

Introduction

The site, surrounds and existing environment has been described well in the evidence submitted and the processing planners reports. Semi rural in nature, located in proximity to the town ship and other examples of similar scale developments within the area.

Proposal

The proposal is a three lots subdivision to create two additional lifestyle properties with the remainder of the land to be held in a balance lot and to continue to be used for the existing established activities. No development is currently proposed.

The subdivision is classified as a Discretionary Activity under the OPD and a Controlled Activity under the PDP. Overall the proposal is considered to be a Discretionary Activity.

Matters of Contention

I agree with the majority of the processing planners assessment with the following exceptions;

Permitted Baseline

- The application of the permitted baseline - second dwelling could be constructed as of right. Must be located within 25m of the existing dwelling and cannot be more than 75% gross floor area than the other dwelling. Additional structures could be constructed to a height of 10m and located 10m from the side boundary.

Rural Character and Amenity -

- I will largely rely on the input from the subject matter experts in regards to rural character and amenity. I do note that the processing planner has stated in paragraph 66 - 68';

'Without mutual agreement between the parties regarding the mitigation proposed, it is my opinion that the effects on rural character and amenity values associated with 1305A South Road will be impacted at more than minor levels.'

I disagree with this position. While mutual agreement is certainly beneficial and makes a smoother process it is not a requirement in the determination of adverse effects. Property owners are less able to provide objective opinions due to the personal investment and association with proposals and the 'not in my backyard' approach is common in planning. This is why the RMA provides for a detailed assessment of the effects and input from experts in such matters to objectively determine effects and appropriate mitigation.

- Appropriate mitigation has been offered and due consideration has been undertaken in regards to the concerns raised by the submissions. The additional mitigation requested by Mr. Hart (provision of an additional 15m of land) would not result in a significant change in the effects from the mitigation currently proposed.

Servicing

- I agree with the processing planners assessment that the proposed lots are of a sufficient size to be able to be appropriately serviced to a rural standard. This includes the disposal of stormwater.
- Stormwater disposal is currently meant to drain from the subject site to a drainage easement on the adjoining property. The easement and associated covenant were placed on the associated titles as part of the previous underlying subdivision in 2013.
- The easements and covenants were placed on the titles but it was more of a paperwork exercise with no formation of the drains at that point in time. The subject sites natural overland flow currently does not drain to the easement location as per the title requirements.
- The disposal of the stormwater will be addressed as part of the subdivision process (through conditions 7-8) and current title restrictions. The inclusion of recommended condition 6 is not considered warranted.

Traffic Safety

- Concerns were raised through the submission process in regards to the amount of vehicle movements on the ROW and if all types of use have been considered by both NZTA and Council. I confirm that the movements associated with the existing and proposed residential activities were considered as well as vehicle movements associated with the creamery business and farm activities.
- In my opinion, the use of the portion of the ROW past the proposed subdivision is not within the scope of the current application. While concerns have been raised by submitters in regards to this portion of the ROW, I considered those matters to be more civil in nature and better addressed through the ROW easement instrument and the parties involved.
- The portion of the ROW that is affected by the proposal will comply with all the requirements of NPDC. The processing planner has assessed the effects on traffic safety (after input from Council's development engineer) as being 'less than minor'. Therefore, the condition requiring a convex mirror seems onerous and not linked to indeed effects.

Draft Conditions

- Condition 4 - the requirement for a building platform is onerous when taking into consideration the proposed mitigation including non-buildable areas and the setbacks provided by the District Plan. Having a consent notice identifying a building platform restricts the flexibility of the future development and the potential that variations to the consent notice will be required for the smallest of encroachments.
- Condition 6 - deletion of the requirement for a V Drain to be installed. This is too prescriptive and the stormwater will be addressed as part of the requirement for a stormwater report to be provided and the requirements for specific on-site stormwater controls to be subject to a consent notice condition, as well as the existing title requirements.
- Condition 11 - is more appropriate as a consent notice condition and can be incorporated into the landscape controls for Lot 1.
- Condition 13 - deletion of this condition as it is not related to effects.

Objectives and Policies

- I largely agree with the objectives and policy assessment with the following exceptions;
- I disagree that the proposal is contrary to Objective 1 and Policy 1.2 as in my opinion the effects on the properties are able to be mitigated to an acceptable level and due consideration has been given to the receiving environment and cumulative effects.
- Agree that the proposal is contrary to Policy 4.1 as the proposal results in more than one lot. But I do not consider it to be contrary to the overall objective by virtue of being contrary to one of the policies.
- Similarly, I agree with the processing planners assessment against the PDP's objectives and policies. The exception being, if the potential effects on the rural character and amenity values are being appropriately managed. In my opinion, the mitigation offered is appropriate and the proposal is therefore consistent. . In my opinion, undue emphasis is being placed on the submission from 1305A South Road and then this perceived adverse effect is being applied to policies that are more applicable to the wider environment.
- The s42A Report (paragraph 117) concludes the proposal is inconsistent with 10.3 of the Regional Policy Statement due to the proposal not providing for the maintenance of rural character and amenity. This was not the conclusion that was reached in the LVIA or in the peer review and seems to be driven solely based on the effects on one property rather than the landscape as a whole. I disagree that the proposal is inconsistent with 10.3 as any adverse effects on rural character and amenity values are able to be appropriately managed.

Part 2

- I somewhat disagree with the conclusion that Part 2 matters are relevant in regards to the operative Plan. The Council Officer stated;

'I consider that, and particularly being that the operative plan has been in place for over 15 years and there is Proposed Plan currently subject to future hearings process with a different zoning framework for site, that it is necessary to have regard to Part 2 of the RMA.'

While I agree that Part 2 matters are relevant in regards to the proposed plan, due to its current status in the plan change process, I do not consider them relevant in regards to the ODP. The age of the ODP does not automatically mean that it does not give effect to higher order documents and I am unaware of any deficiencies of the plan or that it was not prepared appropriately.

- I somewhat disagree with the assessment in Paragraph 128 of the s42A Report that the proposal cannot achieve the purpose (section 7) of the RMA. In my opinion, due consideration and weight has not been given to the subject matter experts in terms of the effects on 1305A South Road. While I agree the proposal does not contribute to the enhancement of amenity values in terms of this property, I would consider that the proposal does maintain the extant amenity values.

Conclusion

I have considered all the matters raised, the matters under section 104(1) and Part 2 of the RMA, and in my view, any actual and potential adverse effects on the environment, including any effects on the existing rural character, visual and amenity of the area will be able to be avoided, remedied, or mitigated by the proposed consent conditions.