

**RESOURCE CONSENT APPLICATION FOR SUBDIVISION
RECCOMENDATION ON NOTIFICATION APPLICATION NO.
SUB21/47781**

Consent No:	SUB21/47781
Applicant:	B, M and R Sim
Site Address:	6 and 42 Leith Road, New Plymouth
Legal Description:	Lot 1 DP 19869 and Part Lot 1 DP 8787 held in RT TNK4/798 and TNK4/799
Site Area:	46.9ha and 2459m ²
Application:	6 lot subdivision
Zoning:	Operative District Plan: Rural Environment Area Proposed District Plan: Rural Production Zone
Overlays:	State Highway 45 (Limited Access)
Relevant Rules:	Rules Rur 78 - 83
Application status:	<i>Subdivision</i> The Proposal is Discretionary Activity under Rule Rur 78 of the New Plymouth District Plan (Operative 15 August 2005). The proposal is a Controlled Activity under Rule WB-R5 of the Proposed New Plymouth District Plan

SUBDIVISION PROPOSAL

Site Description and surrounding environment

1. The subject site is comprised in two Record of Titles (RT) on Leith Road. The site is 47ha, with a separate 2459m² title. The site has frontage to Leith Road along its eastern boundary and State Highway 45 (SH45) along its southern boundary. The two titles both contain dwellings. The smaller allotment sits

within the centre of the wider site and setback from the road by a long driveway, the dwelling, garage and curtilage area take up the majority of this allotment in a keyhole shape. The second dwelling is located near the corner of Leith Road and SH45, farm implement and milking sheds are also located near this dwelling adjacent to Leith Road.

2. The site is steep to rolling in topography but primarily flat to rolling along the Leith Road frontage, with portions of the site sitting above the road. Two unnamed tributaries of the Katikara Stream dissect the site in generally a north, south direction. The site is further described in Section 1 of the application.
3. In the immediate environment there is a mixture of lifestyle properties and smaller country living sized lots and beyond that there are a number of large farm holdings.



Photo 1: View across the site looking south and over dwelling on Lot 5. (Source: Application for Resource Consent)



Figure 1: Site and Surrounding Area

Proposal

4. The applicant proposes to undertake a subdivision as follows:

- Lot 1 – 2.924ha;
- Lot 2 of 5555m²;
- Lot 3 of 5500m²;
- Lot 4 of 4271m² containing the existing dwelling near the corner of Leith Road and SH45;
- Lot 5 – 1.01ha containing existing dwelling in the centre of the site.
- Lot 6 of 41.43ha (to be amalgamated with Lot 2 DP 18489)

5. The proposal is outlined in section 2 of the application and can be summarised in the table below in Figure 2.

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
Allotment Size	2.92ha	5555m ²	5500m ²	4271m ²	1.01ha	41.43ha
Vehicular Access	Not specified – no existing crossing.	A dual crossing with the existing crossing for Lot 5.	Not specified – no existing crossing.	Retain existing vehicle crossing	Retain existing vehicle crossing	Retain existing crossing where dairy shed is.
Existing	No	No	No	Yes	Yes	No

Dwelling						
Stormwater	Proposed ground soakage	Proposed ground soakage	Proposed ground soakage	Ground soakage	Ground soakage	Proposed ground soakage
Water	Proposed water tank collection	Proposed water tank collection	Proposed water tank collection	Proposed water tank collection	Proposed water tank collection	Proposed water tank collection
Sewer	Proposed onsite septic tank system	Proposed onsite septic tank system	Proposed onsite septic tank system	Onsite septic tank system	Onsite septic tank system	Proposed onsite septic tank system

Figure 2: Summary of proposed subdivision.

