



Te Kaunihera-ā-Rohe o Ngāmotu

## New Plymouth District Council

### NOTIFICATION REPORT AND NOTIFICATION DECISION - SUB21/47711

<b>Applicant:</b>	Layne and Helen Greensill
<b>Site Address:</b>	1303 South Road, Oakura
<b>Legal Description:</b>	Lot 3 DP 447811 held in RT 566010
<b>Site Area:</b>	20.4155 Hectares
<b>Zone:</b>	Operative District Plan: Rural  Proposed District Plan: Rural Production Zone
<b>District Plan Overlays:</b>	Operative District Plan: Gas Transmission Pipeline and a waterbody  Proposed District Plan: Gas Transmission Pipeline and a waterbody
<b>Date consent application received:</b>	25 February 2021
<b>Further information requested/report commissioned:</b>	23 March 2021
<b>Further information/report received:</b>	20 April 2021 and 24 June 2021

#### PURPOSE OF THIS REPORT

1. The purpose of this notification report is for the Council to decide whether or not the public or specific parties should be notified of a proposal requiring resource consent to give them an opportunity to have their say on the proposal. This report is not to consider whether or not resource consent should be granted; that will be a matter for a subsequent report.

## **SITE DESCRIPTION AND SURROUNDING ENVIRONMENT**

2. The site includes one record of title (566010) and is legally described as Lot 3 DP 447811. The site is illustrated in red on Figure 1 below.
3. The site is of an irregular shape and adjoins South Road (State Highway 45) to the west. The property is located on the foothills of the Kaitake Ranges and with an eastern boundary that adjoins the National Park. The National Park is identified as an outstanding natural feature and landscape within both the Operative District Plan (ODP) and Proposed District Plan (PDP).
4. Within the site boundaries there are four existing buildings, including one dwelling and three farm sheds. The site is grazed by dairy cattle and has an existing farm track which runs through the centre of the site to the rear of the property. There is a further existing dwelling that currently utilises the farm track for access (Section 175 Oakura Dist) as a ROW. Two adjoining properties to the west of the site, Lot 1 DP 447811 and Lot 2 DP 447811 use an existing ROW over the application site to obtain access to and from South Road.
5. The site has an undulating topography that follows natural contours dictated by small streams, wetlands and/or historic wetlands which are now lower lying areas. There are several existing culverts in association with the stream and wetland network in the site.
6. The land generally descends down from the sites eastern boundary toward the west where the site adjoins SH-45. Much of the western third of the site is flat and only subject to gentle slopes. Some of properties boundaries are lined with shelterbelts while the remaining are fenced in a rural style (post and wire). There is a well vegetated drainage gully with wetland features in the southern section of the site that feeds the unnamed tributary of the Wairau Stream which is identified as a significant waterbody. Parts of the waterbodies on site have been fenced and planted in accordance with the Riparian Farm Management Plan referenced as 901874. The existing dwelling is surrounded by well-established landscape planting.
7. The site adjoins rural properties to the north, south, east and west (across SH 45). Surrounding properties are a mixture of sizes with some carrying rural lifestyle characteristics and other more typical rural characteristics such as spaciousness, vegetation, farm sheds and natural features. Some adjoining properties contain level grazing land (small scale) while others are simply used as rural lifestyle lots. The adjoining properties typically contain a single dwelling.
8. The applicants AEE also describes the site and the surrounding area in good detail and this description of the site has also been adopted.
9. A site visit was undertaken by Luke Balchin on November 19 2020 as well as driving past the site on a weekly basis.



