

Our ref: 20175

27 June 2022

Nicola Laurenson
c/- New Plymouth District Council
Liardet Street
New Plymouth 4342

Application Ref: SUB21/47978,

Dear Nicola,

FURTHER INFORMATION REQUEST – POPUANUI CHICKENS LIMITED

Please find enclosed our responses to your request for further information with regards to Subdivision resource consent application SUB21/47978 for 24 Te Arei Road West, New Plymouth.

1.0 Clarification based on Submission Points.

While Rule Rur9 allows for habitable buildings up to 8 metres, Rur 10 all other buildings up to 10 metres and Rur 6 Structures other than Buildings (i.e. haysheds) up to 15 metres in height as a permitted activity, and hence the statement made within the application, it is proposed that the following occurs:

- Lot 1, shall be able to construct any new building or structure as deemed necessary for the continued safe operation of the poultry farm as outlined within the Permitted Activity rationale of the New Plymouth Operative District Plan,
- Lots 2, 3 and 4 shall be able to construct any new dwelling, building or structure that does not exceed a height of no more than 6 metres above the existing ground level as existed at the time of subdivision, and
- Lot 5 shall be able to construct any new dwelling, building or structure, beyond what exists currently that does not exceed a height of no more than 6 metres above the existing ground level as existed at the time of subdivision.

2.0 Response to submissions.

The submitter states in her submission of 31 May 2022;

"I am opposed to the 5 lot subdivision due to the effects it will have on the rural vista and change of land use. As owners of 39 Te Arei Road West (Directly across the road on the south side of the proposed subdivision we will be greatly affected."

The submitter claims *"we will be greatly affected"* as she *"disagrees"* with the statement made within Section 10 of the original application which stated *"Overall the location of this proposed site adjacent to and embedded within the rural community means this proposal will blend into the wider productive landscape in an ideal scale"*.

This disagreement is because in the submitter's submission there are three main points of contention, in addition to a query on height limits responded to in point 1 above, namely:

1. "with reference to Figure 25 of the application, this view will have the addition of three residential lots, of less than 4.0ha change the rural vista and environment, will be lost",
2. "The proposal also offers up 3 lots along Te Arei Road West within a stretch of <200m. That is not a rural community or landscape", and
3. "The size of the lots would change the current land use which is predominantly pastoral/grazing land" (Quin, 2022, pg 2)

However, the applicant disagrees with this view as follows:

1. Development of this nature is clearly envisaged in both the proposed and existing operative District Plans as can be seen from the existing surrounding environment within the immediate locale of Te Arei Road West and Richmond Roads, as shown in Figure 1 below.