6. The proposed scheme plan is provided below in Figure 3.

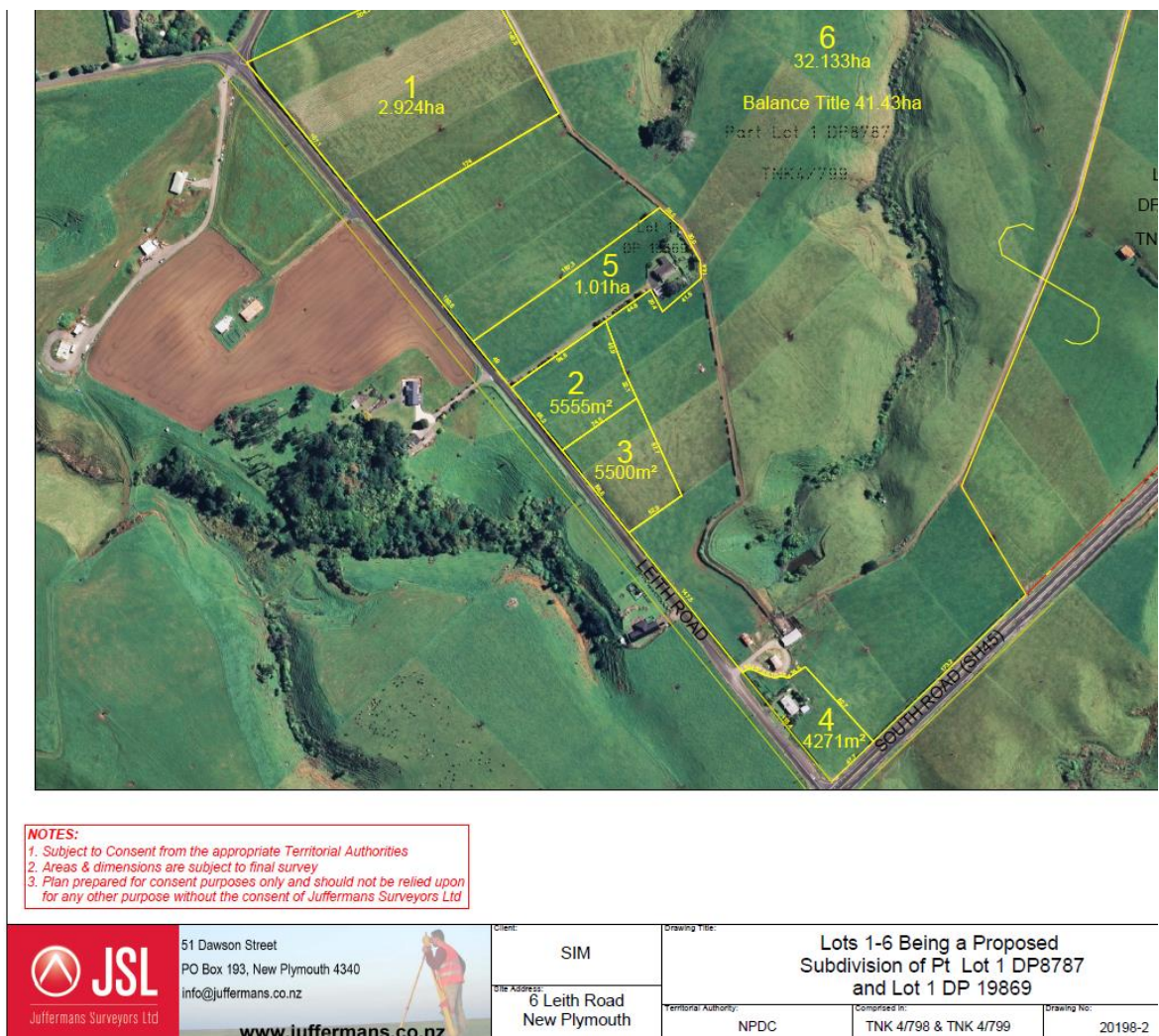


Figure 3: Scheme Plan for SUB21/47781

7. As a result of a further information request the applicant provided a Landscape and Visual Impact Assessment (LVIA) by Bluemarble which provided a suite of recommendations. These are summarised as follows:

6.1 Lots 1, 2 and 3

- Only one habitable building on each allotment;
- Fencing limited to post and rail or post and batten only;
- All new buildings roofs shall have a light reflectance value of less than 20%;
- All new buildings walls and gable ends shall have a light reflectance value of less than 40% (excluding glazing);
- Buildings shall be no higher than 6m above existing ground level;
- Watertanks should be black in colour or screened by vegetation;
- All exterior lighting shall be hooded and cast down;
- Earthworks over 1.5m in height is prohibited, unless it is created at a batter of no steeper than 3 horizontal to 1 vertical. Any earthworks shall be grassed.
- No building shall be located within 5m of the highest point of the knoll on Lots 2 and 3;
- Heading along the Leith Road frontage shall be retained, if this is removed it shall be replaced with a minimum of two of native vegetation at 1m spacing capable of reaching a minimum height of 3m in six years.

6.2 Lots 4 and 5

- Limited to one habitable building on each allotment; and
- Fencing limited to post and rail or post and batten only.

6.3 Lot 6

- No habitable building shall be located within 180m of the Leith Road boundary.

Statutory Requirements

National Environmental Standards

8. Regulation 5(5) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) describes subdivision as an activity to which the NES applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred. I have checked the TRC Selected land Use register and there is no evidence that the site has contained an activity listed on the HAIL. Therefore, the NES does not apply.

Statutory Acknowledgement Area

9. The site does not contain a Statutory Acknowledgement Area, the Katikara Stream and its tributaries are not listed in the Taranaki Iwi Claims Settlement

Act. However, the applicant has indicated they will plant the waterbodies in accordance with discussions with Te Kahui o Taranaki Trust.

Operative District Plan

10. The New Plymouth District Pan was made operative on 15 August 2005. The site is located in the Rural Environment Area.
11. The proposal has been assessed against the following District Plan rules:

Rule #	Rule Name	Status of Activity	Comment
Rur78	Minimum allotment size and number of allotments	Discretionary	A discretionary activity provides for up to 5 allotments from one parent title. The subdivision is created five small allotments across two separate records of title.
Rur79	Access	Discretionary	All allotments are able to achieve the required sight visibility requirements, with Lots 2 and 5 being within 10m of one another and the site opposite at 43 Leith Road.
Rur81	Water/ Waste water and storm water services	Controlled	Each allotment will be able to achieve on-site management for all services.
Rur82	Building Platform	Controlled	The applicant has outlined that each allotment will achieve a stable and flood free building platform.
Rur83	Existing buildings bulk and Location	Controlled	All buildings will meet the setback requirements.

12. There are no interests on the record of title that would restrict the proposal.

Objectives and Policies

13. The following objectives and policies of the Operative District Plan are considered relevant to this proposal:

Obj/Pol #	
Objective 1	To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.
Policy 1.1	Activities should be located in areas where their effects are compatible with the character of the area.

