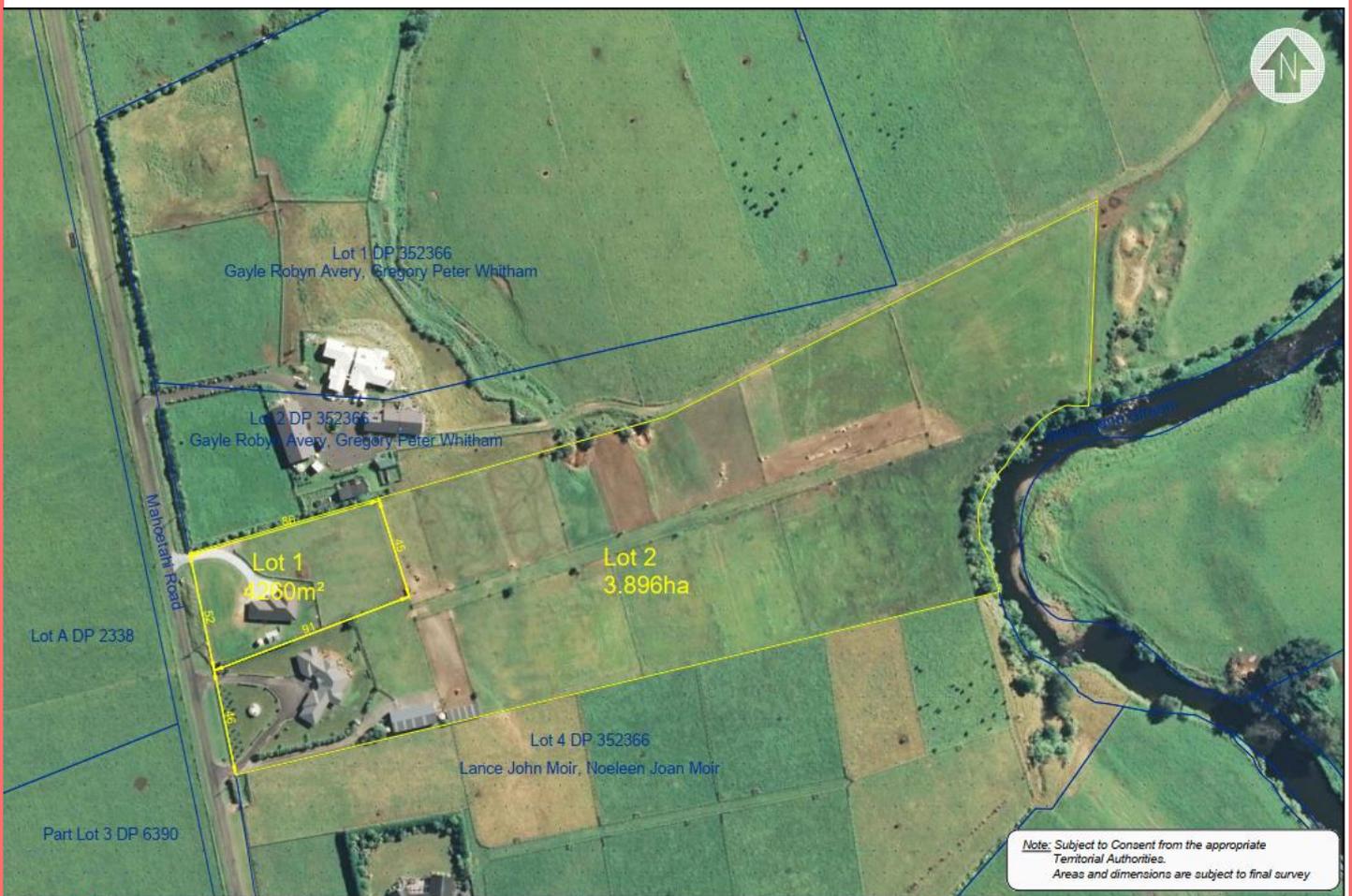


84 & 94
MAHOETAHI, ROAD
SENTRY HILL

APPLICATION FOR A TWO-LOT SUBDIVISION RESOURCE CONSENT



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1. THE SUBJECT SITE AND ITS IMMEDIATE SURROUNDINGS

The subject site is 84 Mahoetahi Road but has two houses on the property number 84 and 94 Mahoetahi Road. However, Council's identifier is 84 Mahoetahi Road for the purposes of making this application.



