

**S95 NOTIFICATION REPORT TO THE PLANNING LEAD FOR SUBDIVISION CONSENT**

Application Number:	SUB21/47978
Proposal:	Five lot rural subdivision
Applicant:	Wayne Curry
Site Address:	24 Te Arei Road West, Sentry Hill
Legal Description:	Lot 4 DP 5842 held in RT TNB1/586 issued on 7 June 1967 Relevant Interests: <ul style="list-style-type: none">• Subject to a right to convey Gas in Gross• Land Covenants (No complaints relating to poultry operation)
Site Area:	7.1252ha
Zone:	Operative District Plan: Rural Environment Area Proposed District Plan: Rural Production Zone
District Plan Overlays:	<u>Operative District Plan:</u> Priority Waterbody Designation 58 Energy Pipelines <u>Proposed District Plan:</u> Gas Transmission Pipeline Gas Transmission Pipeline Corridor Airport Flight Path Surface 1 Significant Waterbody – Waiongana Stream
Activity Status:	Operative District Plan: Discretionary Proposed District Plan: Discretionary

SITE DESCRIPTION AND SURROUNDING ENVIRONMENT

The subject site and surrounds are described in Section 1 of the application and that is summarised here for ease of reference:

The subject site is located at 24 Te Arei Road West Sentry Hill, is 7.2ha in size and is comprised of one title (Lot 4 DP 5842, dated 7 June 1967) which has not been previously subdivided.

The site has direct frontage onto Te Arei Road West, is flat to gently undulating in relief and triangular in shape. It consists of vacant pastoral land, a productive poultry farm of 75 to 100,000 birds, supporting amenity sheds, workshop and the applicant's existing dwelling. The poultry and amenity sheds with some pastoral land will be retained as part of Lot 1, the balance lot. The existing dwelling and workshop near the entrance will be retained as part of Lot 5 with a ROW formed in favour of Lot 1 to provide access to Lot 1.

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The site extends northwards away from the road and shares common boundaries with the Waitara railway line to the north-west, Te Arei Road West to the south and the Waiongana Stream to the east. The primary natural gas supply pipeline to Auckland, for which Easement 9293519.2 dated 28 March 2013 exists, crosses the site east to west between the primary poultry sheds of Lot 1.

The Waiongana Stream is largely fenced and has some areas of vegetation which have been allowed to regenerate naturally with native species. A registered esplanade strip exists on the true right bank opposite the applicant site.

Te Arei Road West is a dual laned 'local' road with a posted speed limit of 100 km/h which has grass and gravel berms with stormwater managed by grass swales. It is lined by 11kV Overhead Power lines, an embedded water main and telecommunication cables run through the berm beside the proposed site.

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The surrounds are mostly rural pastoral farming, interspersed with some smaller rural lifestyle lots.

Having visited the site I concur with this description and the site and surrounding area can be seen in Figure one below.



Figure 1: Aerial of subject site and surrounding area (Source: PDP Planning Maps)

PROPOSAL

Pursuant to s88 of the Resource Management Act 1991, Juffermans Surveying Ltd (The Agent) has applied for subdivision consent to create five allotments including 4 small allotments (one which contains the existing dwelling) and a balance area that contains the poultry sheds. The proposal is described in sections 2, 3 and 4 of the application and this is copied here for ease of reference:

"The application is for a subdivision consent. It is proposed to create a total of five lots (inclusive of a balance lot – Lot 1) by way of a single stage subdivision. The purpose of the subdivision is to annex 4 Lots (Lots 2 to 5) from Lot 1 which will allow a balance retention of approximately 4.2ha. It is also proposed to create a 5m wide riparian strip along the west bank of Waiongana Stream, a Priority Waterbody which forms the eastern boundary of Lots 1 and 5, as a full registered esplanade strip already exists on the true right bank.

Subdivision

Lot 1 – Is the balance lot of the proposal. It is trapezoid in shape extending eastwards away from the Waitara Railway to the Waiongana Stream with an approximate total area of 4.2ha. The Lot consists of vacant pastoral land, a productive poultry farm of 4 sheds containing 75 to 100,000 bird during production and supporting amenity sheds.

In the future there is the possibility of the poultry sheds being retired from service and repurposed for other tasks, such as dry storage for baleage, implements etc or some other purpose not related to poultry farming however this application should be considered with the shed's being actively farmed. The future use, retention and/or demolition of said sheds do not form part of this application.

There is no intent that a dwelling be constructed upon this Lot and to ensure this it proposed that a covenant be placed upon the title stipulating this as a no build area for the purposes of a residential dwelling.

Lot 1 will continue to be served by the existing vehicle crossing point at 24 Te Arei Road West. However, this will become a shared vehicle crossing point with Lot 5 with a right of way being formed upon lot 5 in the favour of Lot 1. It is anticipated the current configuration of the access ways to Lots 1 and 5 will satisfy the standards outlined in Appendix 23(a) and 23(d) as currently exists so therefore no alterations will be necessary to what exists currently.

Given the rural character of the surrounding area, it is proposed to protect the existing shelter-belts lining both the current production site and what will become the common boundary between Lots 1, 2, 3 and 4. This is to ensure privacy and to contribute to the maintenance of the rural character through preventing the domination of the rural landscape by restricting the views of any future dwellings or ancillary buildings on the proposed site. The retention of the shelter belts will also provide provision to negate visual impact effects of shed farming on Lots 2, 3 and 4. Provision should be included to allow for maintenance and pruning.

Note: The planting is located within Lot 1 and a consent notice would be registered on Lot 1 to retain the trees in perpetuity.

Given the requirement to recognise the Statutory Acknowledgement of Te Ātiawa rights with regards to the Te Ātiawa Claims Settlement Act 2016 and therefore their rights of kaitiaki over the Waiongana Stream and tributaries, it is proposed to create a 5m wide riparian strip planted with native species along the true west bank of Waiongana Stream which adjoins the eastern boundary of existing Lot 1.

