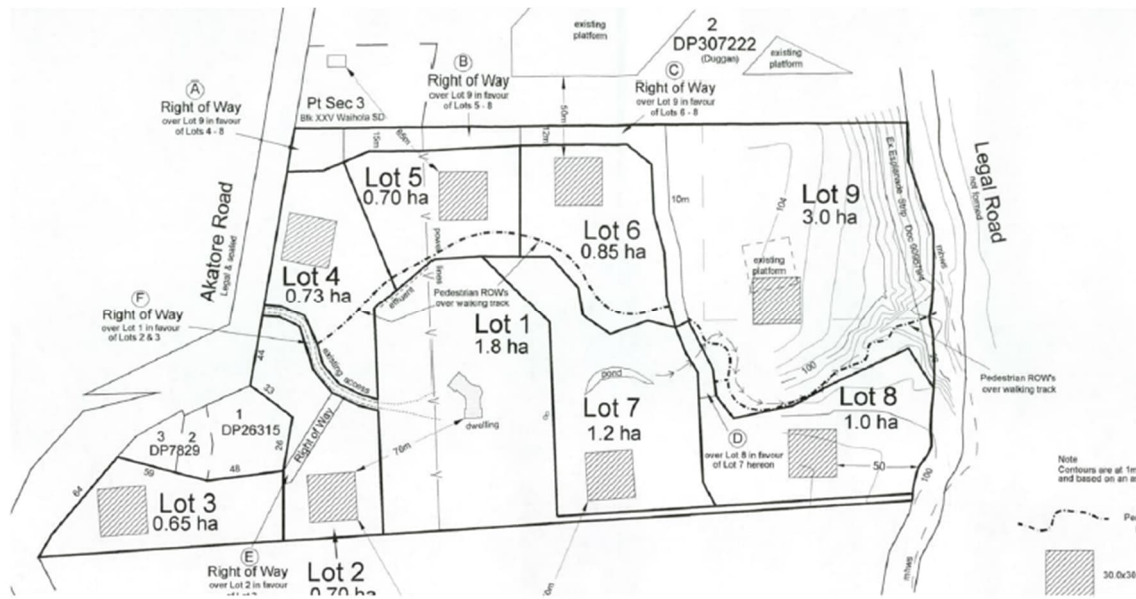


Figure 3: Site Plan from the previous subdivision RM1411 which created 8 residential allotments and the ROW used to access the site.



Figure 4: Existing site and surrounding environment

17. To the east of the proposed building platform is the Otago Coastline. Approximately 5,000 square metres of the property is a sand embankment, which leads to the Public Beach. As noted above, proposed Lot 1 has registered pedestrian access (ROW) through the site which allows surrounding property owners access to the beach. The proposed Building

Platform on proposed Lot 2 is setback approximately the same distance as the existing building platform on proposed Lot 1.

RESOURCE CONSENT REQUIRED

Section 221 of the Resource Management Act 1991 – Consent Notice Cancellations and Variations

18. There are no proposed cancellation or variations to the consent notices 7921033.5 registered on the existing title pursuant to Section 221. The applicant has volunteered consent notices that are consistent with the original consent notices imposed by the original resource consent RM1411 and contained within Appendix 1b of the applicant's appendices.

Clutha District Plan

19. The subject site is located within the Coastal Resource Area of the Clutha District Plan. The following rules are relevant to the proposal:

Subdivision

20. Rule SUB.2 states that subdivision in the Coastal Resource Area is a **Discretionary** activity.

21. Rule SUB.4 states that all subdivisions, excluding minor boundary adjustments and amendments to flats plans, shall be designed to comply with several standards. The Application has included an analysis of the activity against these standards in its Appendix 5a which identified that the activity complies with these standards. The assessment is accepted and adopted for the purpose of this report.

Coastal Resource Area

22. Rule COA.1 Rule COA.1 'Other Applicable Rules' states that any activity undertaken within the Coastal Resource Area shall take place in accordance with the Rules of both Section 3 General Section and the Section 4.1 Rural Resource Area of this Plan unless this section provides otherwise. The Application did not identify these rules as requiring resource consent, this information was requested and received as part of the s92 request.

23. The following identifies the relevant Rural Resource Area rules and General Rules of the District Plan.

a) Section 3.3 Transportation Rule TRAN.1 Access and Legal Frontage for Developments.

Roads and Access Lots for the purpose of providing access and legal frontage to developments and subdivision are controlled activities provided:

1. There is no adverse effect on; any heritage site listed in Table 13.1 to Table 13.8, and
2. The location is not or is not likely to be subject to material damage by erosion, subsidence, slippage or inundation (including the possibility of sea level rise)

and the proposed development is not likely to accelerate any of these processes, and

3. Roads in Rural Areas are constructed in accordance with the "Guide to Geometric Standards for Rural Roads", National Roads Board, New Zealand, 1985 and roads in Urban Areas are constructed in accordance with NZS 4404 1981 Urban Land Subdivision.

The activity can achieve standard 1-3 and is a **controlled** activity. The matters of control are listed in matters a-e of Rule TRAN.1.

b) Section 4.1 Rural Resource Area

Rule RRA.3(I)(a).2 Residential Activities are permitted providing a dwelling is not closer than 200m to any existing or proposed dwelling, or the Urban, Transitional or Rural Settlement Resource Area. The proposed Building Platform on Lot 2 will be within 200m of existing dwellings and existing approved Building Platforms, all within 200m of each other. Rule RRA.3(IV) states that any residential activity which does not comply shall be a **discretionary** activity.

24. Rule COA.2 'Consultation' states any person making an application for a Resource Consent and Council, in considering any Resource Consent application, shall consult with the Runanga that has kaitiaki in that particular area, and where relevant, the Department of Conservation and the Regional Council.
25. The applicant has stated in a response to further information dated 25 March 2023 '*The applicant has not undertaken any consultation with Ngai Tahu ki Otago. As stated in an email dated 20 February 2024, the applicant has requested that limited notification occur to Ngai Tahu ki Otago.*'
26. No consultation has been undertaken to date by the Applicant or the Council, however the recommendation is that the application is processed on a limited notified basis to iwi.
27. This rule nor the Coastal Resource Area chapter of the District Plan does not provide any corresponding class of activity where the rule is not complied with. Section 87B of the RMA provides for the activity as a **discretionary** activity where no class of resource consent is specified.
28. The activity seeks to establish residential activity on Lot 1 by way of Building Platforms subject to conditions. Residential activity in the *Coastal Resource Area* is a **restricted discretionary** activity pursuant to Rule COA.4(b) with the discretion of Council restricted to the following matters:
 - The ability of the site to dispose of wastes adequately;
 - The effects of sea level rise or coastal erosion;
 - The effect of the building and any associated signage on the natural character of the Coast particularly in terms of visual impact;

- The effect of the proposal on the intensity of development in the area;
- The effect of the building or structure on indigenous flora and fauna;
- The effect on cultural values; and
- Height, yard and open space requirements.

29. Rule COA.5 states that subdivision in the Coastal Resource Area is a **discretionary** activity. While the rule refers to Rule SUB.2 and clearly duplicates that rule, it does not exempt Rule COA.5 and is considered applicable.

Transportation

30. On the advice of Mr Mullions the existing entrance does not comply with rule TRAN.4(IV)(a) and diagram 11 (b) as the access is required to be sealed. The access is currently metaled and is required to be sealed. Any non-compliance is a **restricted discretionary** activity pursuant to Rule TRAN.4(VII) the discretion of Council restricted to the following matters:

- The intensity and duration of the activity
- The classification and use of the road
- Any effect on the safety and efficiency of that road

Financial Contributions

31. Section 3.8 Financial and Reserves Requirements – Financial Contributions

32. Rule FIN.9 applies to the connections of water and wastewater to the existing public systems. The activity is not creating any new connections to Council's Services and therefore is not applicable to the activity. Rule FIN.10 applies to financial contributions for roading, this is not applicable to this application.

33. Rule FIN.7 sets out the terms where the imposition of financial contributions associated with the subdivision. Rule FIN.7(b) states a financial contribution for the purpose of acquiring, improving and/or developing reserves and recreational facilities throughout the district, may be imposed in the following circumstances:

- As a condition of a resource consent for any subdivision or development for residential, commercial or industrial purposes in the form of money except where the circumstances set out in (d) below apply, in which case land may be required. Such a charge shall be payable on –
 - Each allotment being created in the case of subdivision;
 - Each additional dwelling unit in the case of multi-unit development or for a cross lease or unit entitlement;
 - Each pan unit identified under Rule FIN.9(3) which is not covered by any of the circumstances above.

34. The applicant has advised none of the circumstances relevant to the imposition of a financial and reserve contribution are applicable. However, in review of FIN.7(b) a financial and reserve contribution is payable for this application for the creation of one Lot for residential purposes created in the case of subdivision.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('the NES')

35. There is no evidence of any verified HAIL activities being undertaken on the site. Council's database does not contain any records that show and HAIL sites at the property – nor does the Otago Regional Council HAIL Register.

36. The applicant has stated on the application form that there is no knowledge of any HAIL sites at the property. The site has been recently subdivided and the land use has already changed from rural production land to rural living.

37. It can be considered that the NES-CS does not apply to this application.

Overall Activity Status

38. Overall, the application is being considered and processed as a **Discretionary** activity.

NOTIFICATION AND SUBMISSIONS

39. The application has been processed on a limited notified basis, with notice of the application served on the following persons:

- Iwi (both Aukaha and Te Ao Marama); and
- 239F Moturata Road, Taieri Beach – S.S.J and A Tickle;
- 239E Moturata Road, Taieri Beach A.D.L Terry and D.S Hunter;
- 7 Akatore Road, Taieri Beach – A.J.C and G.B Taylor;
- 239C Moturata Road, Taieri Beach – R.M and M.S Morton;
- 239B Moturata Road, Taieri Beach – G.L and S Rowe;
- 229 Moturata Road, Taieri Beach – N.A and H.M Eason;
- 227 Moturata Road, Taieri Beach – J. A Saunders and T.G McNeill;
- 30 Otuarae Drive, Taieri Limited - Cathcart Limited;
- 29 Otuarae Drive, Taieri Limited - Cathcart Limited;
- Lot 9 DP 556422 – A.A Newall and SC Nominees 2019 Limited; and
- Lot 8 DP 556422 – Downie Stewart Trustee 2013 and K.B Duggan.

40. The notification decision was made on the 18 April 2024, and the submission period closed on 22 May 2024. It is noted only those persons who were served notice of the application

can make a submission, and that only those who made a submission and requested to be heard have formal speaking rights at a hearing.

41. For clarification, any hearing held is available to be attended by the public generally.

42. Five submissions were received, and these have been summarised in the following table.

Submitter	Date Submission Received	Address	Position	Wishes to be heard
Alexandra and Shane Tickle	18 May 2024	239F Moturata Road, Taieri Beach	Oppose	Yes
Summary	<p>Concerns regarding the departure of compliance from existing consent notices.</p> <p>Concerns of the significant impacts on visual amenity, privacy, increase traffic and sound/light.</p> <p>Concerns with the potential environmental impacts that may occur as a result of the additional building platform.</p> <p>Concerns with the increased population density, which could impact the visual amenity and privacy of existing residence, increase traffic and the introduction of more sound and light.</p>			
Ana Terry and Don Hunter	19 May 2024	239E Moturata Road, Taieri Beach	Oppose	No
Summary	<p>Concerns regarding the physical disruption of sightlines. Which has raised concerns their associative and perceptive relationship with whenua being affected through the loss of constant physical reinforcement of connection.</p> <p>Concerns that the documents do not acknowledge the physical, associative, or perceptual relationships with the whenua. Raising concerns the application runs contrary to the New Zealand Institute of Landscape Architect Guidelines.</p>			
Robert Morton	21 May 2024	239C Moturata Road, Taieri Beach	Oppose	Yes
Summary	<p>Concerns with the impacts on visual amenity and privacy that may occur. As well as the visibility of the dwelling from their property.</p> <p>Concerns with the proposed mitigation measures the height</p>			

Submitter	Date Submission Received	Address	Position	Wishes to be heard
	<p>proposed by the applicant which is a metre higher than the consent notice allows for Lots 2-8 DP 399272.</p> <p>Concerns with the increase in traffic and the costs/upgrades that may be required to undertake.</p> <p>Concerns with the proposed plantings and existing vegetation planting.</p> <p>Concerns with the conservation of the wildlife within the immediate area.</p>			
Kevin Duggan	22 May 2024	Lot 8 DP 556422	Oppose	Yes
Summary	<p>Concerns regarding the Building Height Restrictions of the proposed dwelling.</p> <p>Seeks the same conditions imposed for the proposed dwelling that are the existing dwellings are subject to.</p> <p>Concerns regarding the extent of the landscape/screening plantings along the northern boundary.</p> <p>Seeks the following conditions.</p> <p>That the planting strip is extended on the northern boundary and that all other planting conditions and guidelines are subject to land covenants registered of the Title of proposed Lot 2.</p>			
Te Runganga o Otakou	22 May 2024	N/A	Oppose	Unconfirmed
Summary	<p>Concerns with the onsite wastewater disposal noting that a feasibility assessment was not provided with the application.</p> <p>There is insufficient information provided in the application to enable the submitter to assess the impacts of onsite wastewater and stormwater on the cultural values, coastal environment; and any cumulative effects that may occur.</p> <p>Concerned with the increasing number of subdivisions within their coastal takiwā.</p>			

The Tickle and Morton Submissions contains a list of all current landowners of the Moturata Views Subdivision who have signed the document in disagreement of the proposed

subdivision. All signees were served notice, apart from the property owners of Lot 1 DP 399272, A.J.C and G.B Taylor. The information provided raised no new information.