**Figure 1:** Location Plan

## **PROPOSAL**

10. The proposal consists of a three-lot rural subdivision of Lot 3 DP 447811. The proposed subdivision would create the following allotments:
  - Lot 1 of 19.5 hectares;
  - Lot 2 of 4460 m<sup>2</sup>; and
  - Lot 3 of 4410 m<sup>2</sup>
11. The proposed subdivision is illustrated on figure 2 below.
12. Each of the proposed lots will be provided with access to and from South Road through a shared Right of Way (ROW) arrangement. All servicing, including provision of water, treatment of sewer and disposal of stormwater will be onsite, which is typical of the Rural Zone. Water will be roof collected and stored in tanks, wastewater will be managed with onsite septic tanks and stormwater will be discharged to land via soakage
13. The applicant proposes a no build area (covenant) which is identified on the Landscape Mitigation Plan provided subsequent to the Section 92 process. The plan has been designed to mitigate actual and potential adverse effects on rural character, amenity and the landscape values associated with the area. The mitigation measures have also

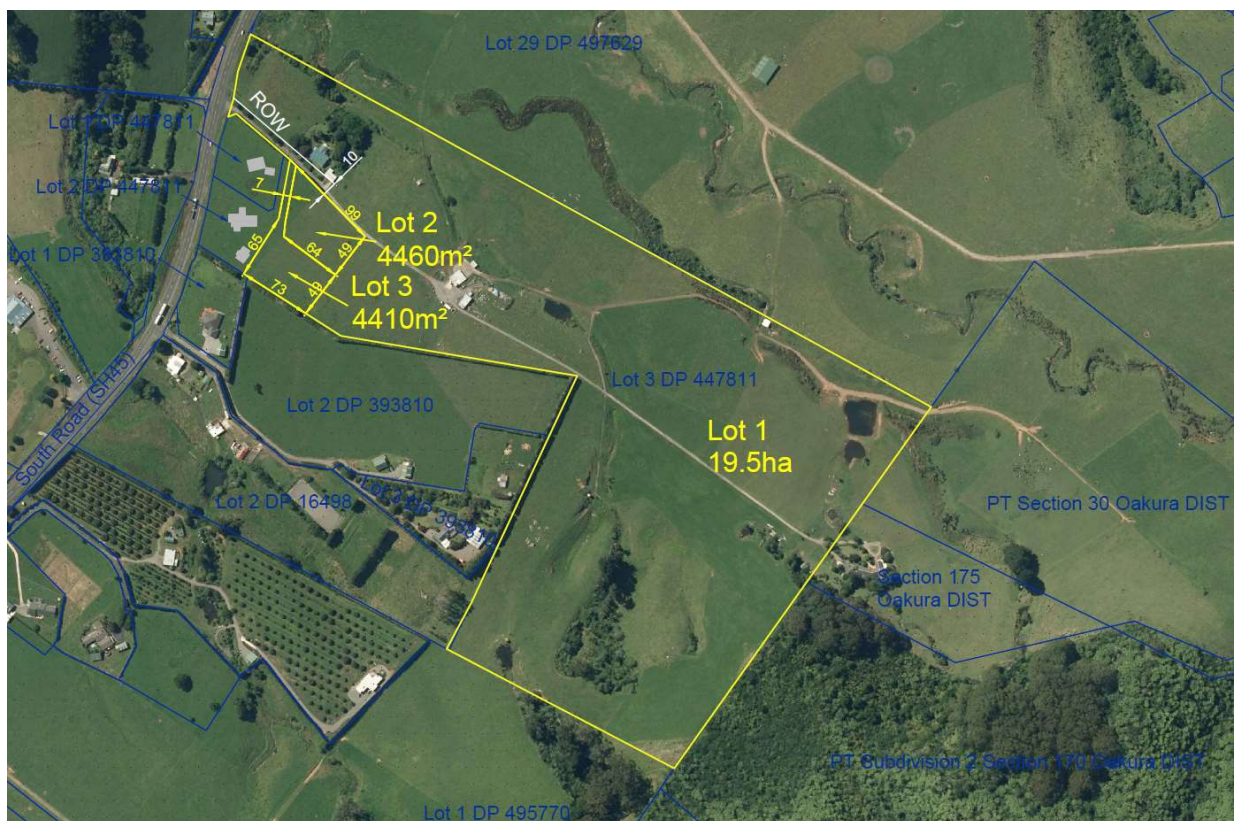


been designed to mitigate actual and potential adverse effects on adjoining and/or nearby properties, and primarily the property at 1305A South Road which is clearly potentially affected given their proximity to the additional proposed lots and has not provided written approval.