Lot 2 is triangular in shape, Lots 3 and 4 are rectangular. They will have a total area of 7,892m², 7,523m² and 7,000m² respectively. Each will extend northwards from Te Arei Road to a common boundary with Lot 1 defined by the existing shelter belt.

Each of the lots are vacant pastoral land, which being flat or gently undulating in contour suggest each lot will be able to sustain any future dwelling and ancillary buildings in accordance with the standards outlined in Appendix 22.1. An engineering report will be provided prior to s224 to confirm that each site complies with such requirements.

Lot 4 is crossed by an 11kV spur line supplying power to Lot 1 (as shown in Figure 21 below). It is proposed that as a consent notice an easement to convey electricity is put in place in the same manner as the gas pipeline in Lot 1.

Note: The s92 response confirmed this would be an easement for electricity.

Lots 2, 3 and 4 will have road frontage to Te Arei Road - West at the south-western corner of the site therefore, access to the lots will be via this location.

There are currently no formed vehicle crossings for these lots however, one will be formed and constructed to the standards stipulated in NPDC ODP 2015 Appendix 23, acknowledging both the standards outlined in Appendix 19 and the loop accessway to 39 Te Arei Rd, when plans for a new dwelling on each new lot are prepared.

There are significant lines of sight, in excess of 160m in both directions due to the straight alignment and gentle gradient of the roadway.

Note: It has been acknowledged through a s92 request that compliant crossing locations cannot be created.

As with Lot 1 given the rural character of the surrounding area, it is proposed to protect the existing shelter-belt lining what will become the common boundary between Lots 1, 2, 3 and 4. This is to ensure privacy and to contribute to the maintenance of the rural character through preventing the domination of the rural landscape by restricting the views of any future dwellings or ancillary buildings on the proposed site. The retention of the shelter belt between Lot 1 and the rural residential lots will also provide provision to negate visual impacts from Lot 1 on Lots 2, 3 and 4. Provision should be included to allow for maintenance and pruning.

Note: It has been confirmed through a s92 request that the planting to be protected is located within Lot 1.

It is also proposed to provide visual mitigation along the roadside of Lots 2, 3 and 4 through the installation of a double line of screening trees 3m in width reaching 1.8m in height within five years.

Note: It has been identified through the s92 response that each lot will be limited to one vehicle crossing

Lot – 5 is triangular in shape extending eastward away from the Right of Way of Lot 1 to the Waiongana Stream and has a total area of approximately 6,686m². The lot is flat in contour and contains the existing residence, ornamental garden and associated sheds, amenities and immediate grounds. The boundaries are defined by the existing shelterbelt hedging, developed trees and post and wire fencing.

Lot 5 will served by the existing vehicle crossing point at 24 Te Arei Road West through a right of way (ROW) access being formed through an easement on Lot 1. It is anticipated the current configuration of the access ways to Lots 1 and 5 will satisfy the standards outlined in Appendix 23(a) and 23(d) therefore, no alterations will be necessary.

As with Lot One given the rural character of the surrounding area, it is proposed to protect the existing shelter-belt lining Te Arei Road. This is to ensure privacy and to contribute to the maintenance of the rural character through preventing the domination of the rural landscape by restricting the views of any dwellings or ancillary buildings on the proposed site. Provision should be included to allow for maintenance and pruning.

Given the requirement to recognise the Statutory Acknowledgement of Te Ātiawa rights with regards to the Te Ātiawa Claims Settlement Act 2016 and therefore their rights of kaitiaki over the Waiongana Stream and tributaries, it is proposed to create a 5m wide esplanade strip along the Waiongana Stream true left bank which adjoins the eastern boundary of existing Lot 5."

Note: Through the s92 response it has been confirmed that an esplanade strip of 10m wide will be located along the Waiongana Stream.