SECTION 104

43. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY SECTION 104(1)(a)

44. Section 104(1)(a) of the Act requires that Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including –

- a) Any positive or adverse effect; and*
- b) Any temporary or permanent effect; and*
- c) Any past, present, or future effect; and*
- d) Any cumulative effect which arises over time or in combination with other effects-
Regardless of the scale, intensity, duration, or frequency of the effect, and also includes-*
- e) Any potential effect of high probability; and*
- f) Any potential effect of low probability which has a high potential impact.*

Permitted Baseline and the Existing Environment

45. In considering the assessment of effects Council may apply the permitted baseline. The purpose of the permitted baseline is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consents in order to measure the effects of the proposal.

46. Under Section 104(2) of the Resource Management Act, Council may disregard an adverse effect of a proposed activity on the environment if a plan permits an activity with that effect. Such activities form part of the permitted baseline.
47. In relation to this application, I do not consider the permitted baseline to be applicable. This is because all subdivision within the Coastal Resource Area requires a discretionary activity resource consent, and all dwellings also require a restricted discretionary activity resource consent.

Assessment of Effects

48. The assessment of effects is guided by the assessment matters identified in the Plan but as a Discretionary Activity the proposal must be broadly assessed. As a starting point the Plan provides assessment guidance for the proposed activity under the following headings:

- Mitigation measures
- Density of dwellings in the locality and subdivision design
- Natural Character Effects and Landscape Effects
- Access
- Provision of network utility services
- Effects on indigenous flora and fauna
- Natural Hazards
- Earthworks
- Utilities
- Financial and Reserve Contributions

49. With assessing both a subdivision and a land use activity, some of the matters of discretion listed for each activity in the District Plan have themes which moderately duplicate each other. This is especially prevalent for the visual amenity theme – i.e., effects of subdivision design/ natural values/ density of dwellings in the locality/ visual effect of development' matters where the effect of the proposed development on the landscape need to be assessed. The visual amenity matters will be considered collectively for efficiency.

Mitigation measures

Applicant's Assessment

50. Paragraphs 11 and 12 of the Application prepared by Ms Peters of Sweep Consultancy identifies various mitigation which are volunteered as part of the activity to avoid or mitigate adverse effects on the environment. Most of the proposed mitigation measures are related to landscape, planting and amenity and are:

- a) All buildings shall have a maximum height of 5m above existing ground level.

- b) All buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 30% whilst the roof colour shall have a reflectivity rating of no more than 10%.
- c) All services are to be located below ground.
- d) No pre-existing dwellings shall be established on the identified building platform. For the purpose of this analysis, pre-existing dwellings mean a previously used building intended for use as a dwelling to the site. This does not include prefabricated dwellings erected off-site.
- e) On going maintenance of the mitigation planting.
- f) New tree and shrub plantings further than 15m from the residential unit are to consist of indigenous species only with a mature height of no more than 7m. New tree and shrub plantings within 15m of a residential unit must not exceed a mature height of 5m.
- g) Outdoor lighting shall be:
 - (1) Shielded from above in a manner that the edge of the shield shall be below the whole of the light source.
 - (2) Have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 40nm. This therefore includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.
 - (3) All fixed exterior lighting shall be directed away from adjacent properties, roads, and marine environment.

51. The assessment of the Mitigation Planting and Conditions will be continued in the below sections where relevant. These mitigation measures have been taken into consideration in the following assessment. They have also been generally adopted as recommended conditions of consent with a few recommended changes.

Density of dwellings in the locality, subdivision design, effects on amenity and cumulative effects

Applicant's Assessment

Design of the site

52. The assessment of effects describes that the subdivision has been designed taking into account the physical limitations of the land with respect to terrain and natural hazards. The site is located on an old marine terrace with the identified building platform on Lot 2 setback approximately 84.8m from the eastern boundary of the site and located at an elevation of between approximately 12.3m and 13.2m above sea level. As such, the identified building platform on Lot 2 is not at risk of sea level rise.

53. The applications analysis of the proposed subdivision design prepared by Ms Peters has considered the facilitation of safe and easy access by both people and vehicles. Access to the site is gained from Moturata Road via an existing right of way which is shown as Easement A on the subdivision scheme plan. This easement will be retained albeit updated to include proposed Lot 2, it is noted that the Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272.
54. A new right of way, shown as B on the subdivision scheme plan, will provide access over proposed Lot 1 to proposed Lot 2. The access is of suitable width and formation to provide for the operation of emergency services.
55. Ms Peters has identified that the existing pedestrian access over the site to the coast will be retained and is located within Lot 1 as shown on Figure 5 below:

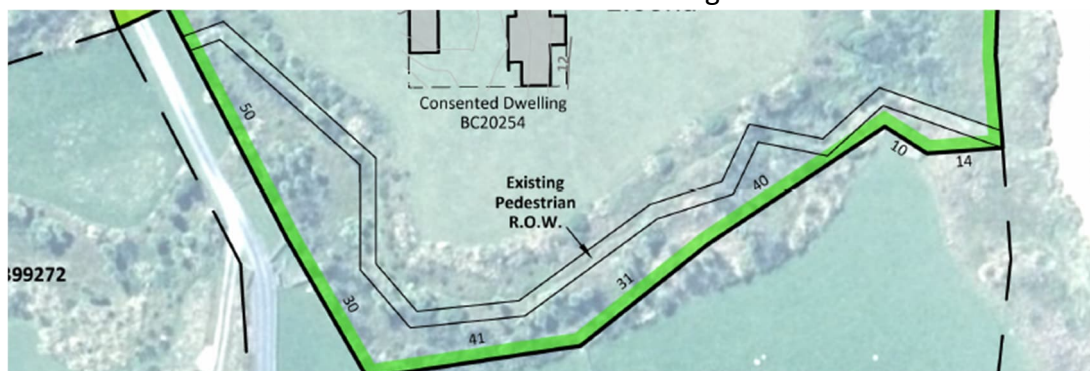


Figure 5: Existing Pedestrian ROW over proposed Lot 1

56. With respect to the subdivision design, Ms Peters advises the layout provides good orientation to the north to provide access to passive solar energy sources if landowners want to incorporate these into their dwelling build design.
57. Both proposed Lots 1 and 2 will be self-serviced for potable water, wastewater and stormwater. Connections to electricity and telecommunications will be supplied by the developer at the time of subdivision works.
58. The proposed Lot sizes well exceed the minimum 0.4 hectare size stated in the Plan and are of sufficient size to comply with the servicing and bulk and location requirements for residential activities in the rural area.

Density of dwellings in the locality and effects on amenity

59. The character and amenity of the area as a whole is influenced by various aspects, including the density of dwellings, access to the existing Lots utilising the ROW, visual amenity, and the scale of the activity.
60. Ms Peters provides a detailed assessment of proposed visual mitigation measures as outlined further below. This area is characterised by residential dwellings, mature landscaping and open space. Ms Peters describes the proposed subdivision as relating well to the adjoining development and is in keeping with the character of surrounding

development. The site was created by a prior 9-lot subdivision which is now fully developed with 8 built residential dwellings and 1 residential dwelling on Lot 1 has building consent.

61. Mr Cookson of Cookson Land Surveying Limited has prepared a plan showing existing dwellings and consented building platforms within 200m of the building platform on Lot 2, this Plan has been prepared and attached to this report as Appendix 3.
62. With respect to the existing residential dwellings the established vegetation which was required as a condition of consent under RM1411 helps mitigate the view of future residential activities on proposed Lot 1. The proposed planting which has been developed for the site was created with regard to the landscape and planting plan provided by Mr Moore for the original 9-lot subdivision. It is considered the existing planting has provided sufficient internal screening of the existing dwellings.
63. As shown below in Figure 6, the boundary planting screen views back into the site from adjacent development and provide a similar level of shelter as exists on the boundaries of 239C and 239E. Additional planting is specified to encourage a dense and more rapid shelter belt to be established on the northern and western boundaries of Lot 1.



Figure 6: existing boundary planting

64. While it is considered the proposed activity will change the character and amenity of the existing lot it is not considered to be adverse in the context of the current development which has been undertaken along Moturata Road. The subject site adjoins and has been created from previous coastal residential development with a combination of established and new developments.

65. The proposal as described by Ms Peters is considered to be in keeping with existing development of the wider environment. It is considered the proposed subdivision and location of the building platform has taken into consideration the existing topography of the site with respect to the existing dwellings, and existing privacy screening.
66. The Application considers the proposed subdivision design reflects current lot sizes within the area. The existing Lot as a whole is approximately 29,000 square metres in size, whilst the other lots created under RM1411 range in size from 6000 square metres to 18000 square metres. Proposed Lot 1 shall be approximately 20000 and Lot 2 shall be approximately 9720 square metres, the size of both lots are considered consistent with the existing range of Lot sizes. The mitigation planting provided with the application can mitigate to a degree this has been discussed more in depth in **Natural Character Effects and Landscape Effects**. The landscape report provided by Mr Forsyth in support of the application, assessing the seven point scale devised by New Zealand Institute of Landscape Architects (NZLIA), has in summary described the effects on all of the existing residential surrounding proposed Lot 2 is 'low' to 'very low'. Mr Forsyth advised on a technical planning scale this determination equates to a less than minor effect.
67. The site as described by Ms Peters is considered to be in keeping with existing development. Considering the existing density patterns, it could be viewed as a consolidation to the existing development area and consequently the existing environment is already at a density greater than normally encountered in the coastal environment of the District, or other smaller subdivision developments in the District. As outlined above the proposed mitigation planting provided with the Application can mitigate the effects of the development on amenity to a degree, but this does not fully address the full scope of the character and amenity values of the area as a whole which is influenced by various aspects, including the density of dwellings, access to the existing Lots utilising the ROW, visual amenity, and the scale of the activity.
68. It is noted that the application has not considered additional traffic movements nor noise which may increase with a new dwelling (accommodating a number of people). The subject site is located in the middle of existing subdivision pattern with access gained via a private right of way. Public interaction with the development would only be by those users actively visiting the subdivision (compared to passively going past the development on route to another location such as Moturata Road). Whilst undertaking this assessment as above, the cumulative effects of the development at 239d Moturata Road have been considered in relation to access.

Submissions

69. Submitters Robert and Margaret Morton, state in their submission there is an existing precedent for restricting the height of a building on this subdivision to 4m height. Further stating this decision was made to mitigate potential visual effects from a neighbouring property, and the present proposal for the building on Lot 2 to be allowed to be 5m tall is not reasonable and contributes to its visual dominance in the landscape.

70. Submitter Kevin Duggan, states in his submission the building height restrictions should be imposed. Considering the recent subdivision RM1636 where those sections with coastal frontage/terrace had a height restriction of 4.5 metres imposed. With the precedent set and for the same rationale to mitigate any potential adverse impacts to the surrounding properties and coastline, they would like the same conditions imposed for the proposed additional building platform.
71. Submitters Shane and Alexandra Tickle, state in their submission they are concerned that there will be departure from compliance with the Clutha District Council's Consent Notices 7921033.5 which impacts significantly on owners of Lots 2-8 DP 399272, a signed document has been provided with all of the property owners in 'Moturata Views' opposing the additional Building Platform. The Tickle Submission raises concerns for the visual impacts, loss of views and the impacts of increased population density.
72. Submitters Anna Terry and Don Hunter, state in their submission they are concerned by the effects the proposed subdivision will have on site lines of the view beyond of the coastal environment.

Assessment

73. Submitters Morton have identified that there is an existing precedent for restricting the height of buildings being 4m, this is incorrect. There are no consent conditions that are required to be varied or cancelled under Section 221 as the applicant has volunteered conditions of consent that are consistent the consent notices (7921033.5) created under RM1411. The existing consent notices (7921033.5) require any dwellings and ancillary buildings to not exceed a single storey and required a maximum of 6.0 metres in height, measured from the existing ground level prior to any excavation of a building platform. Except for Lot 3 which required buildings not to exceed a single storey and 4 metres in height.
74. As noted above the applicant has volunteered a consent notice condition for all buildings, dwellings and accessory buildings on proposed Lot 2 to have a maximum height of 5m. This is 1 metre less than allowed for on Lots 1,2,4-9 DP 399272, to help mitigate any potential impact in terms of height. Further to this the applicant has volunteered the use of visually recessive building materials and colours, will provide effective visual mitigation of any future buildings.
75. I consider that an additional dwelling for residential purposes is not out of character with the environment. The density of dwellings within the locality ranges from dense to sporadic within approximately 200 metres of the site, and Council's GIS shows the surrounding rural/coastal area to have many properties within 200 metres of each other, these have been associated with recent and historic subdivisions and existing residential developments.