Objective 4	To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.
Policy 4.1	Control the density and scale of subdivision by providing for one small ALLOTMENT where there is a large balance area, that promotes Spaciousness and a Low Density, Production Orientated Environment.
Policy 4.2	Control the density, scale, location and design of subdivision by providing limited opportunities for small ALLOTMENT subdivision, having consideration to the following matters: (a) The environment is spacious, maintains a low density and the subdivision provides a large balance area. (b) The subdivision is of such a scale to ensure the intensity of use is typical of the rural environment and not of an urban or lifestyle area. (c) The subdivision and resulting development is not highly visible in the landscape and there is no apparent aggregation of development because of; (i) the undulating nature of the landscape; (ii) the design and layout of the ALLOTMENTS and any servicing requirements; (iii) the design and visual treatment of the resulting development. (d) The contours of the landscape are retained and there is limited need for EXCAVATION and FILLING. (e) The subdivision does not impact OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES and other features protected by other OVERLAYS. (f) There are no community costs associated with upgrading INFRASTRUCTURE as a direct result of the subdivision and development. (g) The rural nature and purpose of rural INFRASTRUCTURE (small scale, unserviced with a lack of urban INFRASTRUCTURE) is maintained. (h) The proposed ALLOTMENT size, shape and resulting land use will recognise the production orientated nature of the rural area. (i) Consistency of the proposal with Policy 4.5.
Policy 4.3	Control the density, scale, location (including on-site location) and design of activities by; (a) Imposing a maximum HEIGHT for all buildings to allow for rural uses to operate. (b) Providing a maximum area that can be covered by BUILDINGS to control the effects of larger scale activities on small sites. (c) Requiring BUILDINGS to be setback from the ROAD BOUNDARY in order to maintain spaciousness. (d) Requiring BUILDINGS to be setback from the SIDE BOUNDARY to maintain separation between BUILDINGS and related activities. (e) Providing for the RELOCATION of BUILDINGS to ensure they are reinstated. (f) Requiring landscaping (planting and screening) to mitigate the effects of: (i) OUTDOOR STORAGE areas visible from an adjoining RESIDENTIAL ENVIRONMENT AREA or New Plymouth entrance corridor and; (ii) VEHICLE parking either visible from the ROAD or an adjoining RESIDENTIAL ENVIRONMENT AREA or New Plymouth entrance corridor; (iii) of large SUBSTATIONS and SWITCHING STATIONS. (g) Imposing controls on the size, HEIGHT, location, content, number and duration of ADVERTISING SIGNS. (h) Imposing controls on the quantity, composition and reinstatement of EXCAVATION and FILL to ensure adverse effects are mitigated.
Policy 4.4	Control the density, HEIGHT and on-site location of HABITABLE BUILDINGS

	<p>by:</p> <p>(a) Allowing additional HABITABLE BUILDINGS at appropriate densities and of a size that maintain Spaciousness and a Low Density, Production Orientated environment, while allowing some flexible living opportunities.</p> <p>(b) Allowing HABITABLE BUILDINGS to a maximum HEIGHT that allows typical residential use to occur.</p> <p>(c) Requiring HABITABLE BUILDINGS to be setback from the SIDE BOUNDARY to ensure privacy between dwellings and separation from other rural uses.</p>
Policy 4.5	<p>Ensure that the design of subdivision and development is sensitive to the surrounding environment. In particular the following design principles will be considered:</p> <p>(a) Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.</p> <p>(b) Ensure the intensity and scale of the development is in keeping with RURAL CHARACTER.</p> <p>(c) Ensure that ALLOTMENTS and BUILDINGS are in context with the surrounding environment and are positioned to recognise natural features in the landform.</p> <p>(d) Ensure that ALLOTMENTS and BUILDINGS are sited and designed in a manner that is integrated with the surrounding environment with minimal disturbance to the landform by considering:</p> <p>(i) softening with vegetation related to the area and treatment of boundary elements;</p> <p>(ii) BUILDING design of a form and scale that is in keeping with the landscape;</p> <p>(iii) the use of materials, that are in keeping with the environment, including consideration of colour and low reflectivity;</p> <p>(iv) low level INFRASTRUCTURE and services that is rural in nature.</p> <p>(e) Consistency of any full discretionary activity with design guidelines.</p> <p>(f) Consideration towards any recommendations from a design panel.</p>
Policy 4.8	<p>Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.</p>
Objective 20	<p>The safe and efficient operation of the ROAD TRANSPORTATION NETWORK should not be adversely affected by land use activities that have insufficient or substandard parking or loading areas.</p>
Policy 20.7	<p>Subdivision should not adversely affect the safe and efficient operation of the ROAD TRANSPORTATION NETWORK.</p>

14. Overall the proposal is a Discretionary Activity.

Proposed New Plymouth District Plan (Notified 23 September 2019)

15. The site is located within the Rural Production Zone and contains no notations relevant to the subject site. No decisions have yet been made on the Proposed Plan.