14. Further to the no build areas the following recommendations have been included in the LVIA report undertaken by Bluemarle for the applicant;

- Protection of vegetation around the existing dwelling in Lot 3 DP 447811;
- Voluntary protection of native riparian planting as specified on the landscaping plan;
- No new dwelling to be constructed between the road and the existing dwelling within Lot 3 DP 447811;
- Colour reflectivity limit on new buildings of 0 to 25%;
- Maximum building height of 6 metres;
- Boundary and ROW planting plan;
- Limit fencing along boundaries to no closed board fencing less than 1.2 metres tall unless less than 10 metres from a dwelling;
- Limit lots to a single habitable dwelling of only one storey;
- Driveways shall be dark in colour (exposed aggregate, chipseal, or metal); and
- All exterior lights lighting shall be hooded.

The applicant has agreed to include the above mentioned mitigation measures as described within the Section 92 response received 20 April 2021.



**Figure 2:** Subdivision Scheme Plan

#### **ADEQUACY OF THE APPLICATION**

15. The applicant has provided an assessment of effects of the activity on the environment (AEE). The AEE is supported by the written approval of one of the remaining ROW users and from two other properties in the area. However written approval from the other existing ROW user, 1305A, has not been obtained. Consultation documentation with 1305A includes email correspondence from the owner of 1305A to the applicant of which is included in the application. The AEE was supported by a LVIA.
16. Through the Section 92 process a Landscape Mitigation Plan / Planting Plan was supplied. Further, an assessment of the appropriate sections of the PDP's waterbodies chapter was provided along with clarification associated with the LVIA and the applicants intentions in regard to the adoption of the measures recommended in the LVIA.
17. The AEE concludes that the subdivision is an appropriate use for the land and is consistent with the principals of sustainable resource management and the relevant objectives and policies contained in both the Operative and Proposed District Plans.
18. I have assessed the application under Section 88 of the Resource Management Act 1991 (RMA) and have determined that the application is complete and contains sufficient information to allow for an assessment of effects as required for notification.

#### **STATUTORY PROVISIONS AND STATUS OF THE ACTIVITY**

##### **National Environmental Standards**

19. 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.
20. I have checked the TRC Selected Land Use register and NPDC's record systems and there is no evidence that the site has contained an activity listed on the HAIL. Therefore the NES does not apply.

##### **Operative New Plymouth District Plan (2005)**

21. The site is located within the Rural Environment Area and is not subject to a Statutory Acknowledgement Area nor does it contain any Sites of Significance to Maori (SASM).

22. The proposal requires consent under the following District Plan rules:

<b>Rule #</b>	<b>Rule Name</b>	<b>Status of Activity</b>	<b>Comment</b>
Rur76	Additional lots off an existing ROW	Discretionary	Two additional allotments will be served from an existing ROW which currently serves four lots.
Rur78	Minimum allotment size	Discretionary	The proposed subdivision creates 2 additional allotments from the parent title greater than 4000m <sup>2</sup> in area and with a balance area of 19.5 hectares. The parent title was previously subdivided in 2013 to create Lot 1, 2 and 3 DP 447811.
Rur79	Requirement to provide practicable vehicular access from a road	Discretionary	The vehicle access is from a state highway. Conditional NZTA approval has been obtained. The number of lots to be served by the ROW is 6 and the applicant proposes to meet minimum design requirements for a rural ROW serving six allotments.
Rur81	Requirement for services	Controlled	Each of the proposed lots can be serviced to a rural standard.
Rur82	Requirement for a building platform	Controlled	Proposed lots 2 and 3 are of a sufficient size and topography to accommodate a suitable building platform. Consideration has been given to the proposed no build areas and future setback requirements.
Rur83	Existing buildings in relation to boundaries	Permitted	Proposed boundaries are appropriately setback from existing buildings and dwellings on site.