76. In my opinion the establishment of Lot 2 and an additional dwelling will introduce a perceptible change to the existing dwellings and amenity, and result in a more residential feel to the site, but the natural elements will still dominate over built form. The residential land use in the environment is already established and forms an obvious part of the character of the environment. I consider the volunteered mitigation consent notices will help provide mitigation of any future buildings and use of the site.
77. Proposed Lots 1 and 2 are approximately 9,720m² and 20,000m² respectively, in consideration of the portion of both Lots which adjoin the coastal terrace, it considered they are still a size that meets the requirements of 4,000m² to allow for onsite waste dispersal without any cross boundary contamination occurring. The design of the subdivision in my opinion, is of size and shape that has allowed for appropriate design to accommodate the establishment of one additional residential activity to conform with the bulk and location, amenity space, onsite wastewater and stormwater dispersal, onsite parking and manoeuvring provisions of the District Plan.
78. I acknowledge the concerns raised in the Tickle Submission with regard to the consent notices registered on the titles of Lots 1-9 DP 399272. However, I believe the consent notices volunteered by the applicant are not departing from the existing conditions but ensuring the development of proposed Lot 2, is developed with the same and stricter mitigation and design measures as the existing Lots, whilst allowing the applicant to utilise their property for private use.
79. With the proposed mitigation conditions and consent notices in place, I consider the adverse effects on amenity values on the submitters will be no more than minor.

Natural Character Effects and Landscape Effects

Applicant's Assessment

80. The application is supported by a Planting Plan and Specification assessment prepared by Hugh Forsyth Landscape Architect. The assessment was based off a report prepared for the original subdivision consent RM1411. A site specific planting plan and assessment has been included for Lots 1 and 2 as shown in green in figure 7 below. This is a comprehensive report while key points and suggested conditions will be included in this AEE from the report, for the sake of brevity, only parts of the analysis from the report will be included in this AEE.



Figure 7: Proposed planting plan and existing planting

81. The application is further supported by a memorandum prepared by Hugh Forsyth from Site Environmental Consultants.
82. Mr Forsyth's report describes the landscape character and values of the site, the Coastal Resource Area that has seen recent trend to rural residential development which has implemented planting of native vegetation recommended by Mr Moore's Planting Plan and Specification.
83. Recent development of the Taieri Mouth Coastal Area has seen open rolling coastal farmland being replaced by a low density housing, open lawn/pasture areas and extensive planting of native shrub species. The recently developed area has a distinct character. Mr Forsyth describes the adjacent lots as having similar levels of planting, and which is now a significant landscape feature and character element in this part of the coastline.
84. Mr Forsyth's assessment discusses the existing dwellings above, to the south and southwest of the proposed Lot will be able to view all of this development. However, the proposed Lot 2, and consented Lot 1, have extensive mitigation planting proposed along their western boundaries and will be single level and set back towards the western part of their respective sites. This provision will limit the visual impact and add to the already extensive addition to the biodiversity of the area that on site ROW planting.
85. Development located on Otuarae Road also includes mitigation planting, with a broad swathe marking the boundaries of Lot 13, Lot 8 and the three lots located along the northern boundary of this development.

86. The range of coastal residential dwellings are accessed by two main ROW's and the through route of Moturata Road. Those on higher land and close to the shore are orientated towards the coast. Those within the subdivision that includes the subject site are often located on outer lot boundaries which results in larger open space between residences. Boundary planting is a condition of consent which has been thoroughly adopted and is now a defining landscape characteristic.
87. Ms Peters has detailed that mitigation planting has been undertaken along the northern boundary but is at an early stage. Additional planting is specified to encourage a dense and more rapid shelter belt to establish. This boundary planting will screen views back into the site from adjacent development and provide a similar level of shelter as exists on the northern boundary of properties 239b and 239c Moturata Road.
88. Mitigation planting is proposed along the western road boundary of both Lots. This will extend existing planting and provide privacy screening to Lot 2 for vehicles on the shared ROW. The planting proposed for Lot 1 continues part way along the southern boundary and seeks to partially mitigate the visual change that will result for 239f Moturata Road as well as providing wind shelter. The building platform for Lot 1 has consent under the existing subdivision and building consent has recently been obtained for a dwelling on that building platform.
89. Recommended landscape conditions have been volunteered by the applicant, these address building height, colour, external materials, and planting. The majority of these conditions repeat those included in the original subdivision landscape report and planting plan, as provided by Mr Moore. It describes the success of planting and the opportunity to extend the existing subdivision character into the proposed subdivision.
90. Ms Peters advises present boundary planting has reached approximately 4-5 metres in heights, in parts and provides canopy cover, a mix of species and a context for the dwellings on the site. The species chosen are all hardy native coastal plants and are a good fit with the coastal climate.
91. Overall, Mr Forsyth considers the adverse effects of landscape character, values and existing residential properties will be low.

Submissions

92. Submitters Te Runganga o Otakou, state in their submission they are concerned the present application represents an intensification of subdivision and development along the coast, in a landscape with significant cultural values. Te Rūnanga o Ōtākou has concerns with the increasing number of subdivisions within the coastal areas of their takiwā and their encroachment and adverse effects on the cultural landscape – in particular Te Tai-o-Arai te uru, Otuarae, and the Taiari – of which the proposed subdivision forms a part.

93. Submitters Shane and Alexandra Tickle raised concerns that the proposal does not consider the neighbouring properties view/perspectives. Concerned that instead of rural views of grass land leading to the coastline, their views are going to be impeded by the proposed building platform.
94. Submitter Kevin Duggan, has raised concerns regarding Concerns are held about the close proximity, potential for loss of open space character and the visibility of any dwelling and/or associated buildings
95. Submitters Anna Terry and Don Hunter, state in their submission they are concerned by the effects the proposed subdivision will have on site lines of the view beyond of the coastal environment. Also stating the physical building disrupts their associative and perceptual relationships with the whenua becoming damaged through the loss of the constant physical connection.
96. Submitters Robert and Margaret Morton, raise concerns regarding the proposal introduces visual dominance in the landscape and which affects the views from all Lots within the immediate vicinity.

Assessment

97. The assessments by Mr Forsyth and Ms Peter I generally accept. I also accept that the proposed planting mitigation strategy will contribute towards mitigating effects and will help soften and integrate the development into the existing subdivision pattern.
98. The Council has engaged consultant landscape architect Mike Moore to undertake a peer review of the application and Mr Forsyth's landscape assessment. Mr Moore's peer review is in Appendix 1. One of the reasons for undertaking a peer review was in response to submitters querying the methodology of Mr Forsyth's assessment.
99. Mr Moore considers that Mr Forsyth's landscape assessment is consistent with best practice methodology and whilst brief, has reasonably assessed the landscape, natural character and visual amenity effects of the proposed development.
100. Mr Moore has provided the following three recommendations to further mitigate the effects of the development:
 1. *That consideration be given to further mitigating the effects of development on Proposed Lot 2, on the visual amenity of the dwellings to the west of the site by locating the BP approximately 10m further west (which would result in it being generally lower and more closely associated with the proposed contextual / screening plantings) and / or by reducing the maximum building height to 4m.*
 2. *Amend Appendix C as follows:*

(3) Planting is to be undertaken with the native species listed below, or other locally appropriate indigenous species capable of reaching at least 4m height and suitable for successful establishment in this area.

(5) Planting is to be maintained to encourage successful establishment and is to be managed to ensure that its screening / mitigating function is sustained on an on-going basis. Any plants that die or fail to thrive are to be replaced as quickly as practicable.

101. I do support the recommendation (1) to move the building platform.

102. I support the proposed recommendations for the Appendix C changes from Mr Moore's Peer Review should be adopted and imposed; these have been included as recommended conditions of consent.

103. Further to this, I generally, agree with the proposed planting plan, however, this could be extended along the northern boundary of Lot 2 in relation to the Duggan Submission suggestions as shown in Figure 8.

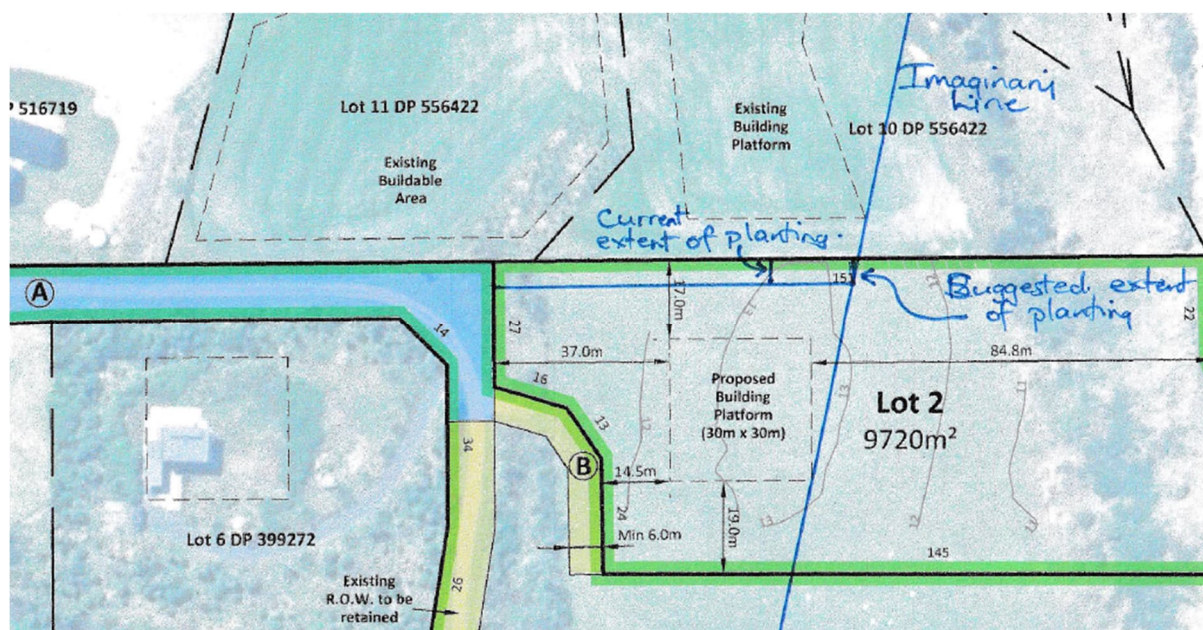


Figure 8: Proposed Planting extension from the Duggan Submission

104. The proposed dwelling will be visible from public places including the coastal environment but will be seen in the context of an existing node of rural residential development. Although I consider the subdivision will constitute further intensification of this area, it does not represent an expansion or sprawl of residential activity in the coastal area.

105. With regard to the submission from Aukaha, I acknowledge that Te Runanga o Otakou are experts with regard to adverse effects on cultural values, and in particular effects on cultural landscapes. I consider that more information or evidence is required to assist with a greater understanding of adverse effects on cultural landscapes, in particular the

context of this activity and the intensification of rural residential subdivision and development in the coastal environment.

106. The adverse effects on natural character and landscape can be avoided or mitigated to the extent that they are no more than minor.

Traffic and roading

Applicant's Assessment

107. Ms Peters advises, the access is via existing right of way shown as 'A' on the subdivision scheme plan with a new right of way, shown as 'B' on the subdivision scheme plan, providing access over proposed Lot 1 to proposed Lot 2. Right of way B will have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404.

Submissions

108. Submitters Robert and Margaret Morton, state in their submission there is likely to be a near 50% increase in traffic on the right of way should the proposed subdivision occur and both sites are built upon.
109. Submitters Shane and Alexandra Tickle, state in their submission have raised concerns regarding the location of the proposed sealing and turn-around area within ROW A, and the impact this would have on the rural and tranquil setting of the Moturata Views Subdivision.

Assessment

110. Traffic to the site will be gained from Moturata Road, via an existing formed Right of Way (ROW) created under the Subdivision Consent RM1411 shown as Easement A on the scheme plan. A new ROW, shown as B on the subdivision scheme plan, will provide access to proposed Lot 1 over proposed Lot 2 as shown in Figure 9 below.

