

2 June 2023

Anna Johnson

Emailed to: anna.johnston@npdc.govt.nz

Dear Anna

373 MAUDE ROAD – ADDITIONAL ASSESSMENT (SUB22/4871)

I have recently been appointed by Rachel Broadmore to provide planning advisory on subdivision resource consent application SUB22/4871. The application was lodged on 8 July 2022 by Pat Sole Surveyors and was Limited Notified to one adjoining property owner/occupier at 335 Maude Road (Donald Murray and Martina Kotenko) by NPDC on 10 January 2023.

A submission was lodged by Mr Murray and Ms Kotenko on 7 February raising a number of concerns. I am currently in discussions with this submitter with regard to consideration of a suite of potential design controls for proposed Lot 1, with the hope that a win/win outcome can be achieved for both parties. I have a meeting with Mr Murray and Ms Kotenko next Thursday evening (8 June 2023) will report back to you once I have more visibility on whether this outcome is possible.

It appears that the proposal is a *non-complying activity* under the PDP Decisions Version. However, as the application was lodged in July 2022 before the PDP Decisions Version was notified on 13 May 2023 the activity status shall remain *discretionary* (as specified under Section 88A(1A) of the RMA). Although, I understand that NPDC has had legal advice that confirms that the objectives and policies (provisions) of the PDP Decisions Version shall be assessed for any resource consent application that is currently being processed.

See below, I have provided a draft 'work in progress' assessment on the objectives and policies of the PDP Decisions Version as set out below in Table 1. Under section 104 of the RMA the PDP Decisions Version is a relevant Proposed Plan and any relevant provisions shall be assessed by the consent authority.

Ideally, I would look to finalise this assessment after meeting with the submitters if agreement can be obtained on specific design controls for proposed Lot 1.

The assessment below is provided in draft as the design controls I am looking to explore with the submitter are yet to be determined. However, aspects that I am hoping to discuss include:

- Identification of a dwelling building platform on proposed Lot 1 approximately 40m from the submitter's boundary.
- Vegetative screening of the proposed building platform, with the goal of also achieving an open rural view for the submitter.
- Information on the location of a new metal driveway.
- A suite of design controls (likely to be held by consent notice) that will manage a future dwelling and associated service infrastructure.

If you can please review my draft assessment and provide feedback on NPDC’s position for this application prior to my meeting with the submitters that would be appreciated.

The assessment outcome is finely balanced. Although, subject to design controls being developed with input from the submitter my assessment finds that the proposal is potentially consistent with the relevant objectives and policies.

If favourable feedback is received from both NPDC and the submitter, then my client will be in a position to move forward with confidence to commission a geotechnical building platform report.

1. Assessment of the PDP Decisions Version Objectives and Policies

Table 1: Subdivision Objectives and Policies

Provision Ref	Provision	Assessment	Proposal Consistent?
SUB-01	Subdivision results in the efficient use of land and achieves patterns of development that are compatible with the role, function and predominant or planned character of each zone.	<p>The proposal would result in two rural Lots being 2.7 Ha and a 4.2 Ha in area. Both of these Lots will require stock grazing continuing its productive use.</p> <p>The existing environment includes a number of properties that would be defined as lifestyle rural in terms of their size and use. With design controls development the proposed establishment of an additional dwelling will not be highly visible from the adjoining road or neighbouring dwellings due to topography and proposed vegetative screening.</p> <p>However, the planned character of the zone under the PDP provides for a low level of subdivision for lifestyle rural use. With a requirement for any subdivision to maintain a 20 Ha balance to retain discretionary activity status (unless a parent title is being subdivided for the first time with 1 lot created). The planned character is to provide for an open, vegetated landscape that is interspersed with a low density of housing and to provide for primary production activities.</p> <p>Design controls are being developed. However, it is expected that the proposed building platform on proposed Lot 1 and resultant built form of a dwelling on the site will not be visible at all from any adjoining section of Maude Road. The building platform is to be positioned north of a ridgeline on the site, with a building platform level to be identified and referenced in the consent approval.</p> <p>Given that the proposed dwelling will not be visible from the wider rural environment the role, function and</p>	On balance consistent