23. In circumstances where there are differing activity statuses, the most severe applies in determining overall activity status. The proposal is therefore a Discretionary Activity under the Operative New Plymouth District Plan being the highest status under the above Operative Plan and NES rules.

#### **Proposed New Plymouth District Plan (Notified 23 September 2019)**

24. The site is located within the Rural Production Zone and contains a gas transmission Pipeline and a waterbody.
25. No decisions have yet been made on the Proposed Plan. However, the following rules of the Proposed District Plan are relevant to this proposal and have immediate legal effect:

<b>Rule #</b>	<b>Rule Name</b>	<b>Status of Activity</b>	<b>Comment</b>
WB-R5	Subdivision of land containing or adjoining a waterbody	Controlled Activity	The standards of SUB-S9 are met.

26. The proposal requires consent as a Controlled Activity under the Proposed New Plymouth District Plan being the highest status under the above Proposed District Plan rules.

### **NOTIFICATION DECISION**

27. The Council as consent authority must follow the steps set out in the section below, in the order given, to determine whether to publicly notify an application for a resource consent (s95A(1)).

#### **Public Notification (Section 95A)**

28. The Council as consent authority must follow the steps set out in the section below, in the order given, to determine whether to publicly notify an application for a resource consent (s95A(1)).

#### 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 given it is for a Discretionary Activity and fails to meet the preclusion tests under Sections 95A(5) and (6) of the Act.

#### Step 3: If not precluded by step 2, public notification is required in certain circumstances

- The application is not for a resource consent for one or more activities subject to a district plan rule or NES that would require notification.
- The consent authority decides, in accordance with Section 95D that the activity will have or is likely to have adverse effects on the environment that are more than minor.



## EFFECTS DISREGARDED

29. The following effects have been disregarded for the purposes of the notification decision and s104 assessment (s95D, 95E and 104(2)&(3)(a)):
- The permitted baseline has not been applied as subdivision cannot occur as a permitted activity under the Operative or Proposed District Plan in any circumstance. Furthermore the District Plan specifically lists the establishment of an additional dwellings relying on access via a right of way as a discretionary activity. Therefore as second dwelling could not be established on the subject site as a permitted activity either.
  - Effects on persons who own or occupy the site and nearby sites who have provided written approval have been disregarded for the notification assessments. This includes the owners of the three properties identified in blue in Figure 3 below.
  - Overall, the application is for a Discretionary Activity and therefore the assessment of adverse effects has been restricted to the matters of which Council have restricted their discretion to.
30. I am not aware of any trade competition effects relating to this application.



**Figure 3:** Written Approvals



## **Assessment of Effects**

31. Council are required to publicly notify an application if it decides that the proposal will have, or is likely to have adverse effects on the environment that are likely to be more than minor. Except for those associated with any Section 95A preclusions or adverse effects to be disregarded as described above at paragraph 29
32. Upon review of the application and the relevant objectives and policies of the ODP and PDP, I consider that the following matters and associated adverse effects on the environment are relevant;
  - The overall effects of the subdivision on rural character and amenity values in the area;
  - The overall effects of the subdivision on landscape values associated with the area;
  - Effects on servicing and vehicle access;
  - Effects on road safety and traffic engineering;
  - Effects on the loss of rural production land; and
  - Effects on Maori cultural values.

Each is assessed in turn under the following sub-headings.