The site has an area of 4.3197ha and currently contains two dwellings located toward the front of the site with pastoral farmland extending behind the dwellings toward the Waiongana River at the eastern boundary. The landform is gently undulating and mostly in pasture.

Recently a second dwelling was constructed on site with land use consent from the Council located toward the northern side of the site. The dwelling is a single level brick and tile building that has a separate access point and separate services. A dense mature shelterbelt hedge separates the recent dwelling from the original dwelling on site.

Below: Recently constructed dwelling:



The existing dwelling is located at the southern end of the frontage and is a large single level family home that is also brick and tile. In addition, there is a large implement shed located adjacent the southern boundary. The dwelling is served by a semi-circular driveway with two access points on Mahoetahi Road.

Below: The original dwelling on site.



2. BACKGROUND & PROPOSAL

Background

The New Plymouth District Council (**NPDC**) granted land use resource consent to construct a second dwelling on the site on 2 February 2016. This consent has since been given effect to with the dwelling having been constructed having obtained the required building consents and each dwelling is separately serviced and each has its own lawfully established access point onto Mahoetahi Road. A copy of the land use consent is attached.

Of relevance to this application is that resource consent was required due to the proximity of the 2nd dwelling to the front boundary and there are no restrictions preventing the subsequent creation of a separate record of title for the two dwellings. Also, of relevance is that each dwelling has recognised individual street numbers being 84 and 94 Mahoetahi Road.

An earlier subdivision of the site established an esplanade strip along the margins of the Waiongana River recorded as a Priority Water Body in the District Plan. Therefore, the matter of vesting an esplanade reserve or providing an esplanade strip as required by the RMA at the time of subdividing

has been previously addressed and does not require consideration as part of this subdivision application noting that the large balance lot is still the one abutting the river.

Proposal

The proposal is to subdivide 84 Mahoetahi Road (**the site**), having a total area of 4.3197 ha, into two lots encompassing each of the existing dwellings on the site.

The proposed lot areas are:

- Lot 1 – 4,260m²
- Lot 2 – 3.896ha

Lot 1 is the northern most access lot containing the new dwelling and is served by a new access point located at the very northern point of the road frontage. Beyond the residential curtilage area is an area for hobby farming or the grazing of small stock. The internal boundaries follow existing fence lines.

Lot 2 contains the balance of the site. This lot contains the original large dwelling and ancillary implement sheds and is served by a semi-circular driveway with two access points onto Mahoetahi Road. The lot is rectangular in shape and extends away from the road, with the pastoral farming land located to the east of the dwelling and divided into fenced paddock areas with a central farm race.

3. LEGAL AND PRACTICABLE ACCESS

Both lots have direct frontage to Mahoetahi Road, being a legal local road, from existing vehicle crossings separately serving the existing dwellings on the site, which have been constructed to Council's standards.

4. SERVICES

The dwellings on Lots 1 and 2 benefit from building consent and each is separately serviced. Both are connected to the public water supply network with wastewater and stormwater being disposed of on site in the location and manner detailed in the building consents issued by NPDC. Therefore, no additional servicing is required as a result of the subdivision with all services located within the boundaries of each of the proposed boundaries for the respective lots.

5. DISTRICT PLAN ASSESSMENT & REASONS FOR CONSENT

The New Plymouth District Council recently publicly notified its' Proposed District Plan, for which the first round of submissions has closed and the second yet to commence. Pursuant to Section 86B of the RMA, given this early stage of the process, only those provisions of the Proposed District Plan with

immediate effect as prescribed by the RMA are to be applied to the proposal. Those provisions with immediate effect are those that:

- (a) protect or relate to water, air, or soil (for soil conservation); or
- (b) protect areas of significant indigenous vegetation; or
- (c) protect areas of significant habitats of indigenous fauna; or
- (d) protect historic heritage; or
- (e) provide for or relates to aquaculture activities.

The relevant provisions of the Proposed District Plan encompassed by the foregoing are considered in the assessment of the Proposed District Plan Rules and Standards that later in this assessment.

Operative New Plymouth District Plan.