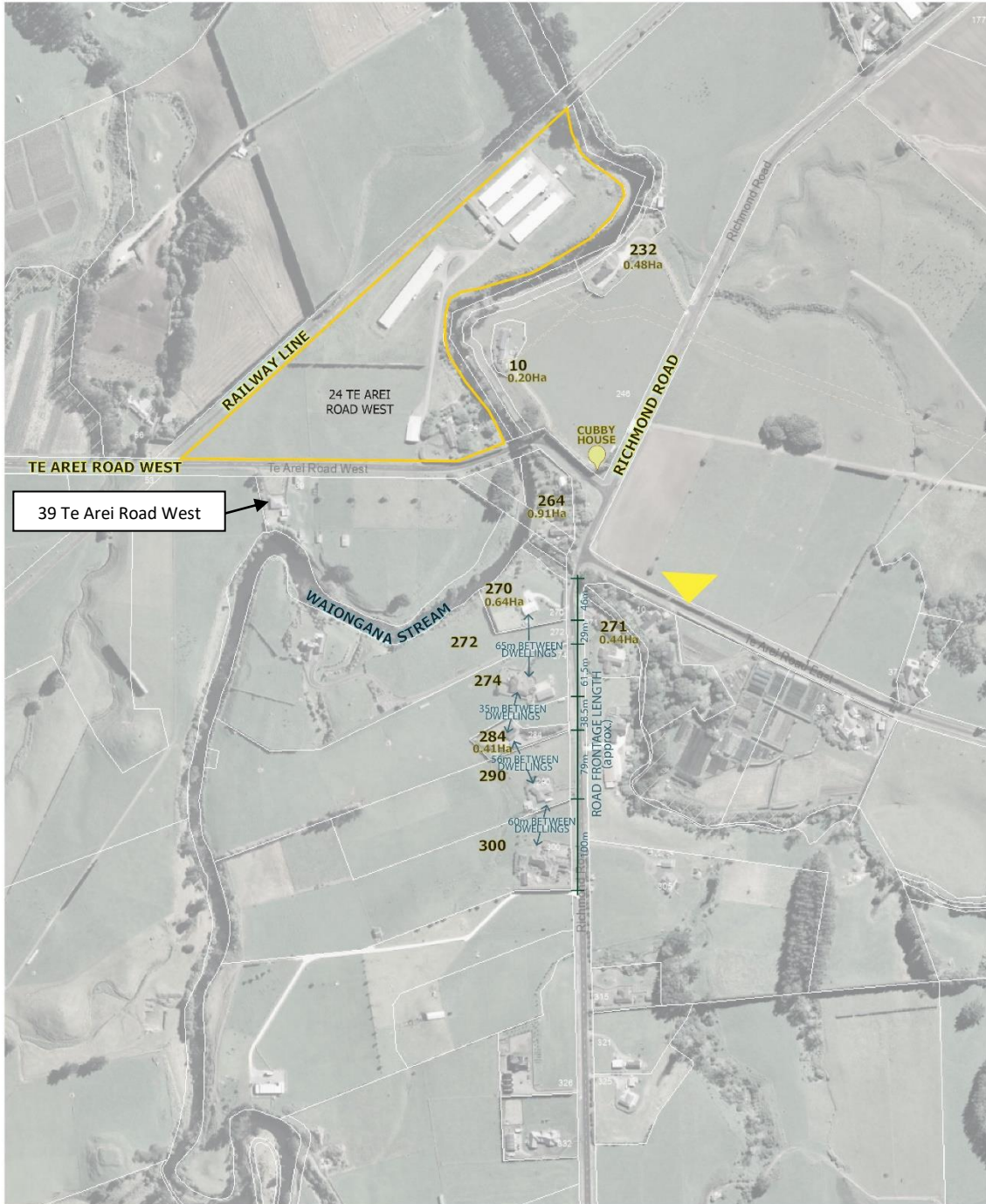
The rural vista and environment will not be lost as implied by the submitter as this type of development allows desirable rural lifestyle living to blend into the productive rural environment through managed mitigation measures, as outlined in Section 3 of this response, thereby allowing dwellings to be spaced near but away from each other, yet having larger rear areas on each lot allowing for the retention of rural productive land use and character through products for cottage markets or boutique business use. Lot 1 is also of similar size and scale as is located at the 2.0ha property at 198 Lochiel Road.

This "increased building density has become part of the character of this area" (Dravitzki, 2021, pg 23) and the associated increased population vibrancy has led to the positive introduction of new services such as the Ruru Day Care Centre, school redevelopment at Lepperton and "large community events where there is active participation and a sense of local identity and belonging" (Dravitzki, 2021, pg 23).

Therefore, it is considered that any effects will be less than minor and the rural vista and character will not be lost.



Figure 1 Landscape Context / Rural Character



SCALE 1:4000 @A3
APRIL 2021
AERIAL FROM NPDC GIS MAPS

JOB NO: 20175
CLIENT: W CURRY
DRAWN BY: M DRAVITZKI

Figure 1: Contextual image of environmental surrounds and the affected property at 39 Te Arei Road West . Original image courtesy of M Dravitzki, April 2021.

2. For the same reasons highlighted in Point 1 and Figure 1 the submitters objection can be disregarded as the “increased building density has become part of the character of this area” (Dravitzki, 2021, pg 23), as demonstrated by Richmond Road and the managed mitigation measures, as outlined in Section 3 of this response will provide ample visual mitigation measures for anyone traversing the site along Te Arei Road - West.

Therefore, it is considered that any effects will be less than minor and that this development reflects the nature, character and amenity of rural community and landscape within this locale.

3. The location of the proposed Lots 2, 3 and 4 is currently used for low intensity pastoral farming, nominally 10 to 12 cattle. At a total area of 2.32ha and being bounded by road reserve to the South, rail reserve to the West, Lot 1 to the North and the Waiongana River to the East it has no capability for expansion to allow it to be a viable production unit for mass meat production, with the exception of poultry as exists currently, nor crops or baleage, but rather boutique cottage industry in association with rural lifestyle living for the associated vendor.