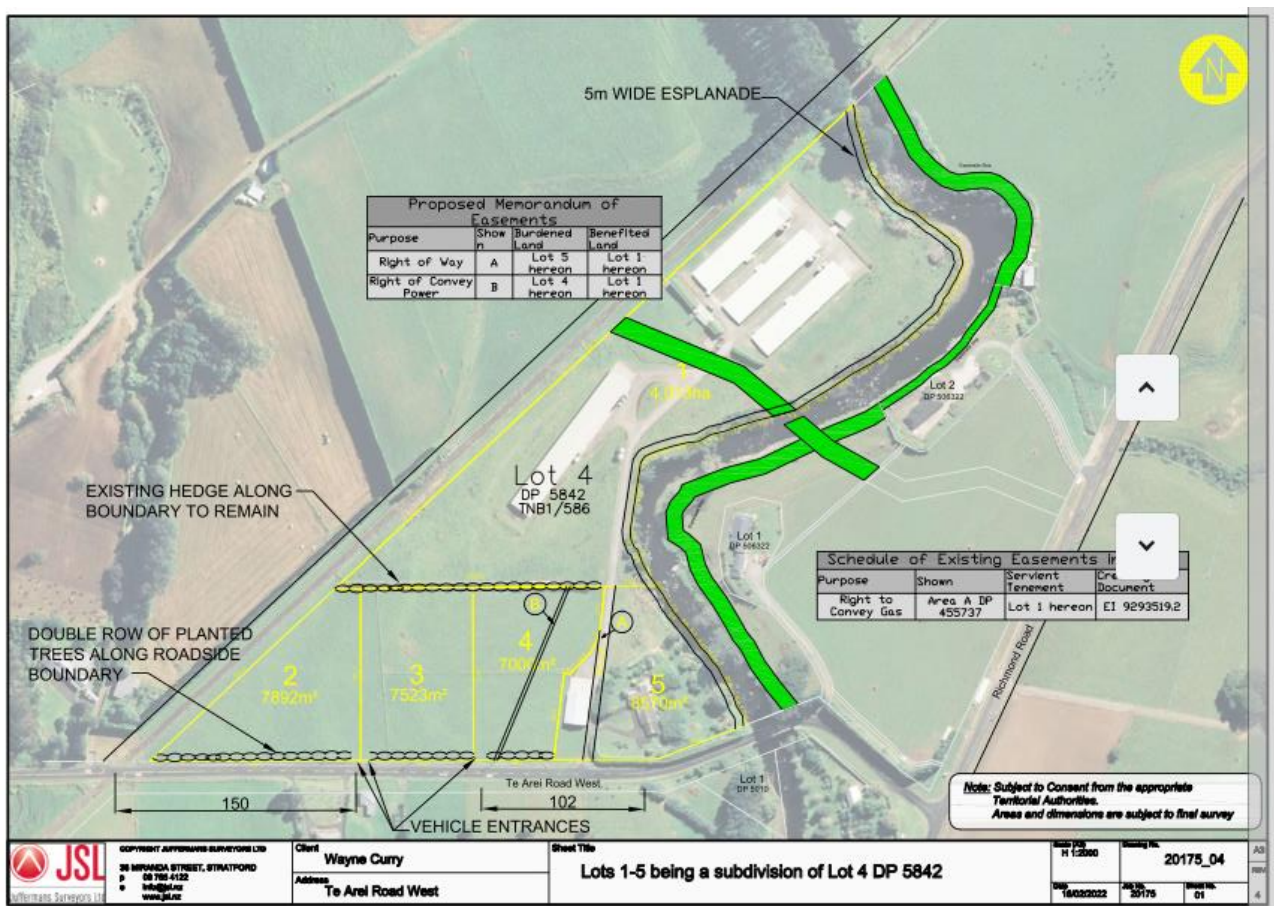


Figure 2: Scheme plan (Note: no updated plan was provided to show a 10m esplanade)

Services

WATER

The site currently has a water connection to the main supply passing the front of the property. Lot 1 and 5 shall continue to use this existing supply. Lots 2 to 4 may obtain potable water from within the boundaries of their allotment in accordance with the standards outlined in Appendix 22.2 when plans for a new dwelling on the respective properties are prepared. Alternatively, connections can be made to the public water along the road at the discretion of the new owners.

SEWER SERVICES

Lot 1 contains an existing effluent system associated with the poultry operation which is only suitable for the intensive operation of a poultry farm. Therefore, Lot 1 will continue to operate within the defined requirements of Resource Consents R2/4131-2 Discharge Permit – Land – Animal Waste

and R2/5260 – 2.2 Discharge Permit – Air Odour and Taranaki Regional Council – Regional Air Quality Plan for Taranaki – Appendix V: Good Management Practices for Intensive Poultry Farming.

As there are no Council reticulated systems within Te Arei Road Lots 2, 3 and 4 are of sufficient to allow each lot to be self-sufficient in effluent management. Lots 2, 3 and 4 will therefore be serviced via these self-contained sewerage systems.

Lot 5, the existing dwelling, currently utilises an existing self-contained effluent system as there are no Council provided sewerage facilities in Te Arei Road. As such Lot 5 shall continue to use this existing system.

STORMWATER

Stormwater will be contained onsite and used as a potable water supply. Any overflow will be disposed of to ground by way of soakage. As such Lots 2, 3 and 4 shall utilise roof catchment systems to capture stormwater as a potable water supply enabling them to be self-sufficient.

Lot's 1 and 5 shall continue to utilise the existing systems."

The mitigation proposed in the application is summarised here:

- *"Proposed Lot 2, 3 and 4 are restricted to one dwelling."*
- *"Proposed Lot 2, 3 and 4 shall have building height limits of 6m applied to the dwelling and any associated buildings." "Proposed Lot 2, 3 and 4 shall use recessive roof colours shall be used with an LRV of 25%." "No close boarded fences shall be used more than 10m from the future building envelope." "Proposed Lot 2, 3 and 4 are restricted to one vehicle entrance per allotment."*
- *"Proposed Lot 2, 3 and 4 shall use rural materials such as post and wire fencing and hedging to be used to define the boundaries (with no use of close boarded fencing)."*
- *"Proposed Lot 2, 3 and 4 shall use rural materials for the driveway with no use of pillars or block wall entranceways or plain white concrete." Lot 4 Electricity Consent Notice*
- *A Consent Notice is not required for the conveyance of electricity upon Lot 4 as this shall be registered as an Easement upon Lot 4."*
- *"The hedge along the common boundary of Lot 1 with Lots 2, 3 and 4 shall be maintained to a height no less than 1.8m" (To apply to Lot 1)*

STATUTORY REASONS FOR THE APPLICATION

National Environmental Standards

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.

No NES CS assessment was included in the application. This was requested as part of the s92 request.

The agent provided the following relevant information:

"There are no selected land use (HAIL) sites, as identified by Taranaki Regional Council, listed on the property. However, it is an active intensely operated poultry farm used to produce meat chickens.

"There are currently two active resource consents, issued by TRC, in place upon the property. R2/4131-2 Discharge Permit – Land – Animal Waste and R2/5260 – 2.2 Discharge Permit – Air Odour, both of which expire 1 June 2026. Prior to use as a poultry farm the site was used for rural pastoral production."

A follow up question was made to the agent regarding the discharge permit to confirm the activity does not constitute activity G.5 from the HAIL.

The agent provided a response as follows:

NES Activity 5G to this site does not apply as while TRC Discharge Permit R2/4131-2 – Land Animal Waste exists it has not been utilised. Please refer to the following response from the applicant with regards this question.

"In my ownership and to my knowledge there has never being any effluent discharge or dead stock disposed of on any of the land. All dead stock are frozen and picked up by Tegel to be disposed now for all the time I have owned the farm."

I have also checked the TRC Selected Land Use register and NPDC's record systems and there is no other evidence that the site has contained an activity listed on the HAIL. Therefore the NES does not apply to the proposal.

Operative New Plymouth District Plan (2005)

The site is located within the Rural Environment Area and contains the priority waterbody overlay.

The site contains a Statutory Acknowledgement Area for Te Atiawa iwi, being the Waiongana River. The Waiongana River is identified as a Priority Waterbody.