This activity is assessed against the relevant rules and standards of the operative New Plymouth District Plan (**District Plan**) as follows:

The zone and restrictions applying to this site under the District Plan are:

Zone: Rural

Overlays: Waiongana River – Priority Water Body

Those rules of the District Plan relevant to this proposed subdivision activity are considered as follows:

Rule	Parameter	Activity Status	Comments
Rur76	<i>Subdivision of an ALLOTMENT that requires access to an existing RIGHT OF WAY where there is an increase in the number of ALLOTMENTS being served by, or having ownership of, a RIGHT OF WAY</i>	N/A	<i>There is no existing ROW as part of this proposal.</i>
Rur77	<i>for NETWORK UTILITIES, ROADS, reserves or access</i>	N/A	<i>Submission is not for a network utility</i>
Rur78	<i>Lot sizes Up to four ALLOTMENTS that are each less than 20ha from the</i>	Non-Complying	<i>The subject Lot was one of 11 lots previously created by the subdivision of the parent lot and as such the further subdivision of the application site exceeds the</i>

	<i>PARENT TITLE provided there is a balance area remaining from the Computer Freehold Register subject to subdivision that exceeds 4ha in area. Discretionary Activity</i>		<i>number of lots provided for as a discretionary activity thereby requiring resource consent as a non-complying activity.</i>
<i>Rur79</i>	<i>requirement to provide PRACTICABLE vehicular access to ALLOTMENTS from a ROAD*, except where created solely for NETWORK UTILITIES, ROADS or reserves</i>	Controlled	See section 3.
<i>Rur80</i>	<i>Of an ALLOTMENT that will require a ROAD to be vested as legal ROAD</i>	N/A	There are no roads required to be vested as legal road.
<i>Rur81</i>	<i>requirement for services - stormwater disposal, water supply and sewage disposal</i>	Controlled	See section 4.
<i>Rur82</i>	<i>requirement for a BUILDING platform</i>	Controlled Activity	<i>Each lot already contains an existing dwelling and no new building platforms are proposed or arise from the subdivision.</i>
<i>Rur83</i>	<i>requirement for existing BUILDINGS to meet standards in relation to the new boundaries</i>	Controlled Activity	<i>The creation of the boundary between the two existing dwellings results in side yard setbacks of 5m and 8m for Lots 1 and 2 respectively thereby being less than the 15m setback required by RUR17. As the setbacks are between 5m – 15m consent is required as a controlled activity.</i>

<i>Rur84</i>	<i>requirement for financial contributions</i>	Controlled Activity	<i>Financial contributions will be met as imposed within the conditions of consent.</i>
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Proposed New Plymouth District Plan

Under the Proposed District Plan the zoning and overlay details are:

- Rural Production Zone
- Archaeological Site - Site ID: 2208
- Site of Significance to Maori - Site ID: 2208

Having regard to the above, those rules and standards in the Proposed District Plan with immediate effect are applied to the subdivision as follows:

Rule	Parameter	Activity Status	Comments
HH-R18	<i>Subdivision of land containing any part of a scheduled archaeological site</i>	Discretionary Activity	<i>The balance Lot 2 contains an archaeological site Council Reference - ID: 2208, being a 'Fire Feature'. Therefore, consent is required as discretionary activity.</i>
SASM-R9	<i>Subdivision of land that contains any part of a scheduled site or area of significance to Māori</i>	Discretionary Activity	<i>The balance Lot 2 contains an Site of Significance to Maori - Site ID: 2208, being a 'Fire Feature'. Therefore, consent is required as discretionary activity</i>

Activity Status

As can be seen from table above resource consent is required under the District Plan for the following matters:

- RUR 78 – Lot Sizes – Non-Complying Activity
- RUR 79 – Practicable Access – Controlled Activity
- RUR 81 – Services – Controlled Activity
- RUR 82 – Building Platform – Controlled Activity
- RUR 83 – Existing Buildings – Controlled Activity
- RUR 84 – Financial Contributions – Controlled Activity

In respect of those rules and standards with immediate effect in the Proposed District Plan, resource consent is required for the following matters:

- HH-R18 - Subdivision of land containing any part of a scheduled archaeological site – Discretionary Activity.
- SASM-R9 - Subdivision of land that contains any part of a scheduled site or area of significance to Māori – Discretionary Activity.

It is appropriate to bundle these matters and consider the activity holistically as a **Non-Complying Activity**.

6. OTHER CONSENT REQUIREMENTS

There are no other consents required from other statutory bodies in relation to this application.