16. The following rules of the Proposed District Plan relevant to this proposal have immediate legal effect:

Rule #	Rule Name	Status of Activity	Comment
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WB-R5	Subdivision of land containing or adjoining a waterbody	Controlled	This rule has immediate legal effect and the proposal complies with standard SUB-R9. The proposal requires consent as a controlled activity under this rule, as Lot 6 (which contains the waterbodies) is over 4ha in size.
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Objectives and Policies

17. The following objectives and policies of the Proposed District Plan are considered relevant to this proposal:

Obj/Pol #	
Strategic Objective UFD-24	Productive, versatile land and natural, physical and cultural resources located within rural areas that are of significance to the district are protected and maintained.
WB-O1	Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.
WB-O2	Public access to and along waterbodies with high recreation, scenic or amenity values is maintained and enhanced.
WB-O3	The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.
WB-O4	The relationship of tangata whenua and their traditions, values and interests associated with waterbodies are recognised and provided for.
WB-P2	Protect the natural character, ecological, recreational, cultural, spiritual, heritage and/or amenity values of waterbodies, including significant waterbodies, by: <ol style="list-style-type: none"> 1. managing the potential adverse effects of subdivision on the values of the waterbody; 2. requiring buildings and earthworks to be set back from waterbodies to avoid, remedy or mitigate potential adverse effects on their values; and 3. maintaining and enhancing public access to waterbodies with recreation, scenic, cultural or amenity values through the creation of esplanade reserves or strips at the time of subdivision, especially where it would provide connections to existing reserves.
RPROZ-O1	Productive land and resources support a range of production oriented and resource dependent activities which are innovative and efficient.
RPROZ-O2	The Rural Production Zone is predominantly used for primary production.
RPROZ-O3	The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.
RPROZ-O4	The predominant character and amenity of the Rural Production Zone is maintained, which includes: <ol style="list-style-type: none"> 1. extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of large numbers of farmed animals; 2. low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for

	<p>example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);</p> <p>3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and/or transportation of raw materials derived from primary production;</p> <p>4. interspersed existing rural industry facilities associated with the use of the land for intensive indoor farming, quarrying, oil and gas activities and cleanfills; and</p> <p>5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.</p>
RPROZ-O5	<p>The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that:</p> <p>1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and</p> <p>2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities and/or reverse sensitivity effects.</p>
RPROZ-O6	<p>Natural features, soil productivity, versatility of land and rural character and/or amenity are not compromised by adverse changes to landform, intensification of land use and/or built form, or urbanization.</p>
RPROZ-O7	<p>Sensitive activities are designed and located to avoid, remedy or mitigate adverse reverse sensitivity effects and/or conflict with primary production.</p>
RPROZ-P1	<p>Allow activities that are compatible with the role, function and predominant character of the Rural Production Zone, while ensuring their design, scale and intensity is appropriate, including:</p> <p>1. agricultural, pastoral and horticultural activities;</p> <p>2. residential activities;</p> <p>3. Māori purpose activities;</p> <p>4. rural produce retail; and</p> <p>5. petroleum prospecting.</p>
RPROZ-P2	<p>Manage activities that are potentially compatible with the role, function and predominant character of the Rural Production Zone and ensure it is appropriate for such activities to establish in the Rural Production Zone, having regard to whether:</p> <p>1. the activity is compatible with the character and the amenity of the rural area;</p> <p>2. the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural activities;</p> <p>3. the activity will reduce the potential for versatile land to be used for productive purposes and in a sustainable manner;</p> <p>4. adequate on-site infrastructure and services are available and/or can be provided to service the activity's needs;</p> <p>5. adverse effects can be internalised within the activity's site; and</p> <p>6. the activity will not result in conflict at zone interfaces.</p>
RPROZ-P3	<p>Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and/or activities that will result in:</p>

	<p>1. reverse sensitivity effects and/or conflict with permitted activities in the zone; or</p> <p>2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on:</p> <p>a. rural character and amenity values;</p> <p>b. the productive potential of highly productive soils and versatile rural land.</p> <p>Incompatible activities include:</p> <p>1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;</p> <p>...</p>
RPROZ-P4	<p>Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:</p> <p>1. building height, bulk and location;</p> <p>2. setback from boundaries and boundary treatments; and</p> <p>3. earthworks and subdivision.</p>
RPROZ-P5	<p>Require the effects generated by activities to be of a type, scale and level that is appropriate in the Rural Production Zone and that will maintain rural character and amenity, including by:</p> <p>1. managing noise and light emissions to an acceptable level, particularly around sensitive activities; and</p> <p>2. managing high traffic generation activities that compromise the safe and efficient use of the transport network</p>
RPROZ-P7	<p>Require sensitive activities to be appropriately located and designed to minimise any reverse sensitivity effects, risks to people, property and the environment and/or conflict with activities permitted in the Rural Production Zone, including by:</p> <p>1. ensuring sufficient separation by distance and/or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry;</p> <p>2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and</p> <p>3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.</p>
SUB-O1	<p>Subdivision results in the efficient use of land and achieves patterns of development which deliver good quality community environments that are compatible with the role, function and predominant character of each zone.</p>
SUB-O2	<p>Subdivision is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:</p> <p>1. responds positively to the site's physical characteristics and context;</p> <p>2. is accessible, connected and integrated with the surrounding neighbourhoods;</p> <p>3. contributes to the local character and sense of place;</p> <p>4. recognises the value of natural systems in sustainable stormwater management and water sensitive design; and</p> <p>5. protects or enhances natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata</p>