		predominant or planned character of the rural production zone will be maintained.	
SUB-O2	<p>Subdivision is designed and located 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 to the site's physical characteristics and context including any non-scheduled features; 2. is accessible, connected and integrated with the surrounding neighbourhoods; 3. contributes to the predominant or planned character of the zone and a sense of place; 4. protects and enhances scheduled features; 5. provides accessible and well-designed open space areas for various forms of recreation, including sport and active recreation, for the health and wellbeing of communities; and 6. protects highly productive land in the Rural Production Zone. 	<p>As described above, the subdivision will result in the construction of a dwelling and establishment of a metal driveway and installation of electrical/telecommunications connections.</p> <p>The building platform seeks to protect the ridgeline feature on proposed Lot 1 and utilises this feature to avoid potential visual effects on the surrounding rural landscape.</p> <p>The planned character is to provide for an open, vegetated landscape that is interspersed with a low density of housing and to provide for primary production activities.</p> <p>The application site is not defined as highly productive land under the NPS-HPL.</p>	Yes - Consistent
SUB-O3	<p>Infrastructure is planned to service proposed subdivision and development in a manner that:</p> <ol style="list-style-type: none"> 1. protects scheduled features; and 2. connects with the wider infrastructure network in an integrated, efficient and coordinated manner and is provided at the time of subdivision. 	Further detail with regard to the metal access track to the proposed building platform will be provided. The track locations is to be designed to avoid any earthworks on the ridgeline feature that is visible from Maude Road.	Likely to be consistent
SUB-P3	<p>Manage significant risks from natural hazards by restricting subdivision that:</p> <ol style="list-style-type: none"> 1. creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris or flooding; or 2. results in adverse effects on the stability of land and buildings; and 3. does not provide safe, flood free and stable building platforms at the time of subdivision. 	This will be confirmed after the engineering building platform report is completed.	TBC
SUB-P4	<p>Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ol style="list-style-type: none"> 1. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure; 2. ensuring that the appropriate infrastructure for the subsequent use of the land is in place at the time of subdivision or development; and 	Further detail with regard to the metal access track to the proposed building platform will be provided. The track locations is to be designed to avoid any earthworks on the ridgeline feature that is visible from Maude Road.	Likely to be consistent

	<p>3. requiring connections to Council's reticulated systems in urban areas or appropriate on-site infrastructure to be provided in other areas, at the time of subdivision.</p>		
SUB-P5	<p>Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision that:</p> <ol style="list-style-type: none"> 1. recognises the value of natural systems in sustainable stormwater management and incorporates water sensitive and low impact design principles, that are sufficient for the amount and rate of anticipated runoff; 2. mitigate the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land, where sufficient infrastructure capacity is not available; 3. where feasible, utilise stormwater management areas for multiple uses, while ensuring they have an interface with residential activities or commercial activities that do not compromise the predominant or planned character of the zone; 4. avoid any increase in sediment and other contaminants entering waterbodies or downstream effects as a result of stormwater disposal; and 5. Where it is proposed to dispose of stormwater to a waterbody, considers the outcome of any consultation with tangata whenua, including any expert cultural advice provided, with respect to mitigation measures and opportunities to incorporate mātauranga Māori into the disposal method. 	<p>Onsite management of stormwater will be provided for. This will be established via a future building consent.</p>	<p>Likely to be consistent</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 additional record of title only where there is a large balance area, and where the subdivision design reinforces the role, function and predominant character of the zone; 2. managing subdivision that involves multiple small allotments with a large balance area; and 3. avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of 	<p>The proposal does not involve small or large allotments. Proposed Lot 1 will be 2.7 Ha and proposed Lot 2 will be 4.2 Ha.</p> <p>A small allotment is considered to be 4,000m² and a large allotment is considered to be 20 Ha or greater.</p> <p>The proposal is designed in a way that the role, function and predominant character of the rural production zone would not be compromised.</p>	<p>On balance consistent</p>

	<p>patterns of development in urban areas.</p>		
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 or planned 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 conflict with activities permitted in the zones. 	<p>The proposed Lot sizes are not small by rural standards and require stock grazing to maintain the land.</p> <p>The visual change that would be generated by this proposal is the extension of an existing farm track to service the building platform on proposed Lot 1 and establishment of a future dwelling. It is expected that a suite of design controls will be developed for proposed Lot 1 in consultation with the submitter in opposition.</p> <p>The design controls will ensure that rural character and amenity will be maintained.</p> <p>The proposal will result in the establishment of a future dwelling which will enable continued rural use of the property. Adjoining properties either smaller lifestyle Lots (no rural land use) or pastoral grazing farm land that do not raise any concerns for reverse sensitivity effects.</p>	Yes - Consistent
SUB-P14	<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 scheduled features to minimise potential adverse effects on those features and providing for the protection and maintenance of indigenous biodiversity; 6. where a subdivision has the potential to compromise cultural, spiritual or historic values of importance to tangata whenua, considering the 	<p>Design work is ongoing for proposed Lot 1, these policies will be utilised in developing the design controls.</p>	Likely to be consistent.