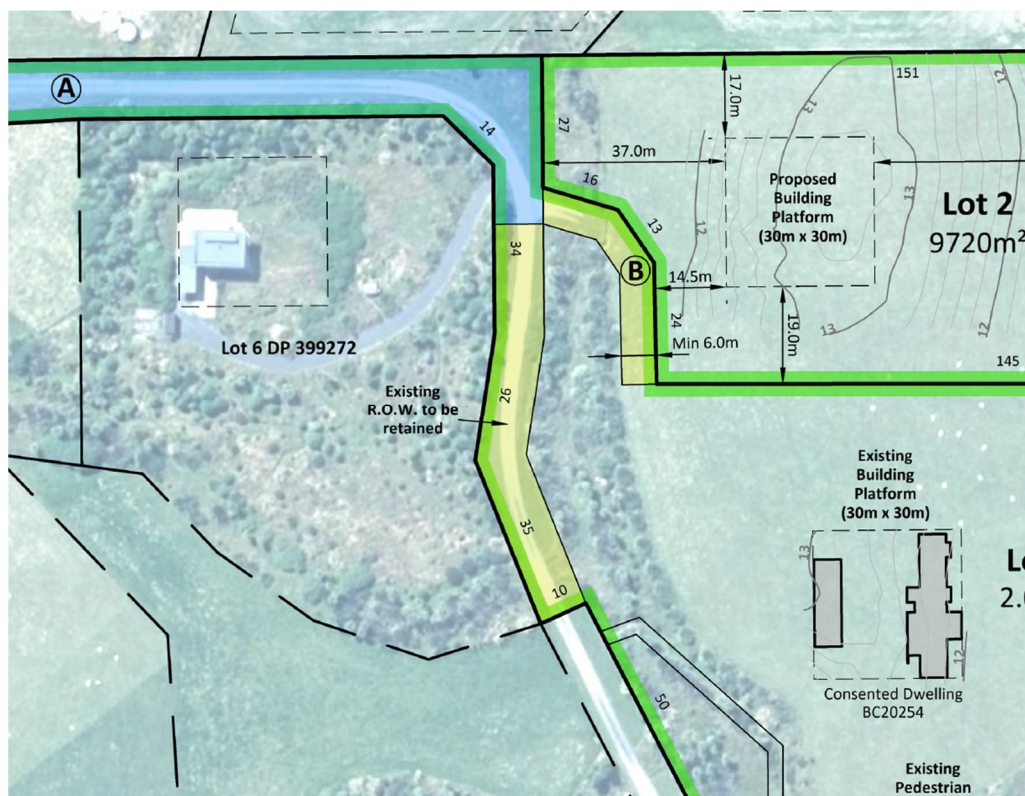


Figure 9: Existing ROW and Proposed ROW

111. Access will be gained through the ROW A, there is no new proposed access ways, access to both Lots 1 and 2 will be gained through the existing access to the subject site. An internal ROW has been proposed which would allow Lot 1 to gain access over Lot 2, this will not affect any of the other property owners.
112. The existing access which previously served 5 Lots, and now increasing to 6 lots creates a non-compliance with Council's Roding Bylaw. The current access is a metalled surface, Council's Senior Development Engineer, Mr Mullions recommends in his report the sealing of the current vehicular crossing in accordance with rule TRAN.4 (IV) (a) and diagram 11 (b), sealed for a distance of 10 meters from the edge of seal in Moturata Road. The seal is recommended to be 5.7m wide with gates (if any) set back 10 meters from the edge of seal in Moturata Road.
113. Mr Mullions also recommends that a turnaround area is required to be formed in ROW A in accordance with NZS4404-2010 section 3.3.16.1 and figure 3.4. Right of way B shall have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404 section 3.3.16.
114. Based on the above and referring to Mr Mullions advice in the report I recommend that the roading effects will be minor. I support Mr Mullion's advice that subject to conditions which require the existing crossing from the edge of seal for a distance of 10m minimum, a turning circle created and Right of way B shall have a minimum legal width of 6m.

Provision of network utility services

Applicant's Assessment

115. There are no Council reticulated services in this location, as is common for new developments in the Rural/Coastal Resource Areas. This assessment will consider services including electricity/internet; water (sewerage, stormwater and potable water). Access and roading have been considered above.
116. Ms Peters advises that there existing electricity services available at the boundary to each Lot and that the applicant will extend electricity and telecommunication services into the site. Consideration for an alternative electricity supply by way of solar. The subdivision design provides orientation to the north to provide access to passive solar energy sources if the property owners want to incorporate these into their dwelling build design.
117. There are no Council reticulated services in this location, sewerage, stormwater and potable water will be provided for onsite.
118. Ms Peters has advised that the wastewater will be dealt with via onsite treatment to at least a secondary standard with dispersal to field. The particular details of the secondary treatment system and dispersal field for Lot 2 will be dealt with at the time of application for building consent when design of the dwelling and sizing and location of treatment plant and dispersal field are known. It is considered the Lots are of size and shape to allow for onsite wastewater disposal without any cross boundary contamination occurring, the minimum size being 4000 square metres.
119. Potable Water shall be serviced via collection of rainwater from non-toxic roof surfaces to storage in tanks of a suitable size.
120. Excess water will be sent to sump and/or to existing stormwater drainage system within the site. Stormwater from hard surfaced areas will be sent to sump and/or to existing stormwater drainage system within the site. The applicants propose that as a condition of consent for Lot 2, that a drainage plan, demonstrating that post development flows are no more than pre-development flows and that the existing stormwater flow paths through Lot 2 remain viable post development, is submitted for approval by Council at the time of or prior to application for building consent.
121. In considering Onsite Firefighting Tanks the applicant has indicated that the Lots will provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent firefighting capacity with that water supply being located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. The firefighting reserve will be separate to the potable water reserve.

Submissions

122. Submitters Te Runanga o Otakou have raised concerns that wastewater will be disposed of onsite. Identifying that a feasibility assessment was not included with the application and that insufficient information has been provided for Rūnaka to assess the potential adverse impacts of wastewater disposal on cultural values and the receiving environment of Te Tai-o-Ārai te uru. Rūnaka are particularly concerned with the cumulative effects of discharges of wastewater and stormwater at the coast, as a consequence of subdivision and development outside of those settlement areas provided for by the CDP.
123. Submitters Shane and Alexandra Tickle raised concerns that the increased population requires better grey water management into a sump.

Assessment

124. There are no Council reticulated services in this location, as is common for new developments in the Rural/Coastal Resource Area.

Sewer

125. With regard to the submission from Aukaha and the concerns raised regarding wastewater being disposed of onsite. Mr Mullions has identified that no site appraisal was supplied with the application, noting proposed Lot 2 is approximately 1 hectare and with the recommended secondary treatment considers there is sufficient room for Onsite Wastewater Dispersal. I agree with Mr Mullion's advice to accept the volunteered condition requiring secondary treatment for the Onsite Wastewater. The proposed lot size complies with the District Plan's requirements of 4000m² for onsite wastewater dispersal without any cross boundary contamination occurring.

126. I have included recommended conditions of consent attached to Appendix 1.

Stormwater

127. Mr Mullions has accepted the volunteered condition requiring that a drainage plan, demonstrating that post development flows are no more than pre-development flows and that the existing stormwater flow paths through Lot 2 remain viable post development, is submitted for approval by Council at the time of or prior to application for building consent. I agree with Mr Mullion's determination to accept the volunteered conditions.
128. I have included recommended conditions of consent attached to Appendix 1.

Potable Water

129. There is no Council Reticulated Potable Water Infrastructure for the dwelling to connect to. Potable Water will be collected via roof to tank, the tanks shall be located within the approved building platform.

Fire Fighting

130. A standard consent notice for firefighting tanks being required in rural areas is recommended:

Fire Fighting Water Tanks

At the time of construction of the residential dwelling on the property owner shall ensure that the firefighting requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or subsequent amendments) including access to the tanks is complied with.

Electricity/Telecommunications/Internet

131. The provision of electricity will be available at the boundary to Lot 2 and the telecommunications shall be through wireless technology. Consideration for an alternative electricity supply by way of solar is also accepted.

Summary

132. The matter of water being sourced from rainwater collected to tanks, stormwater and wastewater being disposed of onsite, provisions of electricity and the telecommunications being available through a wired connection to the boundary or via remote wireless technology are accepted and I consider that the adverse effects of the proposal in terms of servicing are minor.

Effects on indigenous flora and fauna

Applicant's Assessment

133. The site is vegetated in exotic pasture grasses and has been farmed. There was no indigenous vegetation observed as present on site other than those established as a part of the Subdivision Planting Plan. Current site pastoral grazing and indigenous planting is proposed as part of this application as recommended by Mr Forsyth and Ms Peters.

134. It is not known whether the site provides habitat to any indigenous fauna including nesting for birds. Ms Peters advises the proposal will not disturb the wildlife or coastal vegetation.

133. Ms Peter advises, The site is highly modified containing none of its original landcover. The proposed activity includes mitigation planting of indigenous species on both lots adding to existing plantings planted as a result of the subdivision, RM1411, that created the site. The plantings will be protected in perpetuity via consent notice on the titles for each lot. The consent notice will also require control of plant and animal pests.

Submissions

135. Submitters Shane and Alexandra Tickle raise concerns that the increased population density will affect the dunes below Lot 9 which are allegedly a frequent resting place for New Zealand Sea Lions and Fur Seals.

136. Submitters Robert and Margaret Morton, raise concerns that the increased density of shorefront buildings increases the chance of human activities interfering with the

behaviour of the sea-lions. In addition, advising, sea-lions are a taonga species for the Ngai Tahu.

Assessment

137. The section above titled 'Natural Character Effects and Landscape Effects' has provided a more detailed assessment in relation to natural character.
138. The site is vegetated in pastoral grasses and has been used for farming purposes in the past. Proposed Lot 1 is anticipated to be used for residential purposes. It is not known if the site provides habitat to any indigenous fauna. There are no reasons to suggest that the property is important in terms of habitat for fauna.
139. The proposed planting consists only of indigenous vegetation, this will enhance indigenous vegetation over the site and potentially encourage habitat for birds and other fauna.
140. I am not aware of whether an additional residential unit would result in disruption to wildlife any more so than what could potentially occur as a result of the existing extent of residential development.
141. Overall, and subject to further information or evidence on the effects on wildlife, I consider the adverse effects of the activity on indigenous flora and fauna to be minor.

Natural Hazards

142. The site is not known to be subject to any known natural hazards located on or near the development site and the Council's GIS and Otago Regional Council's Hazard Register, does not show any known hazards affecting the site.
143. The applicant does note the site is located on an old marine terrace with the identified building platform on Lot 2 setback approximately 84.8 metres from the eastern boundary of the site and located at an elevation of between approximately 12.3-13.2 metres. As such, the identified building platform on Lot 2 is not at risk of sea level rise.

Submissions

144. There are no references in any of the submissions that relate to Natural Hazards.

Assessment

145. There is not considered to be any potential for the proposed subdivision to exacerbate the effects of natural hazards on any adjoining land. The effects of natural hazards are considered to be minor.

Financial and Reserve Contributions

Submissions

146. There are no references in any of the submissions that relate to the Financial and Reserve Contributions.

Assessment

147. There are no financial contributions to be made for this subdivision as there are no new connections being made to Council's infrastructure.

148. Rule FIN.7 is therefore applicable, and the activity raises a requirement for reserves contributions for Lot 2 because the new allotment is going to be used for residential purposes and has a residential building platform.

Effects Assessment Conclusion

149. Having taken into consideration the proposed activity and assessments in the AEE, the submissions, Mr Moore's landscape review, the Applicant's proposed mitigation planting, the volunteered conditions and the advice of Mr Mullions, I consider that the proposed activity will have adverse effects on the environment that are no more than minor.

150. I consider that an additional dwelling for residential purposes is not out of character for the environment. The existing dwellings surrounding the subject site have been associated with recent and historic subdivisions and existing residential developments.

151. In my opinion the establishment of an additional dwelling will introduce a perceptible change to the existing dwellings and amenity, and impart a more residential feel to the site, but the natural elements will still dominate over built form. The residential land use in the receiving environment is already dominant. I consider the volunteered mitigation consent notices will help provide mitigation of any future buildings and use of the site.