7. PERMITTED BASELINE ASSESSMENT

District Plan:

As any form of subdivision is at least a controlled activity there are no environmental effects arising from the division of the land to be discounted as part of the permitted baseline under the rules of the District Plan.

Unimplemented Resource Consents:

There are no unimplemented resource consents applicable to this application.

Existing Environment:

The existing site and surrounds have been described in foregoing and represent the benchmark against which all effects arising from this activity shall be assessed. In this instance there are existing environmental elements to be considered that either generate effects that form part of the permitted baseline environment or are environmental features pertinent to the mitigation of effects arising from the proposal. These elements are:

1. The existence of two independently functioning residential dwellings and households;
2. Existing independent vehicle access points and driveways.
3. A hedge row separating both dwellings so that each is already perceived as being a separate entity;
4. The landscaped frontages, including specimen trees, that contribute positively to the character of and amenity of the area

8. WRITTEN APPROVALS AND CONSULTATION

The applicant has obtained the written approval of those persons sharing a common boundary with the application site. The details of these people are set out in the table below with the written approvals attached:

Persons Names	Address
Gayle Avery & Gregory Whitham	100 Mahoetahi Road, Sentry Hill
Lance and Noeleen Moir	74 Mahoetahi Road, Sentry Hill

For the reasons set out in the following assessment of adverse effects, it is considered that no persons are deemed to be adversely affected as any effects arising from the proposed subdivision on any persons will be less than minor. Accordingly, no other written approvals of the neighbours have been sought.

9. ASSESSMENT OF ENVIRONMENTAL EFFECTS (Sections 95A(8)(b) and 95D, 95B and 104a)

An assessment of all actual and potential environmental effects arising from the proposed subdivision is provided as follows.

As the proposal is a non-complying activity, all relevant potential adverse effects on the environment require consideration and these are considered below.

CHARACTER AND AMENITY EFFECTS

The subdivision creates lots around existing dwellings that form part of the established environment. The dwellings have been designed and constructed to be independent of each other, which is reinforced visually by such features as the hedgerow between the dwellings, separate driveways, separate mailboxes and separate servicing.

The creation of a lot around the recently constructed dwelling to take in its residential curtilage area and include a relatively small area for hobby farming or grazing by small live stock such as sheep for grass control, will not result in any significant change in the character or use of the current site as the proposed boundaries follow existing fencing that presently separate the larger farm unit from the activities being undertaken by the new household.

The subdivision does not require any physical works or ground disturbance to be undertaken to establish the separate records of title for each dwelling as all services and accesses are in place thereby maintaining the landform of the property. In addition to the hedgerow screening the existing houses from one another there is mature specimen planting and landscaping within the

frontage of the property that, combined with the setbacks of the dwellings from the roads, ensures that the open vegetated character of the sites will not be diminished by the creation of separate land tenure for each dwelling. While it is noted that the new dwelling is located within the 20m front yard, this was approved by the Council having been satisfied that the rural character and amenity of the area would not be adversely affected.

The creation of the new boundary between the dwellings results in side-yard setbacks of 5m and 8m for the dwellings on Lots 1 and 2 respectively. However, the existence of the hedge between them and the design of the buildings ensures that each is screened from the other and the privacy of the occupants is maintained. As this is an internal boundary there are no adverse amenity effects on any other person and the hedge and landform maintains visual separation of the dwellings when you viewed from the road.

For the foregoing reasons, it is considered that the creation of separate land parcels for the existing dwellings on site will have a negligible effect as the subdivision does not give rise to any additional effects on the environment than already forms part of the established environment noting the persons adjoining have provided their written approval having been satisfied that their rural character and any amenity they derive from it will be maintained.

RURAL PRODUCTION AND REVERSE SENSITIVITY EFFECTS

The subject site is presently used for the grazing of dry stock with the current fencing separating the area comprised in Lot 1 from the balance of the farm and as such the land being separated from the parent lot is not presently used as part of the farms productive area. By and large the smaller Lot 1 encompasses the residential curtilage area around the new dwelling with additional area to enable hobby farming and the like to maintain the rural character of the area. Given the foregoing situation, the subdivision of the land will not appreciably reduce the current rural production output of the site.