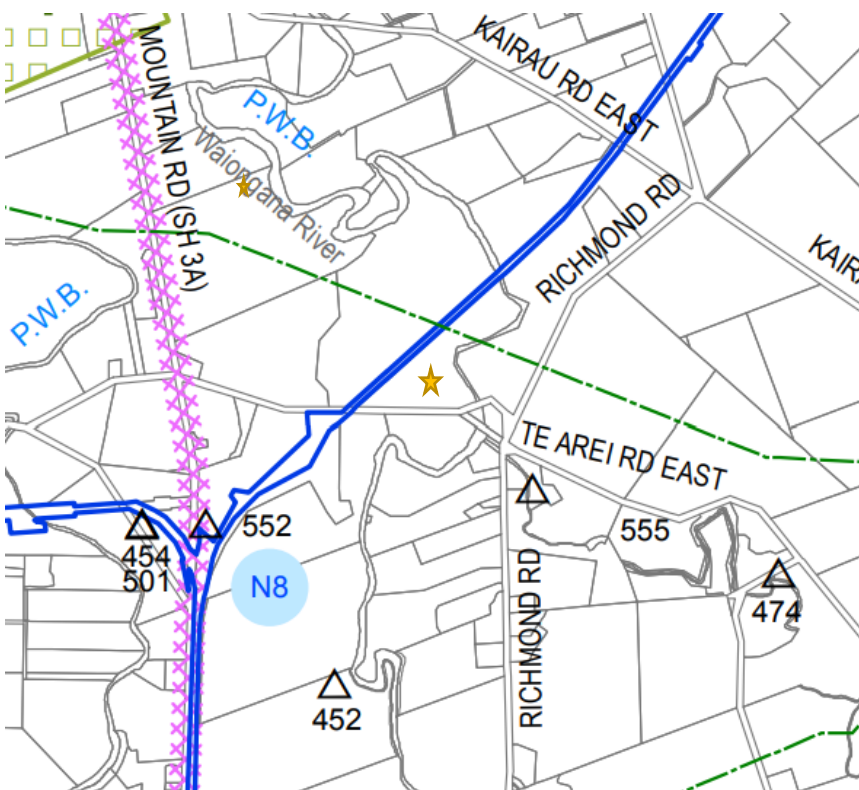


Figure 3: Operative Planning Map – Site shown with yellow star

Rules

The proposal requires consent under the following District Plan rules:

Rule #	Rule Name	Status of Activity	Comment
Rur76	Allotments served by a right of way	N/A	There is no existing right of way serving the site.
Rur78	Number of lots and Lot sizes	Discretionary	The subject site comprises a parent title. The proposal involves the creation of 4 additional allotments with a balance area of over 4ha (5 allotments in total).
Rur79	requirement to provide PRACTICABLE vehicular access to ALLOTMENTS from a ROAD*, except where created solely for NETWORK UTILITIES, ROADS or reserves	Controlled	Lots 2, 3 and 4 vehicle access points will be formed and constructed to the required standards of Appendix 22.2A when plans for a new dwelling on the respective properties are prepared. Lots 1 and 5 will continue to be serviced by the existing vehicle access point which will be shared through the creation of a ROW. All Lot vehicle access points will have view range in excess of 160m and take into consideration the required standards of Appendices 19 and 23.
Rur81	requirement for services - stormwater disposal, water supply and sewage disposal	Controlled	Lots 2, 3 and 4 will have potable water sewer and stormwater systems within their boundaries that meet the standards specified in Appendix 22.2. Lot 1 contains an existing poultry operation that shall continue to use the existing consented systems. Lot 5 contains an existing dwelling, potable water and effluent system contained within the boundaries of the allotment.
Rur82	requirement for a BUILDING platform	Discretionary	Lots 2, 3 and 4 will comply with the standards outlined in Appendix 22.1. An engineering report will be provided prior to s224 to confirm that the sites comply with the appropriate requirements. Lot 5 already contains a lawfully established house. Lots 2, 3 and 4 cannot contain a dwelling within the site as a permitted activity due to the proximity of the sites to a poultry shed. Note: No land use consent is concurrently sought for building platforms in Lots 2-4
Rur83	requirement for	Discretionary	The workshop on Lot 5 may be located

	existing BUILDINGS to meet standards in relation to the new boundaries		closer than 5m (4.6m) from the new boundaries. Therefore, the proposal meets the criteria to be considered as a discretionary activity. House on Lot 5 will no longer comply with Rur 31.
OL58	requirement for an esplanade strip or reserve (regardless of the size of the ALLOTMENT created) for subdivision of an ALLOTMENT within the RURAL ENVIRONMENT AREA	Discretionary	The District Plan requires an esplanade strip of 20m to be set aside along Priority waterbodies. A 10m wide Esplanade strip is proposed following s92 information being received. (noting the scheme plan has not been updated to reflect this)

The proposal is a Discretionary Activity under the Operative New Plymouth District Plan, being the highest status under the above Operative Plan.