	<p>whenua, and/or identified features; and</p> <p>6. provides accessible and well-designed open space areas for various forms of recreation, including sport and active recreation, for the health and wellbeing of communities.</p>
SUB-P10	<p>Manage the scale, design and intensity of subdivision in the Rural Production Zone by:</p> <ol style="list-style-type: none"> 1. allowing one small allotment only where there is a large balance area, and where the subdivision design reinforces the role, function and predominant character of the zone; 2. managing subdivision that involves multiple small allotments with a large balance area; and 3. avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.
SUB-P12	<p>Ensure that that subdivision in the Rural Zones results in lot sizes and lot configurations that:</p> <ol style="list-style-type: none"> 1. are appropriate for the development and land use intended by the zone; 2. are compatible with the role, function and predominant character of the zone; 3. maintain rural character and amenity; and 4. are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and/or conflict with activities permitted in the zones.
SUB-P13	<p>Require subdivision design and layout in the Rural Zones to respond positively to, and be integrated with the surrounding rural or rural lifestyle context, including by:</p> <ol style="list-style-type: none"> 1. incorporating physical site characteristics, constraints and opportunities into subdivision design; 2. minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform; 3. avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places; 4. incorporating sufficient separation from zone boundaries, transport networks, rural activities and rural industry to minimise potential for reverse sensitivity conflicts; 5. incorporating sufficient separation between building platforms and identified features to minimise potential adverse effects on those features; 6. considering whether a subdivision has the potential to compromise cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, and if so, also considering the outcomes of any consultation with and/or cultural advice provided by tangata whenua and: <ol style="list-style-type: none"> a. opportunities to incorporate mātauranga Māori principles into the design and/or development of the subdivision; b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and c. options to avoid, remedy or mitigate adverse effects; 7. promoting sustainable stormwater management through water sensitive

	design solutions; and 8. in the Rural Lifestyle Zone, achieving patterns of development and allotment sizes that provide opportunities for rural lifestyle living.
SUB-P14	Ensure that rural subdivision in the Rural Lifestyle or Rural Production Zones maintains or enhances the attributes that contribute to rural character and amenity values, including: <ul style="list-style-type: none"> 1. varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land; 2. maintaining prominent ridgelines, natural features and landforms, and predominant vegetation of varying types; 3. low population density and scale of development relative to urban areas; 4. on-site servicing and a lack of urban infrastructure; and 5. in the Rural Production Zone, the continued and efficient operation of rural activities and productive working landscapes.

Effects disregarded

18. The following effects have been disregarded for the purposes of the notification decision (s95D and 95E):
19. The permitted baseline has not been applied.
20. Effects on persons who own or occupy the site and adjacent sites have been disregarded for the public notification assessment. These people are set out as 'subject site' and properties 1 - 6 in Figure 4 below. Note there is further properties directly adjacent to the site on the northern and eastern boundary but given these properties setback from the proposed subdivision along Leith Road they have not been considered potentially affected parties.



Figure 4: Adjacent land potentially affected under s95A

21. The application is for a discretionary activity under the Operative District Plan and a controlled activity under the Proposed District Plan therefore the assessment of adverse effects is not restricted, and no such effects have been disregarded.
22. There are no trade competition effects relating to this application.
23. The written approvals of the following parties have been provided with the application and therefore any effects on them have been disregarded:

Map Identifier (Figure 4)	Name	Address
1	S and S Hooker	94 Leith Road
7	N and P Goodin and A Julian	43 Leith Road
8	G and S Hill	19 Leith Road

PUBLIC NOTIFICATION 5 ON ASSESSMENT

Operative District Plan (2005) and Proposed District Plan (2019)

Public Notification (s95A)

Step 1: mandatory public notification in certain circumstances

- The applicant has not requested that the application be publicly notified.

- The applicant has not refused to provide further information or refused to agree to commissioning a report under s95C.
- The application is not made jointly with an application to exchange recreation reserve land.

Step 2: if not required by step 1, public notification precluded in certain circumstances

- The application is not subject to a rule or national environmental standard that precludes notification.
- The application is not precluded from public notification as it is a discretionary subdivision.

Step 3: if not precluded by step 2, public notification required in certain circumstances

- There is no rule or NES that requires public notification of the application.
- If the activity will have or is likely to have adverse effects on the environment that are more than minor the application must be publicly notified.

Assessment of adverse effects on the Environment

24. The existing environment has been described in the application, and in particular the LVIA by Blue Marble as follows:

The property is a dairy farm, with most of the paddock area, dairy shed and associated ancillary buildings located with proposed Lot 6.

There are two dwellings on-site, one is located within proposed Lot 5 (currently a 2459m² parcel) at 42 Leith Road. The dwelling is setback 150m from the road boundary. The other dwelling, at 6 Leith Road is located approximately 10m from the road boundary and will be included within proposed Lot 4. The existing group of farm buildings located adjacent to this house will be included within Lot 6 – the farm balance lot.

Topographically, the landscape is relatively flat within the purview of Leith Road, transitioning to an undulating gully system to the east of the farm race that runs parallel with the road. There are two unnamed tributaries of the of the Katikara Stream that run north-south through the eastern half of the site. These features are shown on the Graphic Supplement.

The application describes proposed planting of the waterbodies in conjunction with Te Kahui o Taranaki.

The portion of the site subject to landscape change through this proposal, is the land adjacent to the Leith Road frontage. This land rises to high point in the vicinity of propose Lot 2 and 3. The road elevation more or less mirrors this. There is no vegetation within Lots 1, 2 and 3 except for a roadside boxthorn hedgerow. There is amenity vegetation around the existing dwellings on Lots 4 and 5.

While the Leith Road frontage of the site is spacious, on the opposite side of the road are three dwellings and a stand of protected bush. This creates a backdrop to the site when viewed from SH3 travelling south...

The defining aspects of the site (in the area of Lots 1 -3) that contributes to its rural character are spaciousness and generally elevated outlook”.