Section 104(1)(B) Assessment of Relevant Statutory Plans

152. In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Clutha District Plan, Otago Regional Policy Statement and any relevant National Policy Statements were considered in assessing the application. These documents are:

- District Plan
- Partially Operative Regional Policy Statement for Otago
- National Policy Statement: New Zealand Coastal Policy Statement 2010
- Kai Tahu Ki Otago Natural Resource Management Plan

Objectives and Policies Assessment

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

Clutha District Plan

153. The District Plan is considered to be the primary document relevant to this application. The following objectives and policies of the Clutha District Plan are considered to be relevant to this application:

Coastal Resource Area

<p>Objective COA.1 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use, and development</p>	<p>The assessment from Mr Forsyth and Ms Peters concludes the proposal will not be inappropriate because the site is highly modified with none of the original land cover remaining.</p> <p>Based on Mr Moore’s Peer Review and my own consideration of the effects from the proposal, I agree. That the proposal is not considered to constitute inappropriate subdivision or use in the coastal environment.</p> <p>It is considered the activity to be consistent with this objective.</p>
<p>Objective COA.2 To recognise the importance of coastal resources to Māori.</p>	<p>The activity has not been identified as directly affecting coastal resources. The submission from Te Rūnanga o Ōtākou have identified concerns in relation to wastewater management and cumulative effects.</p> <p>On the basis, I consider the activity generally consistent with this objective based on the information available.</p>
<p>Objective COA.3 To avoid or mitigate the adverse effects that natural hazards and in particular sea level rise may have on the natural and physical resources of the District.</p>	<p>As noted by Ms Peters, the site is located on an old marine terrace and above expected sea level rise. Natural hazards have not been identified on the site.</p> <p>The activity is considered to be consistent with this objective.</p>
<p>Policy COA.1 To ensure the subdivision, use and development of the coast and in particular, buildings and structures avoids, remedies, or mitigates any adverse effects on:</p> <ul style="list-style-type: none"> • Natural character values • Outstanding natural features and landscapes • Amenity values of the coast 	<p>The adverse effects of the subdivision and proposed building platform on Lot 2 have been considered by the applicant. Amenity values and rural character are proposed to be appropriately managed.</p> <p>The proposal will not impede upon the safety of the public nor the enjoyment of the coast by the public. Noting the future buildings on Lot 2</p>

<ul style="list-style-type: none"> • The safety of the public • The enjoyment of the coast by the public 	<p>will be visible from the surrounding area and the coast. Ms Peters has provided recommendations to ensure the visual effects have been carefully considered and any adverse effects are avoided, remedied or appropriately mitigated.</p> <p>It is considered the activity is consistent with this policy.</p>
<p>Policy COA.2 To manage the subdivision, use and development of the Coastal Resource Area to ensure adverse effects are avoided as far as practicable and that where complete avoidance is not practicable, that adverse effects are mitigated, or provision is made for remedying those effects.</p>	<p>The adverse effects of the subdivision and proposed building platform on Lot 2 have been considered by the applicant.</p> <p>Ms Peters has provided recommendations to ensure any adverse effects have been carefully considered and are avoided, remedied or appropriately mitigated.</p> <p>It is considered the activity is consistent with this policy.</p>
<p>Policy COA.3 To ensure that the adverse effects that activities can have on:</p> <ul style="list-style-type: none"> • Areas of indigenous vegetation and • Areas of indigenous fauna habitat and • Estuaries, wetlands, waterbodies and their margins and sand dunes <p>Within the coastal resource area are avoided, remedy or mitigated.</p>	<p>The proposal is not identified to affect any indigenous vegetation and fauna habitat.</p> <p>The proposal building platform is not occurring within 50 metres of the bank of any waterbody.</p> <p>It is considered the activity is consistent with this Policy.</p>
<p>Policy COA.5 To consult and work with:</p> <ul style="list-style-type: none"> • The Department of Conservation; • The Otago Regional Council; • Manawhenua; and • Affected landowners <p>In resource management issues of the Coastal Resource Area.</p>	<p>Notice of the application was served on some persons identified within the policy.</p>
<p>Policy COA.7 To restrict public access, only where such a restriction is necessary:</p> <ul style="list-style-type: none"> • To protect areas of significant indigenous 	<p>There are no new public accesses proposed a part of the application. There is an existing Public Access through Lot 1, created under the consent RM1411. There are no proposed</p>

<p>vegetation and/or significant habitats of indigenous fauna, particularly from the effects of vehicles;</p> <ul style="list-style-type: none"> • To protect Māori cultural values; and • To protect public health or safety <p>To ensure a level of security consistent with the purpose of a resource consent.</p>	<p>changes and are to be carried over to the new record of title for Lot 1.</p> <p>It is considered the activity is consistent with this policy.</p>
<p>Policy COA.9 To provide for recreational use of the coastal area while ensuring adverse effects on ecosystems, natural character and cultural values are avoided, remedied, or mitigated.</p>	<p>The proposed activity does not adversely affect the recreational use of the coastal area. It is considered the activity is consistent with this policy.</p>
<p>Policy COA.10 To control the erection of buildings in the coastal area to ensure adverse effects on natural character are avoided, remedied, or mitigated.</p>	<p>Buildings on Lot 2 are subject to strict design criteria, including the location of the platform. The location has been determined by way of building platform in the most appropriate site to not impede upon the natural character.</p> <p>I consider the activity is generally consistent with this policy.</p>

Rural Resource Area

<p>Objective RRA.1 To provide a management framework for the rural environment that promotes the sustainable management of the resources of the District.</p>	<p>The proposal is considered consistent with this objective to manage resources, and that the mitigation measures promotes the sustainable management of the resources of the District.</p>
<p>Objective RRA.2 To maintain and where necessary, enhance the quality of the District's water and soil resource to enable it to meet the needs of present and future generations.</p>	<p>The proposal has been designed to maintain water quality. The proposed site has been created as a result of prior subdivision (RM1411), changing the use from pastoral farming to rural/coastal living.</p> <p>The loss of soil resource is small and as identified below the soil is not identified as highly productive land in terms of the NPS-HPL.</p> <p>The lot was already used for rural residential activity. The effects on the soil resource are minimal.</p> <p>The activity is considered the activity is consistent with this objective.</p>
<p>Objective RRA.4 To recognise the values of and where considered</p>	<p>The site is not identified as being within an Outstanding Natural Landscape or a significant</p>

<p>necessary provide protection for the District’s outstanding natural features and landscapes, areas of significant indigenous vegetation and fauna, and valued non-indigenous wildlife habitats, within the management framework.</p>	<p>natural area as defined in the District Plan (but is located within the Coastal Resource Area).</p> <p>It is considered the activity is consistent with this objective.</p>
<p>Objective RRA.5 To maintain the amenity values of the rural environment.</p>	<p>The proposed site has been created as a result of prior subdivision (RM1411), changing the use from pastoral farming to rural/coastal living at that time.</p> <p>The subdivision and buildings within the proposed building platform on Lot 2 are subject to strict design criteria, including the location of the platform. The location has been determined by way of building platform in the most appropriate site to not impede upon the rural amenity.</p> <p>It is considered the application is consistent with this objective.</p>
<p>Policy RRA.1 To avoid a restrictive development framework within the rural environment except where this will not be effective in achieving the purpose of the Resource Management Act.</p>	<p>The Clutha District Plan provides for a flexible and relatively enabling approach to development provided that effects on natural and physical resources are sustainably managed.</p> <p>The proposal is considered consistent with this objective to manage resources, and that the mitigation measures are protecting the natural resources.</p>
<p>Policy RRA.6 To manage the effects of activities, building and structures to ensure that adverse effects on the natural character and values of the Districts coasts, wetlands, lakes, rivers, and their margins, are avoided, remedied, or mitigated.</p>	<p>The effects of the proposal on amenity and rural character, and the natural character values of the Coastal Resource Area have been identified and discussed above in the assessment of effects section of this report.</p>
<p>Policy RRA.7 To management to effects off activities and buildings to ensure that any adverse effects on the open-space and natural character amenity values of the rural environment are avoided, remedied, or mitigated.</p>	<p>The activity is considered to maintain and appropriately manage the effects of the subdivision on open space, amenity values and the character of the rural environment, and is consistent with Policies RRA.6 and RRA.7.</p>
<p>Policy RRA.8 To ensure the adverse effects that buildings, structures, and vegetation can have on:</p>	

<ul style="list-style-type: none"> • Amenity values of adjoining properties; and • The safety and efficiency of the roading network <p>Are avoided, remedied, or mitigated.</p>	
<p>Policy RRA.11 To avoid, remedy, or mitigate the adverse effects of effluent disposal from residential and other activities.</p>	<p>The applicant advises that the discharge of treated wastewater to land complies with the requirements of Rule 12.A.1.4 of the Otago Regional Water Plan.</p> <p>The proposed activity is consistent with the 4000m² site criteria to allow for onsite wastewater dispersal without cross boundary contamination occurring.</p> <p>The proposal is considered to be consistent with this policy.</p>

Subdivision Section

<p>Objective SUB.1 To provide a flexible approach to both urban and rural subdivision that allows, in the majority of circumstances, the market to dictate allotment size, while ensuring adverse effects are avoided, remedied, or mitigated.</p>	<p>Proposed Lots 1 and 2 are of an appropriate size and shape to accommodate residential activities within the property while ensuring adverse effects are remedied or mitigated.</p> <p>Ms Peters advises there is a strong market demand for rural residential sized titles in close proximity to Dunedin City.</p> <p>It is considered that the proposal is consistent with the objective.</p>
<p>Objective SUB.2 To ensure that subdivision and development promotes sustainable management of the districts natural and physical resources.</p>	<p>The District Plan provides for a flexible and permissive approach to development provided that effects on natural and physical resources are sustainably managed.</p> <p>It is considered that the proposal is consistent with the objective.</p>
<p>Objective SUB.3 To maintain and enhance public access to the natural and physical resources of the District, in particular the District waterbodies, coastline and recreational resources by ensuring subdivision makes appropriate provision for such access.</p>	<p>The development will not restrict public access to the coast, lakes, rivers and other recreational, historical, or culturally important sites or resources.</p> <p>It is considered that the proposal is consistent with the objective.</p>
<p>Policy SUB.8 To ensure that allotments created for residential</p>	<p>The applicant advises that the discharge of treated wastewater to land complies with the</p>

<p>purpose can safely and adequately dispose of domestic effluent without contaminating any waterbodies.</p>	<p>requirements of Rule 12.A.1.4 of the Otago Regional Water Plan.</p> <p>The proposed activity is consistent with the 4000m² site criteria to allow for onsite wastewater dispersal without cross boundary contamination occurring.</p> <p>The submission from Te Rūnanga o Ōtākou have identified concerns in relation to wastewater management and cumulative effects. The submission does not provide any substantive countering information.</p> <p>The activity is considered generally consistent with this policy.</p>
<p>Policy SUB.9 To ensure that allotments for residential purposes contain a hazard free building site.</p>	<p>As noted by Ms Peters, the site is located on an old marine terrace and above expected sea level rise. Natural hazards have not been identified on the site.</p> <p>The activity is considered to be consistent with this objective.</p>
<p>Policy SUB.10 To ensure that subdivision does not facilitate development that may adversely affect:</p> <ul style="list-style-type: none"> • The natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers, and their margins • Outstanding natural features and landscapes • Areas of significant indigenous vegetation and significant habitats of indigenous fauna. 	<p>The effects on the character of coastal environment are discussed within the Coastal Resource Area Policies.</p> <p>The site is not identified Outstanding Natural Landscape or Significant Natural Area.</p> <p>The activity is considered to be consistent with this policy.</p>

Transportation Section

<p>Policy TRAN.2 To mitigate adverse effects on the safe and efficient operation of the roading network by requiring owners and occupiers, where appropriate, to avoid off-road loading and manoeuvring facilities for the servicing of premises.</p>	<p>It is considered that the proposal can be consistent with the Transportation Section. Subject to conditions which require the upgrading of the access from Moturata Road and the Right of Way A, discussed in the assessment of effects and recommended in the conditions.</p> <p>Overall, the roading can be developed to an appropriate standard and that the vehicle movements generated by the proposed</p>
<p>Policy TRAN.3 To avoid, remedy or mitigate the adverse effects of land use activities on the safety and efficiency of the roading network by requiring the provision of adequate off-road parking having regard to the</p>	

<p>following factors:</p> <ul style="list-style-type: none"> a) The intensity and duration of the activity. b) The adequacy of parking in the location. c) The classification and use of the road, and the speed restrictions that apply. d) The nature of the site, in particular its capacity to accommodate parking. e) The characteristics of the previous activity that utilised the site. f) The prevalent amenity values in the location, in particular any residential amenity values. 	<p>development can be safely and efficiently accommodated within the roading network.</p> <p>Relying on Mr Mullions advice it is preferable that the upgrades are undertaken to create a complying access.</p> <p>It is considered through conditions of consent the upgrades would ensure the activity is consistent with Policy TRAN.2, Policy TRAN.3, Policy TRAN.5 and Policy TRAN.9.</p>
<p>Policy TRAN.5</p> <p>To promote safety at road bends, accesses, intersections and road and rail intersections by mitigation the effects buildings and the planting of vegetation can have in such situations.</p>	
<p>Policy TRAN.9</p> <p>To require that new roads and access points be constructed to a standard appropriate to their intended use, and that the adverse effects of maintenance, upgrading and construction be avoided, remedied, or mitigated.</p>	

Manawhenua Section

<p>Objective MAO.1</p> <p>To have particular regard to the concept of Kaitiakitanga in relation to managing the use, development, and protection of natural and physical resources.</p>	<p>The application was notified to both Aukaha and Te Ao Marama. A submission was received by Aukaha on behalf of Te Rūnanga o Ōtākou.</p>
<p>Policy MAO.2</p> <p>To recognise the Kai Tahu Ki Otago Iwi Natural Resource Management Plan as a Kai Tahu resource management reference planning document for the District.</p>	<p>The Kai Tahu Ki Otago Resource Management Plan is assessed below.</p>

Overall Objectives and Policies Assessment

154. I consider the activity supports the objectives and policies of the Clutha District Plan, which provides flexibility for development provided adequate measures are taken to protect the environment. I do note development is discouraged outside of the existing settlement areas, and areas such as outstanding natural landscapes, significant indigenous habitats and culturally important sites.