	<p>outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to:</p> <ol style="list-style-type: none"> a. opportunities to incorporate mātauranga Māori into the design and development of the subdivision; b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and c. options to avoid, remedy or mitigate adverse effects; <p>7. promoting sustainable stormwater management through water sensitive design solutions; and</p>		
SUB-P15	<p>Ensure that 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. 	<p>The proposal will maintain or enhance the attributes that contribute to rural character.</p> <ol style="list-style-type: none"> 1. Spaciousness will be retained, with careful placement of the building platform. 2. A prominent ridgeline on proposed Lot 1 will likely be maintained. 3. The proposal will result in low population density relative to urban areas. The building platform will not be visible from the wider receiving environment. 4. On-site servicing will be provided for proposed Lot 1. 5. Proposed Lot 1 will allow the continued operation of rural activities and productive working landscapes. 	Yes - Consistent

Table 2: Rural Production Zone Objectives and Policies

Provision Ref	Provision	Assessment	Proposal Consistent?
RPROZ-01	Productive land and resources support a range of production oriented and resource dependent activities.	The proposal will extend an existing farm track for access and will establish a dwelling building platform on proposed Lot 1 whereby the occupier will run stock to maintain the 2.7 Ha Lot. The land will continue to be production orientated.	Yes - Consistent
RPROZ-02	The Rural Production Zone is predominantly used for primary production .	The Lot sizes proposed ensure that primary production will	Yes - Consistent

		continue to be the predominant use.	
RPROZ-03	The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.	Proposed Lot 1 includes a dwelling building platform that would be defined as either residential or rural lifestyle living that will be ancillary to rural activities on proposed Lot 1.	Yes - Consistent
RPROZ-04	<p>Maintain the predominant character and amenity of the Rural Production Zone, which includes:</p> <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 natural features, historic heritage, Māori purpose activities, and 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 transportation of raw materials derived from primary production; 4. interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and 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. 	The proposed design of Lot 1 will maintain the predominant character and amenity of the Rural Production Zone – as a result of design controls that will be developed.	Yes - Consistent
RPROZ-05	The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that:		Likely to be consistent.

	<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 or reverse sensitivity effects. 		
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 (including residential visitor accommodation); 3. Māori purpose activities; and 4. rural produce retail. 	Residential activities that are ancillary to rural activities are allowed in the zone.	TBC
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 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. 		Likely to be consistent.
RPROZ-P3	Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and activities that will result in:	Proposed Lot 1 and 2 are of a size that grazing stock will be required to maintain the land.	TBC

	<ol style="list-style-type: none"> 1. reverse sensitivity effects 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; 2. retirement villages; 3. visitor accommodation (excluding residential visitor accommodation); 4. supermarkets; 5. integrated retail activities; and 6. large format retail activities. 	<p>Residential use not ancillary to rural activities is listed as being incompatible in the Rural Production Zone.</p> <p>Reverse sensitivity effects and potential effects on rural character and amenity (through design controls) are likely to be achieved.</p> <p>The application site does not contain highly productive soils as defined by the NPS-HPL.</p>	
<p>RPROZ-P4</p>	<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. 	<p>Design controls for the dwelling building platform to be developed.</p>	<p>Likely to be consistent.</p>
<p>RPROZ-P5</p>	<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. 		<p>Likely to be consistent.</p>
<p>RPROZ-P7</p>	<p>Require sensitive activities to be appropriately located and designed to avoid or mitigate reverse sensitivity effects, risks to people, property and the environment, and conflict with activities permitted in the Rural Production Zone, including by:</p> <ol style="list-style-type: none"> 1. ensuring sufficient separation by distance or topography between sensitive activities and zone boundaries, transport 		<p>Likely to be consistent.</p>

	<p>networks, primary production, significant hazardous facilities and rural industry;</p> <ol style="list-style-type: none">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; and3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.		
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Jeremy Brophy MNZPI

Director | Pou Taiao | Principal Planner

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