Therefore, it is considered that any effects will be less than minor and the rural land use will not change.



*Figure 2: Grazing cattle southern end of Lot 1. View beyond to power lines aligning Te Arei Road West in background.
Image 15 February 2021*

Therefore, after due consideration the applicant is unwilling to change this proposal in lieu of the submission made for the following reasons:

1. Land use will not change as the lots are of a sufficient size to allow for rural lifestyle living that allow for boutique cottage industry to occur as the Lot's exceed the minimum sizes stipulated in both the Operative and Proposed District Plans,
2. "Increased building density has become part of the character of this area" (Dravitzki, 2021, pg 23), and
3. That "Community Board Development Plans revealed a strong community that accepts the effects along with the benefits of living amongst the productive landscape" (Dravitzki, 2021, pg 23).

As such it is considered the effects and mitigation measures proposed within the original application, Dravitzki LVIA, Further Information Requests of 16 February and 22 March 2022, and as outlined in Section 3 below, will provide for this proposal to blend into the wider landscape in an ideal manner for which Council may use it's discretion to approve this subdivision resource consent application subject to agreement of said fair and reasonable conditions.

3.0 Proposed Conditions of Consent for SUB21/47978

The following are a list of suggested consent conditions to address the issues discussed above and draw upon recommendations from Ms Dravitzki's LVIA and previous correspondence with regards this application.

Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991: 1.

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application, and all referenced by the Council as consent number SUB21/47978.
2. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with and that in respect of those conditions that have not been complied with:
 - a. a completion certificate has been issued in relation to any conditions to which section 222 applies;
 - b. a consent notice has been or will be issued that in relation to any conditions to which section 221 applies;

Survey Plan Approval

3. The survey plan shall conform with the subdivision scheme plans submitted by Juffermans Surveyors Ltd and entitled "Lots 1 – 5 being a subdivision of Lot 4 DP 5842"; Job Number 20175_3; Dated 23rd November 2021.

Building platforms and onsite stormwater disposal systems

4. An inspection and a report shall be carried out of soil compatibility by a suitably qualified person and submitted to the council to confirm the suitability of Lots 2, 3 and 4 for on-site stormwater disposal.
5. A report shall be provided from a suitably qualified person to confirm that there is available within Lots 1, 2 and 3 a stable flood free building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code – Acceptable Solution B1/AS4 of Approved Document B1/4; Structure Foundations.
6. Any recommendations requiring specific on-site stormwater and building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.

Vehicle Entrance

7. A Type G vehicle crossing shall be constructed to service Lots 2, 3 and 4 to ensure maximum sight visibility to the west and east is achieved. Each crossing shall be constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard.

Advice Note

An application with the appropriate fee shall be made to the Council for a new and or upgraded Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.

Consent notice on Lots 1 - 5

8. The consent holder or future owners of proposed Lots 2, 3 and 4 shall comply with the following:
 - a) All buildings on Lots 2, 3 and 4 shall be limited in terms of finish to exterior surfaces, this includes roofs and walls, recessive (shades rather than tints) and colours to have reflectivity values of below 20% for roofs and 40% for exterior walls.
 - b) All new driveways and accessways for Lots 2, 3 and 4 shall be finished in rural material and shall be a mid to dark grey in colour.
 - c) All buildings on Lots 2, 3 and 4 shall be single storey and less than 6m in height.
 - d) Only one habitable building shall be constructed on Lots 2, 3 and 4.
 - e) Any new habitable dwelling on Lot 5 shall be limited in size and scale to that of the current existing dwelling on site.
 - f) Water tanks on Lots 2, 3 and 4 shall be recessive shade less than 35% reflectivity and shall be integrated with the dwelling design and either screened or planted from the view from the road, if not located underground.
 - g) All external lighting on Lots 2, 3 and 4 shall be hooded or cast down so that no lamp source is visible.
 - h) All earthworks on Lots 2, 3 and 4 shall include sediment control measures and be limited in height to 1.5m unless created at a batter of no steeper than 3 horizontal to 1 vertical. Any earthworks shall be grassed.