### *Rural Character and Amenity Values*

33. The extent of potential future built development and infrastructure resulting from the proposal is limited to proposed lots 2 and 3 as proposed lot 1 already has an established dwelling within their proposed boundaries and an additional dwelling is unable to be constructed as of right due to the ROW arrangement. Proposed lot 1 maintains a land area in of 19.5 hectares and therefore contributes towards ensuring a sense of openness and rural character while also providing for rural activities. Furthermore no build covenants will be placed over half of proposed lot 2, 3 and the section between the existing dwelling and the State highway on Lot 1. The mitigation will limit the potential for any future building or dwelling to locate in an area highly viewable from the State Highway or properties across the state highway. For the reasons specified, I do not consider that the rural characteristic of the broader area is compromised by the subdivision at minor or more than minor levels. It is also noted that development of scale, which can be best described as rural lifestyle, has already occurred in the area.
34. The large balance lot will allow for farming activities to continue and therefore contributing to the overall rural characteristics of the area being maintained.
35. As there can be uncertainty associated with the eventual scale, design and location of future buildings within the proposed lots the conditions of consent will relate to several building design limitations in order to manage potential adverse effects on rural character and landscape values. These include the items already described in the proposal section.

36. The proposed mitigation assists in preserving the natural amenity and character of a rural areas from new buildings. Also the mitigation provides additional planting, protects existing planting and promotes therefore promotes the rural characteristics of vegetation cover. Overall, and through the implementation the matters described above, it is considered that the proposed controls will contribute to the mitigation of adverse effects on rural character and amenity to less than minor levels.

#### *Landscape values*

37. The proposed subdivision is located in close proximity to the Kaitake Ranges, the National Park and the maunga (Te Papakura o Taranaki), of which is identified as an "Outstanding Landscape". Given the sites proximity to this Outstanding Landscape the LVIA included with the application provides comment against the effects of the proposal on landscape values. The LVIA and application concludes that the landscape effects, following the implementation of the measures described in the proposal section to this report would be less than minor. Natural Capital Limited undertook the peer review and concurred with the findings of the Bluemarle LVIA with respects to the actual and potential effects on landscape values from a Section 95A perspective. This is due to the public's appreciation of rural character due to the current pattern and scale of development and in most instances only fleeting as the public are only likely to be passing the site by vehicle.

#### *Vehicle Access and Traffic Safety*

38. No additional vehicle access points/crossings are proposed. However, two additional lots will utilise the ROW and vehicle crossing currently serving the site. Therefore consultation with the NZTA is required. The applicant sought input from the NZTA and an assessment of the ability for the vehicle crossing to continue to operate safely with the additional traffic movements was assessed. The NZTA provided conditional support to the subdivision on the basis that the vehicle crossing is upgraded to the NZTA's Diagram D standard along with additional conditions including removal of existing vegetation, the conditional written approval is proved in the application documents supplied to Council. During the site visit consideration to the safety of the crossing was made whilst entering and existing the site. Given the high speed environment and limited sight distance it was noted that there is the potential for there to be safety issues. However the proposed vehicle crossing upgrade and additional NZTA conditions will alleviate any concerns. Accordingly any actual or potential adverse road safety effects will be minor and can be acceptably managed through the consent conditions requested by NZTA and included in the application by the applicant.

#### *Servicing and Building Platforms*

39. All new allotments are required to be serviced (stormwater disposal, water supply and wastewater disposal) in accordance with the requirements of the Operative District Plan and to a rural standard. The applicant proposes the following;

- Water supply will be from rainwater collection;
  - Wastewater will be treated onsite by way of a septic tank and soakage field system; and
  - Any excess stormwater will be disposed of via ground via soakholes.
40. It is considered that the provision of stormwater, supply of water and disposal of wastewater can be provided and has been confirmed by Council's Development Engineers subject to suitable conditions. The proposed servicing arrangements are typical of that required in the rural zone and any effluent fields will need to be clear of new boundaries.
41. All allotments are required to demonstrate they have a stable, flood free building area suitable for building foundations in accordance with the NZ Building Code. Based on the site contours and land available there will be sufficient space available for the provision of suitable building platform on proposed lots 2 and 3 while proposed lots 1 has an existing dwelling.
42. Overall, I do not consider that any significant adverse infrastructure or servicing effects are created through this proposed subdivision development.