155. I consider that as the site is being developed in a manner that reflects the existing subdivision patterns, being created as a result of two large rural/coastal residential subdivision. The proposed dwelling on Lot 2 shall have multiple conditions to reduce visual

impact including single story dwelling, recessive colours for buildings and restricted to a building platform. As well as planting of indigenous vegetation which will provide visual mitigation to the surrounding existing properties.

156. Allows for the sustainable use of a finite resource by ensuring that the activities that are undertaken on the lots is appropriate and suitable for the environment that they are located in. The sites are able to be used for residential activity.

157. I believe this proposal has shown that the subdivision and future residential activity on Lot 2, are appropriate. Overall, the activity aligns with the District Plan's policies, except for the unresolved access upgrades, which are fundamental and require resolution.

SECTION 104

158. Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity.

Assessment of National Policy Statements (Section 104(1)(b)(iii))

159. Under Section 104(1)(b)(iii) of the Resource Management Act 1991, the consent authority shall have regard to the relevant provisions of a National Policy Statement.

160. The relevant National Policy Statement's are the Coastal Policy Statement 2010 (NZCPS) and Highly Productive Land 2022 (NPS-HPL).

NZCPS

161. The subject site is located within the Coastal Resource area as mapped in the Clutha District Plan, and the NZCPS is applicable.

162. The relevant provisions are:

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:

- a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
- b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
- c. recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;*
- d. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional*

importance that have a functional need to locate and operate in the coastal marine area;

- e. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
- f. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
- g. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
- h. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
- i. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*

163. Limb (c) is to encourage consolidation of existing settlements, which is reflected in District Plan Policy COA.8. In my opinion the subdivision will constitute consolidation of the existing settlement. With regard to limb (f) The residential land use in the receiving environment is already established and forms part of the character of the environment.

164. As identified in both Mr Forsyth and Mr Moore's assessments, (f) the existing built environment was created as a result of two prior subdivisions. The activity has volunteered the same conditions of consent to ensure the development remains consistent with the existing built environment.

165. With regard to (h), the activity has avoided buildings on sensitive areas or prominent features of the site. Including the building setback from the old marine terrace, the use of a building platform on Lot 2 and the height and colour restriction on the buildings to be located on the site.

166. NZCPS Policy 13 to the preservation of natural and management of Outstanding Natural Landscape and Significant Natural Character areas. The site is not located within an area of outstanding natural character or an Outstanding Natural Landscape and Significant Natural Character areas.

167. The activity is considered to be consistent with the NZCPS.

Highly Productive Land (NPS-HPL)

168. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022 and will give Council's more clarity on how to identify and map highly productive land and manage subdivision, use and development of highly productive land.
169. Land that is classified as Land Use Capability (LUC) 1, 2, or 3 is considered as highly productive land for the purpose of the NPS-HPL. The subject land is classified as LUC 4 as shown on Figure 10 below.

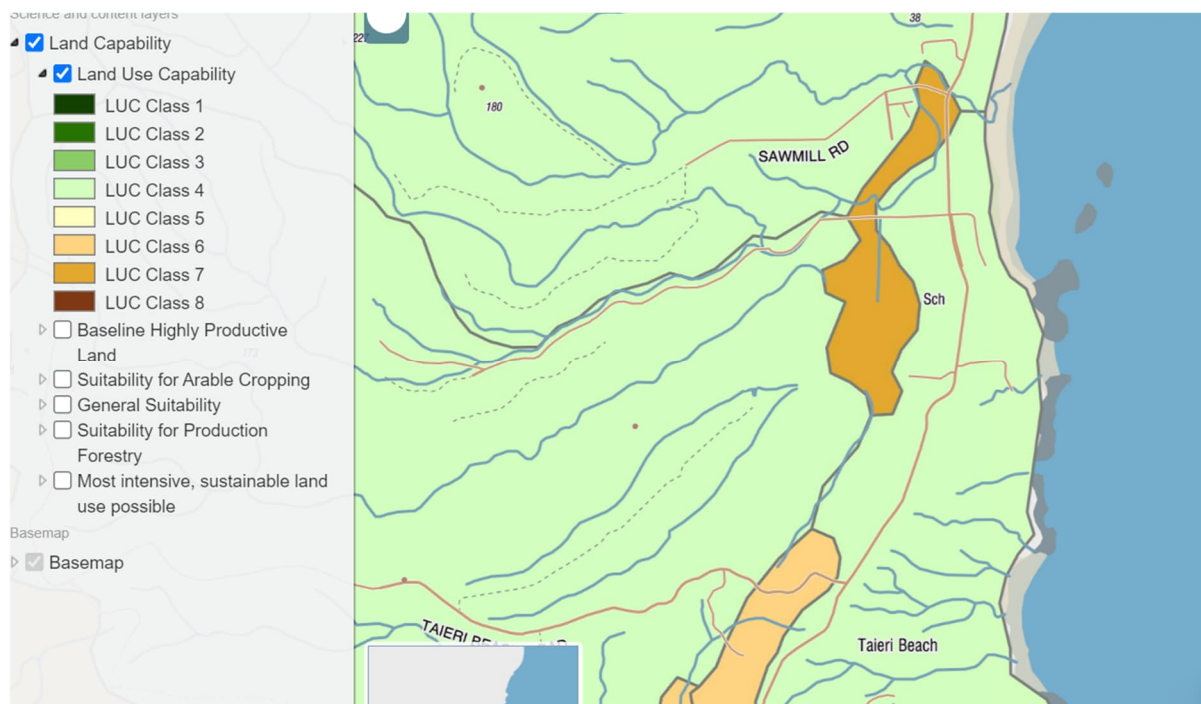


Figure 10: Excerpt from *Our Environment (NPS-HPL) Maps*

170. In this instance all land included in the development site is classified as LUC 4, hence the NPS-HPL does not apply to this application

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

171. Section 104(1)(b)(v) of the Act requires that the Council consider any relevant regional policy statements. The Regional Policy Statement for Otago (RPS) 1998 has been revoked. The Operative Otago Regional Policy Statement (ORPS) was made fully operative on the 4 March 2024. The relevant provisions are:

Policy 3.1.5 Coastal Water

Manage coastal water to:

- a) *Maintain coastal water quality or enhance it where it has been degraded;*
- b) *Maintain healthy coastal ecosystems, the range of indigenous habitats provided by the coastal marine area, and the migratory patterns of indigenous coastal water species or enhance these values where they have been degraded;*
- c) *Maintain or enhance important recreation values;*

- d) *Maintain or enhance, as far as practicable:*
 - i. *Coastal values; and*
 - ii. *The habitats provided by the coastal marine area for trout and salmon unless detrimental to indigenous biological diversity.*
- e) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*

Policy 3.1.10 Biodiversity in the Coastal Environment

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- a) *Areas of predominantly indigenous vegetation in the coastal environment;*
- b) *Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
- c) *Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
- d) *Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- e) *Habitats, including areas and routes, important to migratory species; and*
- f) *Ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

Policy 3.1.12 Natural Character in the Coastal Environment

Recognise the values of natural character in the coastal environment are derived from one or more of the following attributes:

- a) *Natural elements, processes and patterns;*
- b) *Biophysical, ecological, geological and geomorphological aspects;*
- c) *Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;*
- d) *The natural movement of water and sediment;*
- e) *The natural darkness of the night sky;*
- f) *Places or areas that are wild or scenic;*
- g) *A range of natural character from pristine to modified;*
- h) *Experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Policy 4.2.1 Sea Level Rise

Ensure Otago's people and communities are able to adapt to, or mitigate the effects of sea level rise, over no less than 100 years, by using:

- a) A sea level rise of at least 1 metre by 2115, relative to 1990 mean sea level (Otago Metric Datum); and*
- b) Adding an additional 10mm per year beyond 2115, or the most up-to date national or regional guidance on likely sea level rise.*

Policy 5.3.1 Rural Activities

Manage activities in rural areas, to support the region's economy and communities, by:

- a) Enabling primary production and other rural activities that support that production;*
- b) Providing for mineral exploration, extraction and processing; Minimising the loss of significant soils;*
- c) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;*
- d) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;*
- e) Providing for other activities that have a functional need to locate in rural areas.*

Analysis

172. It is considered that this application meets the relevant objectives and policies from the Otago Regional Policy Statement above as:

173. The application has identified methods to preserve natural character of the coastal environment and to protect natural features and landscape values, subsequently conditions and consent notices have been volunteered on the resource consent to enforce this. Further to this the consent notices are consistent with those imposed on the earlier subdivisions undertaken.

174. The activity has not been identified as directly affecting coastal resources regarding the location of the building platform.

175. Climate change has been considered and it is considered the building platform is located a sufficient distance from the coastline to minimise effects of coastal erosion on the property and considering the effects of sea level rise.

176. Recommending the development to proceed allows people to use subdivision to provide for their social, economic, and cultural well-being.

177. The development will be undertaken to be consistent with the coastal values and not detract from the coastal character.

Assessment of Other Plans and Matters Section 104(1)(c)

178. The Kai Tahu ki Otago National Resource Management Plan 2005 contains objectives and policies relevant to the coastal environment. The relevant provisions are:

Section 5.6.4 Cultural Landscapes General Policies

Subdivisions

25. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*

26. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*

- i. All consents related to the subdivision to be sought at the same time.*
- ii. Protection of Kai Tahu ki Otago cultural values*
- iii. Visual amenity*
- iv. Water requirements.*
- v. Wastewater and stormwater treatment and disposal.*
- vi. Landscaping*
- vii. Location of Building Platforms.*

27. *To require that where any earthworks are proposed as part of a subdivision activity an accidental discovery protocol is to be signed between the affected Papatipu Runaka and the Company.*

28. *To require applicants, prior to applying for subdivision consents, to contact Kai Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*

179. Subject to additional information or evidence presented by submitters and in particular Te Rūnanga o Ōtākou, I consider the activity to not contrary to these policies. The proposal has addressed the identified site constraints such as the wastewater management and sensitive elements of the proposal and offered mitigation to appropriately manage adverse effects.

PART 2 MATTERS

180. In accordance with Clause 2(1)(f) of Schedule 4, an assessment of the activity against the matters set out in Part 2 is required for all resource consent applications. The relevant matters of Part 2 have been reproduced and assessed below:

5. Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which*

enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

- 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.*

181. The purpose of Section 5 is to promote the sustainable management of natural and physical resources as described above. The proposal has been designed to maintain water quality. The site subject to the activity has been created as a result of prior subdivision (RM1411), changing the use from pastoral farming to rural/coastal residential living. The loss of soil resource is small and is not identified as highly productive land in terms of the NPS-HPL.

182. Any adverse effects of the proposed subdivision in my opinion are able to be avoided, remedied or mitigated while sustaining the resources for future generations and protecting the life supporting capacity of ecosystems. I consider the proposal to be consistent with Section 5 of the RMA.

6. Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation 37 to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- g) the protection of protected customary rights:*

h) the management of significant risks from natural hazards.

183. Section 6 provides an outline for matters of National Importance and requires that these be recognised and provided for. Including natural character of the coastal environment, natural landscape and heritage areas, significant indigenous vegetation and fauna and the relationship of Māori with their culture and traditions.

184. It is considered that there are no matters of National Importance which should restrict granting of the application.

7. Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

a) Kaitiakitanga:

b) the efficient use and development of natural and physical resources:

c) the maintenance and enhancement of amenity values:

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

185. Section 7 provides an outline of the matters that must be considered when managing the use, development and protection of natural and physical resources, the amenity values and the quality of the environment.

186. It is considered the proposal is appropriate in this location as it will maintain the amenity values within the immediate vicinity being a large area of rural/coastal residential sites on the coastline of Taieri Mouth. It is considered the proposal will maintain the quality of the environment with the proposed mitigation measures and considering the subject site.

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

187. Section 8 requires Council to consider the principles of the Treaty of Waitangi. It is considered that there are no matters relating to the Treaty of Waitangi relevant to this application. The application does not engage any Section 8 matters.

RECOMMENDATION

188. Pursuant to Part 2 and sections 104 and 104B of the Resource Management Act 1991 and the provisions of the Clutha District Plan, my recommendation is that the Clutha District Council **grants** consent to the proposed activity.

REASONS FOR RECOMMENDATION

189. I consider that the relevant matters that relate to the effects of the activity on natural character, landscape visual amenity and rural character, access way and the imposition of financial contributions. I recommend that subject to appropriate conditions of consent, the adverse effects on the environment of the activity can be mitigated and recommend the consent be granted.

Report prepared by:

Report reviewed by:

MAGroenewegen

Michaela Groenewegen
Planner



Craig Barr
Consultant Planner
Date: 13 August 2024

Approved:

Date: 15 August 2024



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Olivia Restieaux
Manager Planning,
Clutha District Council.