25. I agree with this description. Furthermore the additional mitigation outlined above has been repeated here for ease of reference:

Lots 1, 2 and 3

- *Only one habitable building on each allotment;*
- *Fencing limited to post and rail or post and batten only;*
- *All new buildings roofs shall have a light reflectance value of less than 20%;*
- *All new buildings walls and gable ends shall have a light reflectance value of less than 40% (excluding glazing);*
- *Buildings shall be no higher than 6m above existing ground level;*
- *Watertanks should be black in colour or screened by vegetation;*
- *All exterior lighting shall be hooded and cast down;*
- *Earthworks over 1.5m in height is prohibited, unless it is created at a batter of no steeper than 3 horizontal to 1 vertical. Any earthworks shall be grassed.*
- *No building shall be located within 5m of the highest point of the knoll on Lots 2 and 3;*
- *Heading along the Leith Road frontage shall be retained, if this is removed it shall be replaced with a minimum of two of native vegetation at 1m spacing capable of reaching a minimum height of 3m in six years.*

Lots 4 and 5

- *Limited to one habitable building on each allotment; and*
- *Fencing limited to post and rail or post and batten only.*

Lot 6

- *No habitable building shall be located within 180m of the Leith Road boundary.*

26. Adverse effects on the environment considered in this assessment relate to:

- Rural character;
- Traffic and transport effects; and
- Waterbody effects

27. The proposal is to subdivide a site containing two existing dwellings so that each dwelling is located on its own rural lifestyle allotment, whilst creating three more vacant rural lifestyle allotments while retaining a large vacant (of habitable buildings) balance allotment. The proposal has the potential to adversely affect rural character, through the intensification of small allotments and their resultant built form on each allotment.

Rural Character

28. Rural Character is the combination of elements that make an area 'rural' rather than 'urban'. Rural areas are typically distinguished by a dominance of openness and rural practices over manmade structures not related to the primary use. Rural character includes the key elements of:

- Spaciousness,
- Low density,
- Vegetated,

- Production Orientated,
- Working Environment,
- Rural Based Industry and
- Rural Infrastructure.

The elements of rural character are further discussed below:

Spaciousness and Low density, Vegetated

29. As described above in the applicants LVIA, the sites defining aspect along the Leith Road frontage is its 'spaciousness' and elevated outlook. Once developed for rural residential purposes, the land adjoining Leith Road where all the proposed small allotments are located will result in a loss of spaciousness and loss of low density built form when viewed from the road. The proposed mitigation measures offered by the applicant, summarised above, will result in some reduction in effects, this would not reduce the scale significantly to ensure a low density spacious rural environment is retained in my opinion. The resultant dwellings and associated curtilage areas will not be effectively screened from public roads by the proposed mitigation measures as there is minimal planting proposed.
30. Outlooks are currently experienced across the subject site when travelling along SH45, Leith Road and Perth Road. The rolling topography of the site means there is potential for views to be restricted across the site. However, the current design and layout of the subdivision with small allotments along the full stretch of the Leith Road frontage means the built form resulting from these allotments will be viewed from all public vantage points. The only measure to reduce the views across the small allotments is the retention of an existing boxthorn hedge which will restrict some views into each allotment but will not fully mitigate the loss of spaciousness.
31. In my opinion the greatest potential loss of rural character resulting from this subdivision is the loss of open space rural outlook along the Leith Road frontage. This linear development along Leith Road proposed does not retain the open space rural elements currently experienced on the subject site and are fundamental, in my opinion to ensuring the retention of rural character.
32. The Operative District Plan seeks to control the density and scale of development in the rural environment area by providing for one small allotment where there is a large balance area, which promotes spaciousness and low density, production orientated environments. In this case there would be a balance allotment of 41ha and a further small five small allotments being created.
33. Whilst the balance allotment (Lot 6) will retain low density spaciousness elements, due to the topography of the site little outlook of this balance allotment is achieved through the design of the subdivision, particularly from Leith Road. The subdivision design has clustered some of the small allotments (Lots 2 and 3) around the existing dwelling in the centre of the site (Lot 5). However, they also have proposed two other small allotments at both the northern and southern end of Leith Road. In the absence of the identification of building platforms on each allotment and the design of the subdivision it is considered that this development will result in the loss of open space, and spaciousness elements that are part of the rural character in this environment.
34. The LVIA makes the following comments in relation to rural character effects:

"Lots 2 and 3 are located next to each other on the elevated part of the site. This positioning is obvious given the spectacular views available. Dwellings on these lots will be visible and relatively prominent"

35. It is my opinion that the proposed mitigation measures offered will not effectively mitigate the effects associated with the loss of open space and spaciousness created from the proposal, particularly the prominent nature of the proposed small allotments. The LVIA comments that significant earthworks will be likely for Lots 2 and 3 but are managed through proposed mitigation measures. However, it is considered 1.5m or less earthworks cut in this environment still have the potential to create adverse effects on rural character that could be mitigated through better subdivision design and layout.

36. The LVIA was peer reviewed by Natural Capital, who similar to the applicants LVIA has concerns about the visibility of built form on Lots 2 and 3 given their elevated position on the site. This peer review states:

"Further consideration about dwelling placement, and vegetation buffers could be useful to ensure the open space associated with the rising hillock is protected/maintained as this area of openness and spaciousness is, to me, the most vulnerable to change and the area which will have the greatest adverse effect if dominated by dwellings (and associated activities)."