#### *Cultural effects*

43. Consideration to the Taranaki Iwi's Management Plan is necessary given the sites proximity to Te Papakura o Taranaki. Given the proposed mitigation measures (protection of native vegetation and riparian planting) I believe that the proposal is considerate to the potential adverse effects on the cultural values associated with the area and therefore the application is not contrary to the Taranaki Iwi's management plan
44. Consultation correspondence with Sean Zieltjes acting on behalf of Taranaki Iwi has been provided with the application. The correspondence confirms that there are no specific sites of significance to Maori on the application site and that the identification, formalisation, planting and protection of waterbodies on site should be provided. Overall, and given the protection of riparian margins and native vegetation proposed, I believe effects will be acceptable and suitably mitigated to less than minor levels through the mitigation proposed.

#### *Loss of rural production land*

45. The site is 20.4 hectares in size, a usable size from a rural production perspective. The balance lot associated with this subdivision is over 19.5 hectares in area and therefore this still is also considered usable from a rural production perspective. Further the location of the two smaller lots proposed is commensurate to the desire to keep operating the balance land for rural production. As such the loss of rural production land is considered to be acceptable, it is also noted that several site

characteristics would not indicate that the soils would likely be classified as “highly versatile”.

#### Step 4: Public Notification in special circumstances

- No special circumstances exist that warrant the application being publicly notified. The proposal will not give rise to adverse effects on the nearby National Park or the significant landscape values associated with the National Park and more specifically the Kaitake Ranges. Also safe access can be provided to the allotments from State Highway 45. Therefore, it is not considered that the application gives rise to any exceptional, abnormal or unusual circumstances.

#### Conclusion on public notification

46. It is concluded under Section 95A 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 not on land that contains a Statutory Acknowledgement Area for iwi.

##### 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 as it fails to meet the preclusion tests under Section 95B

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

- A person is affected if the consent authority decides that the activity’s adverse effects on the person are minor or more than minor.
- I have identified the property addresses, persons and/or groups discussed in the following paragraphs as being potentially affected by the proposed subdivision, largely due to their proximity to the site. Each property (or persons/group) has been considered in turn. The properties who have provided their written approval have not been considered.

#### **Assessment of affected parties**

##### Taranaki Iwi (Ngati Tairi Hapu)



47. Consideration to the Taranaki Iwi's Management Plan is necessary given the sites proximity to Te Papakura o Taranaki. Given the proposed mitigation measures (protection of native vegetation and riparian planting) I believe that the proposal is considerate to the potential adverse effects on the cultural values associated with the area and therefore the application is not contrary to the Taranaki Iwi's management plan
48. Consultation correspondence with Sean Zieltjes acting on behalf of Taranaki Iwi and Ngati Tairi hapu has been provided with the application. The correspondence confirms that there are no specific sites of significance to Maori on the application site and that the identification, formalisation, planting and protection of waterbodies on site should be provided. Overall, and given the protection of riparian margins and native vegetation proposed, I believe effects will be acceptable and suitably mitigated to less than minor levels through the mitigation proposed.

1312 South Road - Lot 2 DP 311163

49. The potential adverse effects of the proposal on persons associated with 1312 South Road relate primarily to rural character and amenity effects. 1312 South Road is on the western side of the State Highway and has an existing dwelling that is approximately 10 metres lower in elevation when compared to proposed Lots 2 and 3. The site is also separated by multiple landscape strips located within Lot 2 DP 311163 itself, both sides of the State highway and the landscape mitigation proposed by the applicant and illustrated on the Landscape Planting Plan provided on June 24 2021 subsequent to the Section 92 process.
50. As such any effects on the rural character amenity enjoyed by persons at 1312 South Road will be less than minor.