Objectives and Policies

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

	<p>as a direct result of the subdivision and development.</p> <p>(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.</p> <p>(i) Consistency of the proposal with Policy 4.5.</p>
Policy 4.3	<p>Control the density, scale, location (including on-site location) and design of activities by;</p> <p>(a) Imposing a maximum HEIGHT for all buildings to allow for rural uses to operate.</p> <p>(b) Providing a maximum area that can be covered by BUILDINGS to control the effects of larger scale activities on small sites.</p> <p>(c) Requiring BUILDINGS to be setback from the ROAD BOUNDARY in order to maintain spaciousness.</p> <p>(d) Requiring BUILDINGS to be setback from the SIDE BOUNDARY to maintain separation between BUILDINGS and related activities.</p> <p>(e) Providing for the RELOCATION of BUILDINGS to ensure they are reinstated.</p> <p>(f) Requiring landscaping (planting and screening) to mitigate the effects of:</p> <p>(i) OUTDOOR STORAGE areas visible from an adjoining RESIDENTIAL ENVIRONMENT AREA or New Plymouth entrance corridor and;</p> <p>(ii) VEHICLE parking either visible from the ROAD or an adjoining RESIDENTIAL ENVIRONMENT AREA or New Plymouth entrance corridor;</p> <p>(iii) of large SUBSTATIONS and SWITCHING STATIONS.</p> <p>(g) Imposing controls on the size, HEIGHT, location, content, number and duration of ADVERTISING SIGNS.</p> <p>(h) Imposing controls on the quantity, composition and reinstatement of EXCAVATION and FILL to ensure adverse effects are mitigated.</p>
Policy 4.4	<p>Control the density, HEIGHT and on-site location of HABITABLE BUILDINGS 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 4.7	BUILDINGS, plantation forests and SHELTER BELTS should not adversely affect adjoining properties by shading.
Objective 14	To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and RIVERS and their margins
Policy 14.2	The natural character of wetlands and RIVERS and lakes and their margins should not be adversely affected by inappropriate subdivision, use or development and should, where practicable, be restored and rehabilitated.
Objective 18	To maintain and enhance public access to and along the coast, lakes and RIVERS.
Policy 18.1	Public access should be provided to and along the coast and PRIORITY WATERBODIES except where such access should be restricted: • To preserve natural character. • To protect SIGNIFICANT COASTAL AREAS. • To protect SIGNIFICANT NATURAL AREAS. • To safeguard ecological, intrinsic or recreational attributes. • To avoid conflicts between competing uses. • To protect cultural and spiritual values of TANGATA WHENUA. • To protect human health and safety. • For reasons of security. • To prevent aggravation of a natural hazard. • To protect the integrity of RIVER and flood control works. • To provide for any other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.
Objective 20	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.
Policy 20.7	Subdivision should not adversely affect the safe and efficient operation of the ROAD TRANSPORTATION NETWORK.
Objective 22	To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.
Policy 22.1	Subdivision and development should provide: • A safe POTABLE WATER supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses. • A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision. WORKS AND SERVICES Issue 22: Adverse effects due to increased demand on INFRASTRUCTURE, COMMUNITY FACILITIES and requirements for new areas of open space • A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment. • For connection to reticulated water, stormwater and sewerage systems where they are available and it is practical to do so. • Sufficient areas of new open space to meet local community needs.

Proposed New Plymouth District Plan (Notified 23 September 2019)

The site is located within the Rural Production Zone and contains overlays as described above.

No decisions have yet been made on the Proposed Plan.

Rules

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

Rule #	Rule Name/		
WB-R5	Subdivision of land containing or adjoining a significant waterbody	Discretionary	The proposal includes a 10m wide esplanade strip alongside the waterbody and does not meet the restricted discretionary activity

			parameters.
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The proposal is a Discretionary Activity under the Proposed New Plymouth District Plan being the highest status under the above rules.

Objectives and Policies

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 example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools); 3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and/or transportation of raw materials derived from primary production;

	<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> <ol style="list-style-type: none"> 1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and 2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities and/or reverse sensitivity effects.
RPROZ-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> <ol style="list-style-type: none"> 1. agricultural, pastoral and horticultural activities; 2. residential activities; 3. Māori purpose activities; 4. rural produce retail; and 5. petroleum prospecting.
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> <ol style="list-style-type: none"> 1. the activity is compatible with the character and the amenity of the rural area; 2. the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural activities; 3. the activity will reduce the potential for versatile land to be used for productive purposes and in a sustainable manner; 4. adequate on-site infrastructure and services are available and/or can be provided to service the activity's needs; 5. adverse effects can be internalised within the activity's site; and 6. the activity will not result in conflict at zone interfaces.
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> <ol style="list-style-type: none"> 1. reverse sensitivity effects and/or conflict with permitted activities in the zone; or 2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on: <ol style="list-style-type: none"> a. rural character and amenity values; b. the productive potential of highly productive soils and versatile rural land. <p>Incompatible activities include:</p> <ol style="list-style-type: none"> 1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;

	...
RPROZ-P4	<p>Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:</p> <ol style="list-style-type: none"> 1. building height, bulk and location; 2. setback from boundaries and boundary treatments; and 3. earthworks and subdivision.
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> <ol style="list-style-type: none"> 1. managing noise and light emissions to an acceptable level, particularly around sensitive activities; and 2. managing high traffic generation activities that compromise the safe and efficient use of the transport network
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> <ol style="list-style-type: none"> 1. ensuring sufficient separation by distance and/or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry; 2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and 3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.
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> <ol style="list-style-type: none"> 1. responds positively to the site's physical characteristics and context; 2. is accessible, connected and integrated with the surrounding neighbourhoods; 3. contributes to the local character and sense of place; 4. recognises the value of natural systems in sustainable stormwater management and water sensitive design; and 5. protects or enhances natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata whenua, and/or identified features; and 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.
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	<p>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:</p> <ol 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.

NOTIFICATION DECISION

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.

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.

Effects Disregarded

In regard to section 95D(a), Council must disregard any effects on persons who own or occupy the subject site and adjacent land.

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 – 8 in Figure 4 below.



Figure 4: Adjacent land under s95A

Pursuant to section 95D(b), if a rule or national environmental standard permits an activity with that effect then that adverse effect of that activity may be disregarded. This is known as the “permitted baseline”.

The permitted baseline has not been applied to the proposal as there are no comparable activities to that proposed that are permitted by the Operative or Proposed District Plans.

The application is for a Discretionary Activity under the Operative and Proposed District Plans therefore the assessment of adverse effects is not restricted and no such effects have been disregarded (s95D9c).

There are no trade competition effects relating to this application (s95D(d)).

The applicant undertook consultation with neighbouring land owners however no written approvals were obtained or provided with the application (s95D9e)).