APPENDIX

APPENDIX 1: COUNCIL OFFICER ADVICE

APPENDIX 2: DRAFT CONDITION FRAMEWORK

APPENDIX 3: LANDSCAPE PEER REVIEW REPORT

APPENDIX 1: COUNCIL OFFICER ADVICE

Section 42A report from Council's Land Development Engineer, Bevan Mullions.

Hearing Date: 5 September 2024

- I am a Registered Engineering Associate registered under the EARB Act. I have over 50 years of civil engineering experience covering all aspects of Municipal engineering Urban and Rural including design and construction. I am employed part time by the Clutha District Council and have been continuously employed at CDC since 2019.
- Access from Moturata Road. The existing vehicle crossing is well established, has sufficient sight line distances for exiting and entering vehicles. The surface is metal and does not comply with TRAN.4. Shaping and a 2 coat bitumen seal extending from the existing edge of seal for a distance of 10m minimum is required in order to control migration of loose metal to the Moturata carriageway. The crossing will now have extra vehicle movements and the width of seal at the crossing throat should provide for passing with a width of 5.5m. Should gates be required then they should be set back a minimum of 10m to provide for a parked car and trailer off the Moturata carriageway before opening the gates.
- Adequacy of ROW formation standard. The earlier subdivision RM1411, LDE report dated 23 February 2006 required *the access (vehicular crossing from Moturata Rd) be sealed and footpath to be reinstated and engineering drawings to comply with District Plan and NZS4404 as the existing accessway will be subject to more intense traffic.* I have no knowledge of any approved engineering plans and the "access" does not appear to have been sealed. Considering the RM1411 requirements and the extent to which they have been met, and the additional traffic generated from the new lot, I believe that to mitigate the effects the vehicular crossing must be upgraded, and the turn around constructed as detailed below:
 - The existing vehicular crossing serving 5 existing Lots and 1 new Lot off ROW A is to be upgraded in accordance with rule TRAN.4 (IV) (a) and diagram 11 (b), sealed for a distance of 10 meters from the edge of seal in Moturata Road. The seal shall be 5.7m wide at the throat with gates (if any) set back 10 meters from the edge of seal in Moturata Road.
 - A turn around area shall be formed in ROW A in accordance with NZS4404-2010 section 3.3.16.1 and figure 3.4.
 - Right of way B shall have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404 section 3.3.16.

Bevan Homer Mullions REA No 4325

Signed:



Bevan Mullions
Land Development Engineer
Clutha District Council

Date: 6th August 2024

APPENDIX 2: DRAFT CONDITION FRAMEWORK

Conditions

1. That the proposal be given effect to in general accordance with the application received by Council on the 29 January 2024 and the documents held on the Council resource consent file RM3030.
2. The consent holder shall ensure that a copy of this consent is kept on site at all times, during the activity authorised by this consent. The consent holder shall ensure that all workers and contractors on the site are familiar with the conditions of consent.

Accidental Discovery

3. If any artefact and/or historical, cultural, or archaeological material of Māori origin or likely to have significance to Māori is found or uncovered during undertaking work authorised by this resource consent, the following must be complied with:
 - a) Work shall cease immediately; the area secured, and any uncovered material must remain untouched;
 - b) Advice of the discovery must be given within 24 hours of the discovery to the Group Manager Planning and Regulatory, Clutha District Council and Heritage New Zealand (Pouhere Taonga); and
 - c) No work shall recommence until:
 - i) Three working days have elapsed since the advice has been given or earlier if agreement has been reached with Iwi and Clutha District Council; and
 - ii) An Authority has been issued by Heritage New Zealand if the find involves an archaeological site

Section 223 Certification

The following conditions of consent must be complied with to Council's satisfaction before a certificate is issued under section 223 of the Resource Management Act 1991.

4. The consent holder shall ensure all necessary Easements and Easements in Gross for Utility Services, Access and Private Drainage for this subdivision and easements to be cancelled shall be shown on the cadastral dataset and that the cadastral dataset shall include a Memorandum of Easements. The costs of the preparation and registration must be met by the consent holder.

Section 224(c) Certification

The following conditions of consent must be complied with to Council's satisfaction before a certificate is issued under section 224(c) of the Resource Management Act 1991.

Roading Access Upgrade

5. The existing vehicular crossing serving 5 existing Lots and 1 new Lot off ROW A is to be upgraded in accordance with Clutha District Plan rule TRAN.4 (IV) (a) and diagram 11 (b), sealed for a distance of 10 meters from the edge of seal in Moturata Road. The seal shall be 5.7m wide with gates (if any) set back 10 meters from the edge of seal in Moturata Road.

Right of Way Upgrade and Construction

6. The consent holder shall construct a turnaround area and shall be formed in ROW A in accordance with NZS4404-2010 section 3.3.16.1 and figure 3.4.

7. Right of way B shall have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404 section 3.3.16.

Electricity

8. The consent holder shall provide confirmation of electricity supply to the boundary of Lot 2.
9. Where a wired electricity connection will not be provided to the site, the consent holder shall provide written confirmation to the Manager Planning from a Company that specialises in Off Grid Electricity Installation confirming that Off Grid Electricity services are suitable for Lot 2.

Telecommunications/Internet

10. Where wired telephone communication and internet services will not be provided the consent holder shall provide written confirmation to the Manager Planning from a Wireless Network Utility Provider confirming that wireless telecommunication and internet services are available over the Building Platform site of Lots 2 and that the signal strength is not less than 85%.

Consent Notice

11. Pursuant to Section 221 of the Resource Management Act 1991, the consent holder shall prepare a Consent Notice to be registered against the record of Titles for Lot 2 for the following matters:

Fire Fighting Water Tanks

- a) At the time of construction of the residential dwelling on the property owner shall ensure that the firefighting requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or subsequent amendments) including access to the tanks is complied with.

Stormwater

- b) Stormwater from hard surfaced areas shall be drained to sumps and/or to an approved existing stormwater drainage system within the site. The development of Lot 2 shall include at the time of Building Consent, a drainage plan, demonstrating that post development flows are no more than pre-development flows and that the existing stormwater flow paths through Lot 2 remain viable post development.

Building Platform

- c) All dwellings and their ancillary buildings, including water tanks, must be confined to the Building Platforms as shown on the Scheme Plan provided to Council Prepared by: Cookson Land Surveying, Titled: Lots 1 and 2 being a proposed subdivision of Lot 9 DP 399272, Project Reference: CLS469, Date: 3 March 2024.

Recommended Building Platform siting

- d) The Building Platform shall be relocated 10 metres to the west.

Site Development of Lot 2

- e) All buildings shall be a maximum height of 5m above existing ground level.
- f) All buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 30% whilst the roof colour shall have a reflectivity rating of no more than 10%.

- g) The colour and materials of the dwelling, ancillary buildings and water tanks shall be submitted for Council's approval prior to, or together with, the application for building consent.
- h) All services are to be located below ground.
- i) No pre-existing dwellings shall be established on site. For the purpose of this requirement, pre-existing dwellings mean a previously used building intended for use as a dwelling to the site. This does not include new prefabricated dwellings erected off-site.
- j) Outdoor lighting shall be:
 - (i) Shielded from above in a manner that the edge of the shield shall be below the whole of the light source.
 - (ii) Have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 40nm. This therefore includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.
 - (iii) All fixed exterior lighting shall be directed away from adjacent properties, roads, and marine environment.
- k) New fencing shall be constructed from post and wire or traditional drystone walls using local rocks only;
- l) No monumental gates or lighting shall be associated with driveways or accessways.
- m) Any plantings further than 15m from the dwelling are to be native species identified in Condition 12(f).
- n) Woodlots and / or plantations of exotic trees shall not be established.
- o) New tree and shrub plantings further than 15m from the residential unit are to consist of indigenous species only with a mature height of no more than 7m. New tree and shrub plantings within 15m of a residential unit must not exceed a mature height of 5m.

Consent Notice for Planting

12. Pursuant to Section 221 of the Resource Management Act 1991, the consent holder shall prepare a Consent Notice to be registered against the record of Titles for Lot 2 for the following matters:
 - a) The planting areas identified on Figure 2, 'Proposal and Mitigation', Attachment 1, 239d Moturata Road are to be planted prior to issue of a 224c certificate for proposed Lot 1, an additional 15 metres on the northern boundary is also to be planted.
 - b) Plants are to be a minimum at PB3 and planted at a rate of 1.2m centres and to be protected with paper or bamboo eco planting guards;
 - c) Planting is to be undertaken with the native species listed below, or other locally appropriate indigenous species capable of reaching at least 4m height and suitable for successful establishment in this area.

- d) All new planting areas are to be protected for two years with a horticultural windbreak mesh to a height of 1.2m+ or similar method that achieves protection from on shore wind for this period;
- e) Planting is to be maintained to encourage successful establishment and is to be managed to ensure that its screening / mitigating function is sustained on an on-going basis. Any plants that die or fail to thrive are to be replaced as quickly as practicable.

Planting Guidelines

- f) The following native species are recommended because they are consistent with the character of the area and planting regime for previous subdivision. Other species may be added with interplanting of more sensitive coastal trees undertaken when the initial canopy reaches 3m; e.g. kowhai.

Recommended Species *

- Griselinia littoralis (Broadleaf)
 - Hebe salicifolia (Koromiko)
 - Melicytus ramiflorus (Mahoe)
 - Myoporum laetum (Ngaio)
 - Myrsine australis (Matipo)
 - Pittosporum tenuifolium (Kohuhu)
 - Cordyline australis (Ti kouka / Cabbage tree)
- g) Control for rabbits and hares is recommended to be undertaken six weeks prior to planting, if these pest species are present. A watering regime of at least 1 litre of water per plant per week for the summer period of the first growing season is recommended, i.e. November to the end of February, or after the first two week dry period following the start of November.
- h) Weeding with the planting guards will improve plant viability in early life. Allowing grass growth between the plants will provide additional wind shelter while maintaining a clear radius of 300mm from the plant stem free from competing plants. The wind screening will encourage canopy development and spread until the 1.2m point, when native regeneration planting species begin to thicken up and develop a more robust form, often at 2 – 3 years.

Reserves Financial Contributions

13. Pursuant to rule FIN.7 of the Clutha District Plan, the consent holder shall pay a Reserves Contribution based on the creation of one new allotments available for residential development. The financial contributions are based on Council's 2024/2025 Fees and Charges which is \$560.00 (Five-Hundred and Sixty Dollars) per Lot created. The total Financial Contribution to be paid for Lots 2 of \$560.00 per Lot is \$560.00 (Five-Hundred and Sixty Dollars).

Cost breakdown of the Reserves Contribution per Lot created for residential use based on Council's 2024/2025 Fees and Charges:

\$560.00 per residential Lot created x 1 Residential Lots = \$560.00

Advice Notes

1. Unless otherwise specified 'Council' refers to the Regulatory Services Department of the Clutha District Council.

2. Pursuant to section 36 of the Resource Management Act 1991 and Clutha District Council's Fees and Charges Schedule, the consent holder shall be responsible for all costs associated with the monitoring of this consent in accordance with the schedule.
3. This resource consent does not authorise any building work. The consent holder may be required to apply for a Building Consent under the Building Act 2004 to authorise some of the works that are to be complied with under this resource consent. The consent holder shall seek professional advice on what works will require Building Consent.
4. Prior to any work on Council's Roads a Traffic Management Plan (TMP) and/or Corridor Access Request (CAR) is to be submitted for approval.
5. There are no Council reticulated services within the immediate vicinity, Lot 2 is required to be self-sufficient for Potable Water. With any rural/coastal subdivision, the consent holder and future landowners are encouraged to contact Council's Services Team regarding water requirements.
6. Future Lot Owners of Lot 2 are advised that electricity and telephone/internet services have not been connected to these Lots. It will be the responsibility of the Future Lot Owners to install these Services and pay any costs associated with their installation to service their property.
7. Any written confirmation is to be provided to the Manager Planning by emailing it to planning@cluthadc.govt.nz using the resource consent number as the reference and quoting the condition it relates to.
8. At the time of Building Consent any breach to the District Plan will require further Resource Consent.

Appendix 3

239D Moturata Road, Subdivision Proposal – Landscape and Visual Effects Assessment - Peer Review Report

MIKE MOORE

BSc, Dip LA, MRRP, ANZILA

LANDSCAPE ARCHITECT

To Michaela Groenewegen
 Clutha District Council

From Mike Moore

Date 12 July 2024

**Subject 239D Moturata Road, Taieri Mouth, Subdivision Proposal
 Assessment of Landscape & Visual Effects, Peer Review Report**

Introduction

Clutha District Council (CDC) have received an application from Clark and Megan Campbell for a two-lot subdivision at 239D Moturata Road, Taieri Mouth. The effect of the subdivision would be to create one additional lot with a building platform. The application is supported by an Assessment of Landscape and Visual Effects, dated 7 December 2023, prepared by Site Environmental Consultants (the SEC report). A further memorandum dated 18 March 2024, from Site Environmental Consultants (the SEC memo) has also been submitted in response to a s92 further information request by CDC in relation to the effects of the proposed development on existing and proposed dwellings within 200m of the proposed new building platform.