37. Given the concerns raised in the peer review of the LVIA in relation to the loss of rural character further clarification and consideration to additional mitigation measures was discussed with the applicant. The applicant's response in a s92 request was as follows:

"The addition of no-build areas on high knoll features is not considered to be warranted in this circumstance. There are limited positions where a dwelling would be able to located on knolls and the effects of any potential future development are considered to be such that this requirement is justified."

Similar, to Point 1 there is the potential of buildings to occur on these knolls currently. If in the event, future residential development was to occur on one of these knolls, the potential visual impact on the surrounding residential environment would be relatively minor when compared with that of the permitted baseline.

The requirement for no-build areas does not seem to be supported by the assessment provided as the effects are able to be mitigated and remedied to an acceptable level. Therefore, any such requirement is not considered to be supported by the RMA as it is not considered to be 'fair, reasonable and practical' to require such a condition."

The above statements from the s92 response were a result of trying to work with the applicant to provide further mitigation measures to reduce the potential scale of effects resulting the loss of spaciousness. Overall, it is considered the proposed activity will result in a loss of open space elements that define rural character, particularly along Leith Road.

Production orientated and working environment

38. The area of site not used for dwellings and curtilage that will retain production orientated aspects, will be the balance allotment, Lot 6. This allotment is in pasture

and used for grazing of stock. A diary milking shed and other implement sheds are retained on Lot 6 near the existing dwelling on Lot 4. It is unclear if the milking shed is still in use if the site is used for dry stock only. Either way, Lot 6 is able to retain its ability to continue to contribute to a working rural environment.

39. The current activity would continue on Lot 6 following subdivision however the removal of approximately 4.5 ha from this use has potential to result in a loss of production orientated land. Lot 1, being 2.9ha in size will retain some rural outlook but is not of scale to ensure production orientated nature is retained on site. The prime flat to rolling pastoral paddocks that currently adjoin Leith Road will be the areas lost from production.
40. In the context of rural character, the removal of a significant area of productive land will have more than minor effects on the environment through lost production land.

Rural Based Industry and Rural Infrastructure

41. The site does not contain any rural based industry and as there is no reticulated drainage network in the vicinity of the site, any potential effects on public infrastructure will be nil. The site area would need to be self-sufficient with regards to three waters. This would be able to be confirmed through conditions. Adverse effect on the environment relating to industry and infrastructure would not be more than minor on the environment.

Summary

42. Overall, I consider that the proposed subdivision will result in a loss of spaciousness and low density built form that are key elements to retaining rural character. Potential effects on rural character are considered to be more than minor.

Traffic Effects

Amenity

43. The site has two independent and existing crossing points for each dwelling on site and an access to the existing sheds on Lots 6, these accesses will all be retained. The applicant proposes a combined vehicle access for Lots 5 and 2 which will reduce the need for additional access to Lot 2. Therefore, new vehicle access points will be required for Lots 1 and 3. The addition of four allotments, beyond the existing two records of title will increase traffic in the immediate environment but not to a discernible level that it is likely to alter significantly the amenity of the existing environment. Any loss of amenity from an increase in traffic from the site is likely to be less than minor.

Traffic safety and efficiency

44. The proposed crossings have been through an approval process and are fit for purpose that currently service the subject site. Any new vehicle crossings are able to be constructed and demonstrate compliance with the District Plan sight visibility requirements.
45. In reliance on the comments and recommendations of the Development Engineer I conclude that the adverse effects of the proposal in relation to traffic safety and the efficiency of the roading network will be less than minor.

Waterbodies

46. The site contains two tributaries of the Katikara Stream, these waterbodies are retained on the balance allotment and are significantly setback from the proposed small allotments that front Leith Road.
47. The applicant has offered conditions of consent to ensure the native riparian planting along these waterbodies and in conjunction with Te Kahui o Taranaki. This measure is considered a positive outcome and sufficient to ensure any potential adverse effects on the waterbodies are avoided.
48. No esplanade strip is sought as part of this application and given the nature, scale and location of these waterbodies it is considered appropriate. The waterbodies appear to spring within the subject site and provide no connection to a road. No adjacent landowners or relevant parties are considered affected by the subdivision in relation to any effects on the waterbodies.
49. The application will be notified to iwi and hapū through the public notification process for their comment and consideration.

Summary

50. Overall, as the adverse effects relating to rural character and the loss of open space rural elements from the proposal will be more than minor on the environment the application is required to be publicly notified. Remaining adverse effects will not be more than minor on the environment.

Step 4: public notification in special circumstances

51. There are no special circumstances as there is nothing that is unusual, abnormal or exceptional about this application.

Conclusion

52. It is concluded on the findings of the above assessments under s95A of the RMA that the application needs to be publicly notified.
53. As the application is to be publicly notified, regulation 10 sets out who the Consent Authority must serve notice on. This includes those who the Consent Authority considers to be an affected person under s95B of the RMA. This is considered as follows:

Assessment of affected parties

Effects that may be disregarded (95E(2))

- The permitted baseline has not been applied.
- The application is for a discretionary activity therefore the consent authority is not restricted in its assessment of adverse effects.

Written approvals obtained

54. The applicant has provided written approvals with the application, as result of further information requested. These are outlined in the public notification assessment and are relevant to this assessment. Effects are disregarded on those people who have given written approval to the proposal.