1255 South Road - Area AU DP 482991

51. The potential adverse effects of the proposal on the persons associated with 1255 South Road relate primarily to rural character and amenity effects. 1255 South Road is located to the north of the application site. The site was subject to subdivision in 2010 where the balance lot was protected from further development by way of QEII covenants. The covenants limit the site from further development and will protect rural amenity values and ecological values. There are existing dwellings that were established prior to the subdivision described above within the property. However considering their proximity to proposed Lots 2 and 3 associated with this proposal, the proposed no build areas and proposed landscape planting, it is considered that effects persons associated with 1255 South Road will be at less than minor levels.

1327 South Road – Lot 3 DP 393810

52. Toward the southeast is a dwelling located in 1327 South Road which is approximately 280 to 300 metres from proposed Lots 2 and 3. Between the

dwelling in Lot 3 DP 393810 and the subject site there is a significant amount of well-established vegetation associated with Lot 3 DP 393810's landscaped gardens, a shelter belt within 1325 South Road which separates 1327 South Road from the application site. Further, and in order to mitigate effects associated with the proposal, the applicant has proposed to establish a 3m wide mixed native planting strip along the proposed southeastern boundaries of Lots 2 and 3 as illustrated on the planting plan received on June 24 2021. The planting plan details the planting to be undertaken including a 3 metre wide native planting strip to achieve a minimum height to 3 metres within 4 years.

53. Overall, I consider that the combination of the distance, openness protected by way of creating a large balance lot, the existing landscaping in Lot 3 DP 393810 and proposed landscape mitigation will help to soften the outlook from the dwelling located at 1327 South Road. As such any effects on outlook and rural character and amenity experienced by persons associated with this property will be mitigated to what I would consider to be a less than minor level. Consideration in formulating this opinion has also been given to the existing rural character of the area of which to a degree has already been impacted by smaller rural lifestyle type development.

1305 South Road – Section 175 Oakura

54. The potential adverse effects of the proposal on persons associated with 1305 South Road relate primarily to effects from adding users to the ROW and rural character and amenity effects. Section 175 Oakura DIST is elevated from proposed lots 2 and 3 and toward the east. The dwelling within Section 175 Oakura DIST has an outlook toward the northwest and is approximately 650 metres away from proposed lots 2 and 3. The property has a main outlook with open views toward the northwest. For these reasons it is considered that effects on this person in association with rural character and amenity effects will be less than minor in nature. The applicants landscape mitigation and riparian planting proposed also further mitigates potential adverse effects on rural character and amenity.
55. Section 175 Oakura DIST has rights to the existing ROW currently shared by the application site, 1305A and 1305B South Road. Written approval has not been obtained from the owner however the applicant has attempted to obtain approval and consult with the owner. The applicant proposes to achieve the minimum formation standards associated with a rural ROW serving up to 6 lots. Further Section 175 Oakura DIST is significantly distanced from the ROW sections that will be serving the existing 3 dwellings and proposed additional 2 lots. Therefore any adverse effects associated with traffic movements are anticipated to be minor in nature. Regard has also been given to amenity effects when travelling along the ROW to access Section 175 Oakura DIST. The applicant has proposed landscape mitigation along the ROW and in northern corner of proposed Lot 2. The planting will be native and therefore keeping in character with the natural and landscape values associated with the Kaitake Ranges.
56. However, and as additional users are being added to the ROW there is still potential for there to be an effect albeit at a minor level on 1305 South Road. As

such I consider that the owners of Section 175 Oakura DIST are considered to be an affected person in accordance with Section 95B of the RMA.