This report has been commissioned by CDC to provide a peer review of the SEC assessment. It is informed by the principles set out in the New Zealand Institute of Landscape Architects (NZILA) Landscape Assessment Guidelines¹, and a site visit on 10 July 2024. I have also reviewed the submissions received on the application. The report is structured under the headings suggested in Te Tangi a te Manu for peer reviews.

¹ Te Tangi a te Manu, Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

Conflict of Interest declaration

I have previously undertaken work for the applicants, preparing a landscape concept plan in support of a dwelling design for the approved building platform on this site (plan dated September 2019). The dwelling proposed was an earlier design and not the one that is now consented on proposed Lot 1.

I do not consider that this creates a conflict of interest and have alerted both CDC and the applicant's planner of this background. I understand that neither party considers that this creates a conflict which would make peer reviewing the SEC assessment for the proposed subdivision inappropriate.

Purpose and method of review

As outlined in Te Tangi a te Manu, the purpose of a peer review is an appraisal of the assessment, not a parallel assessment. The matters to be reviewed include appropriateness / adequacy of the:

- assessment method used.
- consideration of the relevant statutory provisions.
- description and evaluation of the landscape character and values.
- project description and appropriateness of mitigation proposed
- analysis of landscape effects.
- overall findings and recommendations.

Methodology

In paragraph 1.2 the SEC report states that it follows the New Zealand Institute of Landscape Architects Te Pito Ora landscape assessment guidelines. In general, with some reservations expressed in the sections below, I consider that this is a fair statement.

Existing Landscape

Figure 1 in the SEC report illustrates ‘context’ and Section 2 discusses the relevant landscape context as including the area encompassing the original 9-lot subdivision, the 16-lot subdivision to the north, and the coastal terrace. I consider that this is appropriate and note that the site is within an area that is transitioning from a rural to a rural-residential scale and character between Moturata Road and the coast.

Section 2 of the report describes the character of the area, including that the site was part of a now fully developed 9-lot subdivision and that there is another more recent 16-lot subdivision adjacent to the north. The topography is described as *‘gentle slopes that descend from Akatore Road to a small coastal terrace that ends at the shoreline escarpment...’* Attributes and values are discussed under biophysical factors, associative factors and perceptual factors headings including (my summary)

- the coastal terrace.
- a degree of remaining rural character.
- regular topography and open pasture.

Referring to the Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessment², the report notes that the site falls within an area that has been assessed as having a medium-high degree of natural character.

I consider this description / analysis to be fair, albeit brief. Other attributes I consider relevant include:

- The site is located on an uplifted coastal block along the Akatore Fault which is close-by to the west. The landform of the area has a subdued broad spur and minor gully patterning and a key feature in the vicinity of the site is the gully / watercourse system, now highlighted by indigenous plantings.
- The schist rock shelves (mentioned in the SEC report para 2.2) are noted in the CDP, Table 13.3B, as an outstanding natural feature (the Otago Coastal Schist section).

² Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessment, Clutha District Section Report, 15 May 2015, Otago Regional Council & Clutha District Council

- The area has a still evolving rural-residential character and built density.
- The area has Kai Tahu cultural landscape values recognized generally, in the Statutory Acknowledgement for Te Tai o Arai te Uru (Otago Coastal Marine Area). Otuarae is the name of the headland to the north-east of the site and there are wahi tapu values associated with a cave.³

Also of relevance is the background assessment in the Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessment report (referred to above) relating to natural features and landscapes within the coastal environment. In this document, the site falls at the northern end of the Akatore Coast landscape character unit which has an ‘overall landscape values rating’ of Medium-high and which is not classed as ‘outstanding’.

Proposal

The SEC report describes and illustrates the proposed development clearly in Section 4, Appendices B and C, and Figures 1 and 2.

I note that there are some minor inaccuracies associated with the ‘consented residential sites – potential dwellings’ locations in Figure 1, which do not take into account ‘no build covenant areas’ on the subdivision to the north of the site.

Statutory planning provisions

Section 3 of the SEC report addresses the statutory context, correctly highlighting the New Zealand Coastal Policy Statement 2010 (NZCPS), the Otago Regional Policy Statement 2019 (ORPS), and the Subdivision and Coastal Resource Area sections of the Clutha District Plan 1998 (CDP) as the documents of relevance. I consider that the majority of the relevant provisions in these documents are included but note that NZCPS

³ Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessment, Clutha District Section Report, 15 May 2015, Otago Regional Council & Clutha District Council (CL3. Taieri Mouth).

Policy 15, relating to natural features and natural landscapes in the coastal environment, is also relevant.

Paragraph 3.11 summarizes the statutory context section stating:

'The assessment of the proposed subdivision includes two steps with the first being a consideration of the proposal against the natural character values of the coastline. The second step considers the potential effect of the residential dwelling on the building platform that would result. The emphasis of the second step is on visual effects.'

I have some reservations about this and consider that the statutory framework leads to an assessment of the proposal as a whole (subdivision providing for new dwelling, plantings, driveways etc), that appropriately focuses on:

- The effects of the proposed development on the natural character of the coastal environment in this area – in particular (in terms of NZCPS Policies 13 and 15) whether it needs to avoid all adverse effects or only significant adverse effects.
- The effects of the proposed development on landscape values including those experienced in views⁴.

The two-step process referred to in the SEC report relates to the requirement under CDP Rule COA.4 to obtain a further consent for the specific building design as a controlled activity.

I note that NZCPS Policy 13(2) distinguishes between natural character and natural features and landscapes, suggesting that separate natural character and landscape effects assessments are appropriate.

For clarity, I outline below, my understanding of the key issues arising from the statutory provisions.

⁴ See Te Tangi a te Manu para's 6.08 & 6.09.

Issue	Statutory provision
<p>The preservation of the natural character of the coastal environment.</p> <p>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment (i.e. areas that do not have outstanding natural character).</p>	<p>RMA 6(a) CDP Policy SUB.10 CDP Objective COA.1 CDP Policy COA.1 CDP Policy COA.10</p> <p>NZCPS Policy 13 (1) (b). ORPS Pol 3.2.10</p>
<p>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment (i.e. areas that are not outstanding natural features or landscapes).</p>	<p>NZCPS Policy 15 (b) ORPS Policy 3.2.6</p>
<p>Ensure subdivision, use and development of the coast, and in particular buildings and structures, avoids, remedies or mitigates any adverse effects on amenity values.</p>	<p>CDP Policy COA.1</p>

Landscape (including visual) effects

The SEC report provides an assessment of ‘landscape, coastal character and visual effects’ in Section 5 and in Section 6 discusses these in relation to the relevant matters arising in the statutory context. The SEC memo also provides further commentary. My interpretation of the key findings of the SEC analysis, along with peer review comment, is as follows.

Landscape effects

SEC Assessment

Landscape effects will be adverse / low-medium in the short term (1 – 5 years), becoming adverse / low in the longer term. Reasons given are:

- additional built form continues the effects of the previous subdivision on rural openness.
- More indigenous planting and stricter building height controls help to mitigate the degree of adverse effect.
- The suite of mitigation measures proposed are consistent with those underpinning the existing development and will result in an effect that is consistent.
- The proposed Lot 2 BP is setback from the coastal terrace to a similar degree to existing / consented development

Peer review comment

I consider that the SEC analysis is brief but reaches reasonable conclusions regarding the nature and degree of landscape effects. I note that the area (including both the original 9 and 16 lot subdivisions) is currently undergoing a transition from an open, larger scale rural character to a more built, planted, and smaller scale rural residential character and I agree that within this context the proposed development represents a relatively minor intensification that will not fundamentally alter the character or landscape pattern. The proposed subdivision will result in lots that are still in scale with those in the surrounding area and the additional built form will be able to be accommodated without disruption to the planted gully system landscape framework. There will be no adverse effects on the coastal schist rock shelves and the site does not directly impact the Otuarae headland. The proposed mitigation measures will ensure good integration with the existing character of the rural-residential environment.

In section 7, the SEC report introduces an adverse / very low effect rating for residual landscape effects (10+ years), which contradicts the assessment in paragraph 5.5. I consider the adverse / low rating more appropriate.

Natural character effects

SEC Assessment

Natural character effects will be adverse / low in the short term (1 – 5 years), becoming adverse / very low in the longer term. Reasons given are:

- natural character is already very modified due to historic clearance of indigenous vegetation for farming and the additional planting proposed will improve natural character.

Peer review comment

Again, I consider that the SEC analysis is brief but reaches reasonable conclusions. Whilst natural character is relatively strongly expressed below the coastal terrace, it is now significantly modified by rural residential development above this and one more dwelling involving little change to the overall built density in the wider area will not result in more than minor adverse effects on the degree of naturalness, nor the natural character attributes (natural landform / indigenous vegetation / natural coastal processes etc). I consider that adverse natural character effects will not be significant in this context and that the proposed conditions will appropriately mitigate them.

Visual amenity effects

SEC Assessment

Visual effects will be adverse / low-medium in the short term (1 – 5 years), becoming adverse / low in the longer term (10+ years). Reasons given are:

- The proposed Lot 2 building will be prominent when first established but will blend in as planting establishes.
- From the houses above to the west, there will be greater built impact but there is already built impact associated with Lot 1.
- From 239f Moturata Road the proposed Lot 2 development will be screened by the additional planting to be undertaken on Lot 1 and by the Lot 1 dwelling.

- From 239e Moturata Road building on proposed Lot 2 will be visible along with that on Lot 1 and on the Lot 9 and 10 sites on the adjacent subdivision to the north.
- From 239c and 239b Moturata Road buildings on both Lots 1 and 2 will be visible over the intervening screen plantings but unlikely to be main focal points in the wide coastal vista(?).
- From 229 Moturata Road and sites accessed from Otuarae Drive the boundary screen planting will screen views of lot 2 as it matures.

Peer review comment

I consider that it would have been useful to have had effects on visual amenity rated in terms of their nature and magnitude from each of the various viewpoints discussed in the SEC memo. In general, however, I agree with the SEC analysis that given the number of dwellings already consented in the area, the addition of the Lot 2 dwelling (controlled as to height, and colour and with additional mitigation planting proposed) will not result in adverse effects on views from these properties that will be greater than low-medium (minor) in magnitude.

I consider that effects from residential viewpoints to the north (Otuarae Drive area) will be effectively mitigated by the proposed planting and by the likely northward orientation of dwellings in this area, away from the site. Likewise, I agree that effects from 239f Moturata Road will be low given the intervening effect of the consented house on Lot 1 and the further plantings proposed. The most impacted properties are 239c Moturata Road and 239e Moturata Road due to their relative proximity to the site and their similar / only slightly higher elevation. Considering that the Lot 2 built form will be seen in the context of the consented built form on Lot 1 and (to a lesser extent) further dwellings accessed from Otuarae Drive I consider that the SEC assessment, which finds that effects are adverse and in the low-medium range of magnitude - reducing as planting progressively screens and softens, is fair.

Design response

Appendices B and C of the SEC report outline the mitigation conditions to protect natural character and landscape values. In my assessment the key measures are:

- Restriction of all buildings to the proposed 30 x 30m building platform.
- Building height restriction of 5m.
- Building materials and colour controls.
- Additional planting.

I consider that these measures are generally appropriate and will be effective in integrating the proposed new dwelling. I note that further mitigation of the visual prominence of built form on the Lot 2 BP could be achieved by adjusting the BP location to a lower point further west on the lot and / or by imposing a more restrictive building height maximum such as 4m (which I believe is a workable height).

As regards the planting proposed, I consider that Planting Condition 3 should be reworded to clarify that only locally appropriate indigenous species are to be used. I consider that Planting Condition 5 does not provide the most appropriate target and instead, recommend a condition that requires management of the planting to ensure it establishes successfully and to ensure its screening / mitigating function is maintained on an on-going basis. This should include a requirement to replace any plants that die or fail to thrive.

Conclusion

This peer review has found that the SEC report is acceptably consistent with best practice methodology and whilst brief, has reasonably assessed the landscape, natural character and visual amenity effects of the proposed development. These matters arise from the statutory context and are relevant to address. Overall, I assess its conclusions as sound.

Recommendations

1. That consideration be given to further mitigating the effects of development on Proposed Lot 2, on the visual amenity of the dwellings to the west of the site by locating the BP approximately 10m further west (which would result in it being generally lower and more closely associated with the proposed contextual / screening plantings) and / or by reducing the maximum building height to 4m.

2. Amend Appendix C as follows:

(3) Planting is to be undertaken with the native species listed below, or other locally appropriate indigenous species capable of reaching at least 4m height and suitable for successful establishment in this area.

(5) Planting is to be maintained to encourage successful establishment and is to be managed to ensure that its screening / mitigating function is sustained on an on-going basis. Any plants that die or fail to thrive are to be replaced as quickly as practicable.

Mike Moore

Registered NZILA Landscape Architect