Assessment of adverse effects on the Environment

The existing environment has been described in the application where it states that in addition to the description of the site... *there are 'rural' environmental elements that form part of the permitted baseline existing environment. The 'rural' elements of the site are that:*

- *It resides in open areas of pasture and is currently used for grazing domestic stock and as an intensive poultry operation. While there are some adjoining rural properties the overall feeling is of spaciousness with wide vistas northeast to Brixton.*
- *Lot 1 is enclosed behind two existing shelter-belt hedges, Lot 5 one. Therefore, as viewed from beyond the site, the appearance and character of the site post subdivision will remain largely intact with the inclusion of additional roadside vegetation screening.*
- *The built form is located only in Lot's 1 and 5. This takes the form of the existing dwelling, poultry farm and associated buildings, all of which are 12m or less in height, thereby maintaining widely spaced and low dense form characteristics.*
- *Two established shelter belts screen Lot 1 as does the roadside shelter belt with Lot 5. Established natives and exotic species along the banks of the Waiongana Stream form the eastern border.*
- *Proposed Lot 2 adjoins the Waitara Railway Line and beside that another operational farm at 56 Te Arei Road – West. This farm has a high established shelterbelt which blocks views East to the proposed development. Therefore, it not considered that the traditional rural land uses would create a conflict or present reverse sensitivity issues to the proposed subdivision.*
- *As the site is located in a rural area and has existing overhead power circuits, underground fibre cable, water troughs, shelter-belts, open space, cattle yard and post and wire fencing and no waste water, street lighting or kerbing and any new dwellings will comply with the standards outlined in Appendix 22.2 it is considered the proposal continues to provide 'rural' character.*

The application also includes an assessment of effects for the following matters:

- Character and Amenity Effects
- Productivity and reverse sensitivity effects
- Traffic Effects
- Landform and Infrastructure Effects
- Positive Social and Economic Effects

In addition, I consider the following matters to be relevant to the assessment on the environment:

- Waterbody
- Cumulative Effects
- Landscape and Visual Effects

Landscape Effects

The application was accompanied by a landscape and visual assessment. Landscape effects were assessed to be low when applying the proposed mitigation.

It is stated that *"In order to retain an open and spacious character and a low building density and to avoid built form from overly dominating the landscape it is recommended that Proposed Lot 2,3 and 4 are restricted to one dwelling.*

"The Proposal is likely to create a landscape change from open pasture to built form in parts of the Lot 2,3 and 4. This will create a change in openness that is currently experienced throughout the wider landscape although it is noted that built development is visible in the vicinity of the proposed lots so the potential change is minimised. There will be a minor reduction in productive rural land.

The effect can be further minimised with restricted views to future development and this is considered in the mitigation section.

However, given Proposed Lot 1 will continue the ongoing productive use of the property and the loss of productive land is very small when considering the wider landscape. The presence of existing screening vegetation along with potential to supplement this screening with additional planting means that the perception of landscape change will be dramatically reduced so that it will be very low in time once screening is established. The setback from and avoidance of any change to the waterways natural course and associated vegetation are important factors that minimise the overall landscape effects. The maintenance of views of the railway also retains this as a focal point in the landscape.

Additional buildings associated with new dwellings will also provide some change in the landscape along with domestic vegetation. However, overall, the change is small in scale and with the location of all of the proposed lots avoiding the potential for fragmentation of the landscape. An increased number of accessways from the roads, along with some extra vehicle movements will be part of the new landscape and be able to be perceived even with mitigation in place. Both the ongoing activity and resulting rural character will largely remain intact."

Council has had the LVA peer reviewed and comments were received as regarding the landscape identifying that the LVA assessment leads logically through the aspects of landscape character and how perceptual change could occur. Furthermore, the landscape mitigation may be at odds with rural character and spaciousness as follows:

I do think that there is perhaps a contradiction here. The purpose of the limited dwellings to one per lot will maintain a degree of spaciousness but the roadside planting will create enclosure. In the short term, until planting matures, the limit on dwellings will maintain spaciousness, but in the long term, as evident in other property's nearby, once roadside heading is above about 2m tall, buildings become largely invisible.

Notwithstanding, the conclusion is of general agreement and that the significance of change is low. In reliance on this assessment in concur that the proposal will not result in adverse landscape effects that would be more than minor on the environment.

Visual Effects

The application was accompanied by a landscape and visual assessment. Visual effects from public areas were assessed as follows:

- Travelling west along Te Arei Road West
- Travelling east along Te Arei Road West
- Travelling south along Richmond Road

Effects from Tea Arei Road West are described in the assessment as follows:

The outlook is potentially affected by the visibility of additional dwellings. While potential change is openly visible from this viewpoint the viewer is moving through the landscape so is likely to experience the change for a short period of time and is less sensitive to the change. Also, Te Arei Road West is a relatively quiet road so the potential viewing audience is conservative. The journey along the road is predominantly low building density rural outlook with features described above. The extent of change is contained as it affects just a small part of the overall journey along Te Arei Road West.

To retain low density Proposed Lot 2, 3 and 4 should be restricted to 1 habitable building each with associated service buildings.

In order to reduce visibility into the site the road boundary should be planted with a landscape strip at least 3m wide planted with mixed native capable of reaching 1.8m within 5 years with the exception of the new accessways which shall use rural design and materials

Effects from Richmond Road are described in the assessment as follows:

The outlook is not affected as development on Proposed Lot 2, 3 and 4 will not be visible from this view point due to the existing vegetation and built development in between this view point and the proposed lots.

Council has had the LVA peer reviewed with the peer reviewer concurring with wider effects of the proposal being not more than minor on the wider environment. Localised effects are discussed further in the assessment below.

Overall in reliance on the assessments provided by the landscape and visual experts I consider that the proposal will not result in an adverse effects that are more than minor on the environment.

Character and amenity effects

The agent has described the adverse effects relating to character and amenity as being less than minor on the environment. This assessment is in part reliant on the Landscape Impact Assessment included in the application.

I agree with this assessment and consider that with mitigation the proposal will not result in wider amenity and character effects that would be more than minor on the environment.

Rural Character

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 consideration of adverse effects on rural character must include future permitted activities on all lots, this mainly relates to the development of dwellings.

The proposed mitigation includes restriction on the number of additional dwellings that can be constructed, notwithstanding, Lots 2, 3 and 4 are currently vacant and will all be able to have a new dwelling constructed within the new boundaries.