Assessment

55. The focus of this assessment will be on people owning and occupying Properties 2- 6 and 9 and 10 in Figure 4 above.
56. The potential effects of the proposal on neighbouring people primarily relate to rural amenity and reverse sensitivity. These are considered in turn below:

Rural Amenity

57. Property 2 is located at 6 Perth Road and is located on the corner of Leith and Perth Road. The LVIA assesses the potential effects on this property as:

"6 Perth Road is a house tucked behind amenity vegetation by the intersection of Leith and Perth Road. This house is also located lower than the site. Visual effects from amenity areas are assessed as negligible, but they will likely see future dwellings on Lots 1 and 2 as they leave their property and turn into Leith Road."

The peer review undertaken by Natural Capital agrees with this assessment. I therefore, rely on this assessment of visual effects and conclude any effects on their rural amenity are likely to be less than minor for the reasons outlined above.

58. Properties 3 and 4 are not assessed by the LVIA. This is due to the setback of dwellings from the subject site. Property 4 has a dwelling set behind property 5 and therefore views over the site are limited in aspect. The dwelling on property 4 is orientated north and away from the subject site and has little rural amenity aspect over the subject site. Any potential effects on property 4 are considered to be less than minor due to its setback and screening from vegetation and other properties. Property 3 is part of a large farming unit with dwellings and other ancillary farming sheds fronting Hampton Road east of the subject site. This property is sufficiently setback from the subject site and has no dwellings within the vicinity of the subject site. Any potential effects on this property are considered negligible.
59. Property 5 is located directly opposite Lot 1. The LVIA assesses the impact on this property (63 Leith Road) as very low due to the setback of the dwelling on this property and the amenity planting on this allotment. The peer review by Natural Capital in relation to this property states the following:

"Views between Lots 2 & 3 and 63 Leith Road are touched on earlier in this report and may require further consideration to where future dwellings on Lot 2 & 3 will go and how high they will stand above the existing high point. However, I agree 63 is well vegetated around its own boundary by tree lucerne and native species. It is possible the effect on this receptor may be greater than very-low when considering the likely orientation of dwellings toward the north and the possibility of being 'overlooked'. There are no photos from the hillock in Lot 1 toward 63 so it is difficult to assess the relationship between these two sites."

The applicant has offered a setback of 5m from the highest point of Lots 2 and 3 but no other setback or identification of building platforms on Lots 1, 2 and 3 have been assessed and therefore the potential visual effects are difficult to accurately assess. Given the elevated nature of Lots 2 and 3 the proposed vegetation on the subject site will do little to soften the views into these allotments, this also applies to Lot 1 but this allotment has greater area of flat land where a dwelling may not be as prominent. It is therefore considered potential effects on property 5 rural amenity may at the least be minor.

60. Property 6 is a vacant 6.9ha property that wraps around behind property 7. The LVIA assesses the effects on this property as follows:

"For the rural property opposite the site (Lot 3 DP 482291), a future permitted dwelling could be located in an area that has views of the proposal. The northern part of this property is opposite Lot 6 and the southern part opposite Lot 4. There is a potentially open views towards the proposal, from either end depending on where a future dwelling is located. Taking context into consideration (neighbouring dwellings and vegetation), effects without mitigation are assessed as low, and with mitigation very low".

The assessment on this property from Natural Capital states that the potential effects on this property are dependent on where a future dwelling will be located and where a dwelling on Lot 1 will be located. In the absence of a dwelling being located on property 6 or a building platform being identified on Lot 1 or a restriction being offered over the hillock on this allotment, it is considered potential effects on this property will be at least minor.

61. Properties 9 and 10 are both rural large land holdings that front SH45 and property 9 fronts Leith Road, directly opposite Lot 4. These allotments have no dwellings in the vicinity of the subject site and therefore have little rural amenity value over the subject site. Any potential effects in relation to rural amenity are considered to be less than minor.

Reverse Sensitivity

62. Reverse sensitivity involves the vulnerability of an existing activity to legal attack from newly located activities that are adjacent and which are incompatible.
63. The properties directly opposite the subject site are primarily rural lifestyle allotments which generally don't have activities that would result in reverse sensitivity effects occurring on these allotments. The larger farm holdings which could be subject to reverse sensitivity effects are located at either end of Leith Road and only have small areas of land directly adjacent to the subject site. Given this separation from the site it is considered any potential reverse sensitivity effects will be less than minor.

Conclusion

64. It is concluded on the findings of the above assessment that there would be affected parties that the Council must serve notice of the proposal on as follows:

Property identifier	Property Address	Legal Description	Owner
5	63 Leith Road	Lot 2 DP 482291	A Kirk, G Mackwood and S McLean

6	61 Leith Road	Lot 3 DP 482291	C and J Morris
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RECOMMENDATION ON NOTIFICATION

65. That for the above reasons the application should be notified under sections 95A – 95E of the RMA.

66. Regulation 10 requires the Consent Authority to serve notice on the following people:

Person/ authority described in regulation 10	Notice required to be served
every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review.	Yes A Kirk, G Mackwood and S McLean C and J Morris
every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates.	Yes
the regional council or territorial authority for the region or district to which the application or review relates.	Yes Taranaki Regional Council
other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review.	Yes Te Kahui o Taranaki Iwi Nga Mahanga A Tairi Hapu
the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area.	No
the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area.	No
Heritage New Zealand Pouhere Taonga, if the application or review— (i) relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or	No

(ii) affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014.	
a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.	No
a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity.	No
Transpower New Zealand, if the application or review may affect the national grid.	No

Report Details

Prepared By: Laura Buttimore (Consultant Planner)

Team: Consents

Approved By: Campbell Robinson (Planning Lead)

Date: 2 December 2021