- i) Fencing on Lots 2, 3 and 4 shall be limited to post and rail or post and batten only.
 - j) Habitable buildings on Lots 2, 3 and 4 shall be limited to the areas marked and defined on the survey plan.
9. The consent holder or future owners of proposed Lots 1 and 5 shall comply with the following:
- a) Riparian planting and fencing within Lots 1 and 5 along the length of the Waiongana River shall be retained, maintained and enhanced on an on-going basis.
 - b) Any dead or diseased species within the riparian planting shall be replaced as soon as practicable within the next planting season.
 - c) Any damaged fencing along the riparian margins shall be replaced to ensure stock proof fencing permanently along the stream margins.
10. The consent holder or future owners of proposed Lots 2, 3, 4 and 5 shall comply with the following:
- a) The landowner or occupier will not interfere or restrain activities from occurring on land surrounding the burdened land where those activities are permitted by, and carried out in accordance with, the District Plan, Regional Plans or any replacement plans.
 - b) The landowners or occupier will not : i) Make nor lodge; nor ii) Be party to; nor iii) Finance nor contribute to the cost of; Any submission, proceeding or appeal designed or intended to limit, prohibit or restrict activities that are permitted and carried out in accordance with the District Plan or Regional Plans or any replacement plans.
11. The consent holder or future owners of proposed Lots 1 - 5 shall comply with the following: Each new dwelling shall be supplied with a dedicated firefighting water supply, and access to such supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, which must thereafter be maintained.
12. The consent holder or future owners of proposed Lots 2, 3 and 4 shall comply with the following:
- a) All planting established in accordance with the Landscape Planting Plan [insert name + reference details of Landscape Planting Plan certified in accordance with Condition 16] shall be maintained by the owner and shall not be destroyed or removed.
 - b) The owner shall replace any dead or dying plants with the same species in accordance with the [insert name + reference details of Landscape Planting Plan] within the following planting season.
13. Condition 8 -12 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new record of title for Lots 1 - 5 (where applicable) of the subdivision of Lot 4 DP 5842 as identified in the condition and shall be prepared by the Council at the cost of the consent holder.

Riparian Planting

14. Riparian planting and fencing shall occur along the length of the Waiongana River within Lots 1 and 5. TRC riparian guidelines 23, 24, 25, 26 and 41 shall be used as a guide to inform the fencing and planting plan.
15. Fencing shall be stock proof permanent fencing as per the Taranaki Regional Council (TRC) Guidelines.

Mitigation Planting

16. A Landscape Planting Plan prepared by a suitably qualified expert in landscaping shall be submitted by the consent holder to the Development Control Lead and certified prior to the commencement of works. The Landscape Planting Plan shall provide the following:
 - Road boundary planting along the frontage of Lots 2, 3 and 4 to screen and or soften the future building platforms (as identified by condition 8).
 - Planting along the driveways of Lots 2, 3 and 4 to screen and or soften the views into the building platform locations from the road.
 - Identification of existing vegetation to be retained (between Lot 1 and Lots 2, 3 and 4) until new planting achieves specific heights. The heights that the new planting must achieve before the existing vegetation can be removed shall be identified in the Landscape Planting Plan;
 - Plant species, which must all be native varieties and include the numbers, size, spacing, layout and grade;
 - Methods of ground preparation, fertilising, mulching, spraying;
 - Maintenance and weed management.

All works shall be carried out in accordance with the Landscape Plan certified in accordance with this condition.

17. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder shall complete planting in accordance with the Landscape Planting Plan certified in accordance with Condition 16.
18. In the event that application is made to the New Plymouth District Council for certification pursuant to Section 224 of the Resource Management Act 1991 before riparian planting and fencing under condition 14, 15, and the planting approved under Condition 16 is completed, then the consent holder shall pay to the New Plymouth District Council a bond in the form of a refundable cash deposit.

The purpose of this bond shall be for ensuring compliance with Condition 14, 15, 16 and 17 and shall only be entered into if the Council is satisfied that the amount of the bond is sufficient to achieve this purpose, and that 25% of the estimated cost for the maintenance period has been added.

References

Dravitzki, M. (2021). *LANDSCAPE AND VISUAL IMPACT ASSESSMENT FOR A FIVE LOT SUBDIVISION; 24 Te Arei Road West, New Plymouth.*

Quin, R. (2022). *Submission on a resource consent application subject to public or limited notification, SUB21/47978, Wayne Curry, 24 Te Arei Road West, New Plymouth, 5 Lot Rural Subdivision.*

Yours faithfully,



Rex Hurley | Planner | Juffermans Surveyors Ltd
M 027 445 8330

Prospero Place | PO Box 340, Stratford 4332