The elements of rural character are further discussed below:

Spaciousness and Low density, Vegetated

The spaciousness of the environment in this location will be changed as Lots 2-5 are located across the road frontage of the entire site. The application includes screen planting along the road frontage to restrict views into the site.

A 4ha balance exists to offset the subdivision of the small lots and provide spaciousness however this is a working poultry farm, contains intensive farming sheds and is located behind the proposed lots. Shelterbelts exist along the proposed common boundary. It is my opinion that while the planting contributes to a vegetated site it does not promote spaciousness.

Furthermore, additional dwellings or curtilage will follow in Lots 2, 3 and 4 and there will be a change to population density in this location.

The 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 4ha and four further small allotments being created. The applicant proposes to limit the number of dwellings that can be constructed on the site overall to 5 which is one more than could be constructed following a controlled activity subdivision and less than the number of dwellings that could be constructed following a Restricted Discretionary Activity subdivision with no mitigation. The mitigation relating to the number of dwellings will limit density and maintain spaciousness to an appropriate level.

In conclusion, while I consider that the adverse effects relating to spaciousness could be at least minor as a result of the proposal, overall adverse effects relating to spaciousness, density and vegetation will not be more than minor on the environment.

Production orientated and working environment

The site already includes an area of land that is not used for rural production and this area is primarily located within Lot 5 following the subdivision. Notwithstanding, the dwelling supports the primary use of the site which is production based being a poultry farm.

The creation of Lot 2, 3 and 4 will remove a further 2.6ha from potential future production. Despite this the existing rural activity would not be compromised and the activity would not result in adverse effects relating to a production orientated and working environment that would be more than minor on the environment.

Rural Based Industry and Rural Infrastructure

The site does not contain any rural based industry as set out in the District Plan which is

“ associated with the land or its associated natural assets. This includes infrequent but intensively developed industrial sites at various scales such as sawmills, quarries, agricultural machinery manufacture, transport yards, bulk stores and the New Plymouth Airport. There are also more frequent sites relating to petroleum industry activities and associated infrastructure (e.g. pipelines) including but not limited to PETROLEUM EXPLORATION well sites and production facilities, and petrochemical plants” .

In this context I would consider the poultry farm under the previous heading being a production orientated working environment. There is no reticulated drainage network in the vicinity of the site, any potential effects on public infrastructure will not be more than minor. The lots 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.

Traffic Effects

Amenity

The crossing points have been considered in the LVIA and there are no anticipated adverse amenity effects relating to traffic as a result of the proposal.

Traffic safety and efficiency

The application has been assessed by Council’s Land Development Engineer and the proposed crossings have been assessed to have traffic safety and amenity effects that would not be more than minor. This conclusion is on the basis of the imposition of conditions should consent be granted as follows:

-
- *The existing driveway can be used as right-of-way and it should comply to the legal and formed width as required by the New Plymouth District Plan and the Council's Land Development & Subdivision Infrastructure Standard including onsite stormwater control.*
 - *Lot 2 is adjacent to a railway crossing and the access should not be closer than 160m to the crossing in accordance with the District Plan provisions however there is good visibility for this section and this railway track is part of the Waitara railway preservation society and is only two Sundays of every month. Therefore, the new vehicle crossing can be situated as close to the eastern boundary as possible but still complying with the District Plan requirements for complying distances from opposite and adjacent accesses.*
 - *For Lot 4, the operating speed for the approaching road from east is appx 80km/hr which requires a sight distance of 105m. Therefore there is a restricted area of frontage where this visibility can be achieved, therefore we require the vehicle crossing to be completed during subdivision.*
 - *The vehicle crossing for Lot 3 can left for at the time of building consent. There will be no change in the existing access serving Lot 1 and Lot 5.*

Rural Fragmentation and loss of production land

The proposal proposes fragmentation to a small parent title. Notwithstanding, the proposal is provided for as a Discretionary Activity. The District Plan commentary relating to fragmentation in the rural environment area is as follows:

"The PARENT TITLE will determine allocation as the number of ALLOTMENTS that can be applied for depends on what existed at the PARENT TITLE date. The balance area requirements are taken from the Computer Freehold Register relating to the application. For the full discretionary activity provision a further small ALLOTMENT can be taken when the balance ALLOTMENT is also a small ALLOTMENT (e.g. between four hectares and 20 hectares), provided that no more than five ALLOTMENTS are subdivided from the PARENT TITLE in total. This ensures that the provisions are equitable in that every PARENT TITLE can apply for four ALLOTMENTS, provided there is a four hectare balance

The discretionary and non-complying assessment process allows for a comprehensive assessment of the impact of applications on spaciousness and the other elements of RURAL CHARACTER. The identification of the right to apply for a certain number of ALLOTMENTS acknowledges that a larger number of ALLOTMENTS would likely be inappropriate in the rural area. This is not to say that the number of ALLOTMENTS identified will be appropriate in every circumstance, as this will depend on site specific factors and other matters that will be addressed through the discretionary assessment process. Any recommendations from design panels are able to be considered when assessing full discretionary and non-complying applications.

And further

"It is important that subdivision recognises the production orientated element of RURAL CHARACTER. Small ALLOTMENT subdivision that occurs in an area that is used for a productive purpose (e.g. farming) needs to ensure that it does not compromise the ability for the land (particularly the balance ALLOTMENT) to continue to be utilised in a productive way. For example, a subdivision may propose smaller ALLOTMENTS for living purposes and ensure the remaining land is used productively. Alternatively the subdivision proposed may be for the purpose of sustaining a productive use that is in keeping with RURAL CHARACTER. This policy acknowledges that RURAL CHARACTER is derived from the productive uses that have traditionally located in the rural environment. The need for large balance areas reinforces this policy. It is important that the level of fragmentation does not influence the overall productive focus of the rural area. This is not only strategically and economically important but is also the basis of what RURAL CHARACTER is."

The loss of production orientated land is low given the use within Lot 1 which is the farming of animals in sheds.

Overall, as the adverse effects relating to fragmentation and loss of production land resulting from the proposal will not be more than minor on the environment.

Remaining adverse effects will not be more than minor on the environment.