1305A South Road - Lot 2 DP 447811

57. As detailed within the AEE the applicant has consulted with and has been unsuccessful in trying obtain written approval from the owners of Lot 2 DP 447811. Effects on Lot 2 DP 447811 are considered to primarily relate to the following;
- Effects on rural character and amenity values;
  - Effects on outlooks;
  - Effects from adding additional users to the ROW; and
  - Effects from stormwater runoff from proposed lot 3 toward the west as per existing stormwater easement.
58. The operative district plan identifies openness, spaciousness, rural activities and vegetation cover as positive attributes of the rural environment that promotes rural character and amenity values. Subdivision has the potential to introduce changes that adversely affect these attributes through the provision of additional and smaller lot sizes, new dwellings, new buildings and additional traffic. In attempt to mitigate effects the applicant has proposed to establish a 3m wide mixed native planting strip along the proposed southeastern boundaries and a line of specimen trees planted along the western edge of the ROW serving proposed Lots 2 and 3. Planting is illustrated and detailed on the Bluemarble Landscape Planting Plan received on June 24 2021. In conjunction to the planting building controls have been proposed including a 35m and 25m no build area from the proposed lot's western boundaries, limiting buildings to a height of 6 meters, restricting outdoor lighting and restricting reflectivity values of building colours.
59. I consider that the planting plan and building controls proposed in the application and subsequently elaborated on through the Section 92 process do mitigate effects to a degree. However it is clear that there will be a level of effect on the rural character and amenity values and outlooks toward the Kaitakes. This is largely due to proximity, the proposed mitigation does not mitigate effects to what I would consider to be less than minor in nature. Further the landscape mitigation proposed by the applicant includes a 6 metre limit for buildings, of which would allow for a 2 storey house within each of the lots as well as potential sheds. This in conjunction with boundary planting has the potential to adversely impact on spaciousness as well as Lot 2 DP 447811's outlooks toward the Kaitake Ranges, an outstanding natural landscape.
60. The proposed ROW serving lots 2 and 3 adjoins Lot 2 DP 447811, as such there is the potential for there to be an effect associated with additional traffic movements. It is however noted that the proposed planting will mitigate effects, however written approval has not been obtained from the owners of Lot 2 DP 447811 and I am not satisfied that the effects on these persons would be at a less than minor level.

61. As identified on the title plan there is a stormwater easement over Lot 2 DP 447811 for Lot 3 DP 447811 to drain stormwater toward the west. The proposed subdivision, any subsequent dwellings, driveways or other buildings constructed on the site has the potential to result in changes to this easement and therefore have an effect on the owners of Lot 2 DP 447811. This was also identified by the owners of Lot 2 DP 447811 in the consultation email included as an Appendix to the application but has not been specifically addressed by the applicant nor easements described or illustrated on the plans.
62. Overall it is considered that there is the potential for there to be effects on the owners of Lot 2 DP 447811 at minor or more than minor levels and therefore require the application to be served under Section 95B of the RMA.

Step 4: further notification in special circumstances

- No special circumstances exist that warrant the application being limited notified.

Conclusion on limited notification

63. In summary, and as indicated within the above assessments, it has been determined that the application is to be processed on a limited-notified basis in accordance with Section 95B of the Resource Management Act 1991. Limited notification is required because of the actual and potential adverse landscape, traffic / ROW effects, stormwater overflow easement and rural character and amenity effects of the proposed subdivision on 1305A South Road and for the potential adverse effects on 1305 South Road associated with adding two allotments to an existing ROW which 1305 South Road has rights to.
64. The parties to be included within the limited notification are summarised in Table 2 below.
65. The notification period will begin on upon receipt of the deposit fee required for limited notification.
66. The notification period will conclude no later than 20 working days from the receipt of the deposit fee described above.

#	Legal Description	Physical Address	Property Owner
1	Lot 2 DP 44781	1305A South Road	Amy Leigh Hart & Brendon James Hart
2	Section 176 Oakura DIST	1305 South Road	Jannaya Kobi Ruttley & Mohammed Ali Bin Zulkifli Zabidin



**Report by:**

*Luke Balchin*  
*SENIOR ENVIRONMENTAL PLANNER*

A handwritten signature in dark ink, appearing to be 'L. Balchin', with a large loop at the top and a horizontal stroke at the bottom.

**Date:** 30 July 2021