Step 4: public notification in special circumstances

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

Conclusion

It is concluded on the findings of the above assessments under s95A of the RMA that the application does not need to be publicly notified.

Limited Notification (s95B)

Step 1: certain affected groups and affected persons must be notified

No protected customary rights groups or customary marine title groups are affected by the activity.

The proposal is on land that contains a Statutory Acknowledgement Area. The statutory acknowledgement area is the tributary of the Waiongana Stream. The applicant has provided a copy of the application with The Kotahitanga o Te Atiawa and provided their comments as part of the application.

Step 2: if not required by step 1, limited 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 limited notification.

Step 3: if not precluded by step 2, certain other affected persons must be notified

Effects that may be disregarded - s95E(2)(a)

Pursuant to section 95E(2)(a), the consent authority may disregard an adverse effect of the activity on persons if a rule or NES permits an activity with that effect.

The permitted baseline has not been applied to the proposal.

Effects that must be disregarded – s95E(2)(b)

The application is a discretionary activity under the operative district plan and s95E(2)(b) does not apply to the proposal.

No written approvals have been provided with the application.

Assessment of affected parties

I consider that the only people who have the potential to be affected by the proposal are those people identified in Figure 5 below and mana whenua. I do not consider that any other people/parties are affected based on the existing environment and the distance to other properties.

Figure 5: Location Map of Site and Potentially Affected Parties

Properties 1-4 and 8 are not located within the vicinity of the new allotments which would be the point of impact for any adverse effects (such as additional development of dwellings) and these people are not considered to be affected by the proposal in a minor or more than minor way.

Assessment of land owners of properties 5 - 7

Amenity

Effects



Visual

The application is supported by a Landscape and Visual Assessment.

The assessment concludes a visual effect that is at least minor will occur for the owners and occupiers of properties 5 and 6 despite mitigation.

In terms of an adverse effect under the RMA. The report outlines that a low or very low effect equates to an adverse effect that is less than minor. Therefore, in reliance on the Landscape Architect and his report I find that any adverse visual effects will be at least minor on the owners of properties 5 and 6 and less than minor on the owners and occupier of properties 1-4, 7 and 8.

The Council's peer review has identified that there would be adverse effects on the owners of property 6 but not on the owners of property 5. The assessment is as follows:

The assessment table considers that with mitigation there is one property affected - number 10 Te Arei Road. I have visited the river side edge of this property and agree with the LVIA that any views are likely to be filtered. I also note that the house is oriented away from Lots 2-3. In my view the effects on 10 Te Arei Road West very low. See Photo 5 and 9 at the end of this review that shows the view from the river side of 10 Te Arei Road West.

The assessment table provides a brief analysis of 39 Te Arei Road West and it states that they have signed an affected party form. However, I note that the application refers to consultation with this property and that agreement has not been reached. I have viewed the proposal from the driveway to 39 Te Arei Road West, and in my opinion they are likely to experience adverse visual effects. The dwelling is in an elevated position relative to the proposal site, and is oriented directly towards it (north). The dwelling is directly opposite the boundary of Lots 2 and 3. Their current outlook of open paddock will change to dwellings and roadside vegetation (proposed mitigation). With time the vegetation will screen the proposal, but the spacious outlook will be forever altered. To mitigate effects from this property I recommend design controls (which are proposed) on the dwellings to reduce their visibility.

Overall I concur with the assessment of Council's technical expert as he has set out clear reasons why the visual effects on the owners of property 5 will not be minor or more than minor.

Overall visual effects would be less than minor on all parties except for the owners of property 6.

Traffic Amenity

Taking into account the location of the crossings, the separation distances and the proposed mitigation I consider that the adverse amenity effects relating to traffic would be less than minor on the owners and occupiers of properties 1-5, 7 and 8 and at least minor on the owners and occupier of property 6.

Reverse Sensitivity

Reverse sensitivity involves the vulnerability of an existing activity to legal attack from newly located activities that are adjacent and which are incompatible.

In this case the new allotments would give rise to additional residential activities adjoining the poultry farm on Lot 5. The new lots would give rise to more sensitive activities, sensitive to typical farming and other non-residential activities that occur in the rural environment.

The proposal could lead to complaints about the operation within Lot 1 which includes a chicken operation that could give rise to noise and odour effects. Notwithstanding, the owners of Lot 1 are the applicants and the written approval is implicit therefore, I have disregarded the adverse effects of reverse sensitivity on the owners of the subject site. The owners have stated that they are the owners and the managers of the poultry farm.

I do not consider there to be any adverse reverse sensitivity effects on the owners of any other properties.

Te Atiawa Iwi and Puketapu hapu

The applicant engaged with Te Atiawa and received initial feedback in the form of a number of queries about the development and from there it appears the consultation did not reach a conclusion. Notwithstanding, The proposal does not provide for opportunities for development alongside the waterbody as the two allotments adjoining the waterbody are already developed. Furthermore land use rules will provide parameters for any future works to be undertaken in.

Te Atiawa were provided with a copy of the application when it was lodged with the Council and did not provide feedback to suggest that there was any issue with the proposal. In this regards adverse effects of the proposal are expected to be less than minor.

Conclusion on Limited Notification

Overall the owners of property 6 are considered to be affected in at least a minor way by the proposal to subdivide the subject site into two allotments. No other persons are considered affected.

Step 4: further notification in special circumstances

No special circumstances exist that warrant the application being limited notified under the Operative District Plan.

Conclusion on limited notification

It is concluded under s95B of the RMA that the application does need to be limited notified under the Operative District Plan.

Notice should be served on the owners of properties 6 who's details are as follows:

Identifier on Figure 4	Name	Address
6	Rachelle Quin and Kerry Rawlinson	39 Te Arei Road West, New Plymouth

RECOMMENDATION

That for the above reasons the application be notified on a limited basis pursuant to Sections 95B and E of the Resource Management Act 1991

Report Details

Prepared By: Nicola Laurenson (Consultant Planner)
Team: Planning

Approved By: Zane Wood (Consents Planning Lead)



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