As each lot already contains a dwelling, being the sensitive element in the rural context, the creation of the lots around the dwellings will not increase the sensitivity of the land making up the 2 lots to effects created by the rural activities occurring within the surrounding environment noting that the two adjoining neighbours have given their written approval and as such cannot be considered to be affected by any reverse sensitivity effects.

For the reasons set out above the proposed subdivision will not adversely affect the rural production of the site or that of any land adjacent.

TRANSPORT EFFECTS

The access points are existing and have already been subject to Council assessment as part of the land use consent for the second dwelling on the site. The creation of the subdivision does not change the location or intensity of use of the access points and as such will not generate any greater traffic effects than has already been generated by the land use activities on site and which form part of the existing traffic environment.

INFRASTRUCTURE EFFECTS

Each dwelling is already separately serviced within the confines of the proposed lot boundaries with no cross-boundary services proposed. Each lot has connection to reticulated public water supply with wastewater and stormwater being disposed of on site in the manner approved by NPDC by the granting of building consent for the dwellings.

Therefore, the proposed subdivision does not change the manner or characteristics of how the sites are serviced and does not generate any additional demand on the public network so no additional adverse effects on NPDC infrastructure is likely to arise.

HISTORIC HERITAGE AND CULTURAL EFFECTS

The archaeological site and site of significance to Maori, being the one site described as a 'Fire Feature', a located within the balance lot well removed from both existing dwellings on site adjacent to the Waiongana River for which an esplanade strip has already been established as part of an earlier subdivision. The creation of the two lots to encompass the existing dwellings does not change the relationship between the existing land uses on site and this historic feature such is the ongoing separation between the uses and the absence of any work to be undertaken as part of the subdivision.

Therefore, in the context of the existing environment and that the proposed subdivision does not change the relationship between the on-site activities and the historic feature, it is considered that there are no adverse heritage or cultural effects.

Summary of Effects

In summary of the foregoing assessment, the proposed subdivision will not generate any greater adverse effects on the environment than has been already been established because the lot boundaries follow existing informal land use areas generally observing existing fence lines and as such the rural productivity of the land will be maintained and there is no appreciable change to the rural character or amenity to the area and no change in the relationship between the land uses and the heritage feature. .

10. NOTIFICATION ASSESSMENT

Public Notification Assessment

Section 95A sets out the public notification provisions to be considered in relation to applications for resource consent.

Step 1: mandatory public notification in certain circumstances

Section 95A(3) requires public notification of a proposal if:

- *requested by the applicant; or*
- *required under S95C*

The applicant does not request public notification.

Further, although no further information has been requested at this preliminary stage, we hereby give notice that the applicant will endeavour to provide any information/report requested by Council (under s92 of the RMA) within the agreed timeframe.

Step 2: if not required by step 1, public notification precluded in certain circumstances

Section 95A(5) precludes public notification of a proposal if:

- *all applicable rule(s) or national environmental standard(s) preclude public notification of the application*
- *the application is for a controlled activity; a restricted or discretionary activity for subdivision of land or residential activity; a boundary activity; or a prescribed activity*

We note that none of the applicable rules preclude public notification of the application.

As the application is classified as a **Non-Complying** activity for the subdivision of land, public notification of the application is not precluded, and an assessment is required under step 3.

Step 3: if not precluded by step 2, public notification required in certain circumstances

Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) 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.

For the reasons set out in the foregoing assessment of environmental effects, any effects arising from the proposed subdivision on the environment will be less than minor and as such the application need not be publicly notified.

Step 4: public notification in special circumstances

As noted above, because a preclusion from Step 2 applies, Section 95A(9) requires a determination as to whether special circumstances exist in relation to the application that warrant public notification.

In our opinion, there are no special circumstances at play for this application because the proposal is conventional in nature and represents no significant deviation from the range of effects anticipated by the applicable planning framework and which have already been established in this environment.

Public Notification Conclusion

For the reasons set above for steps 1 – 4, this application can be processed without notification.

Limited Notification Assessment

If an application for resource consent is not publicly notified under Section 95A, Section 95B necessitates a determination as to whether limited notification is required.

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

Section 95B(4) requires limited notification of a proposal if there are any:

- *affected protected customary rights groups*
- *affected customary marine title groups*
- *if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement and the person to whom the statutory acknowledgement is made is an affected person under section 95E*

We are not aware of any customary rights groups or marine title groups.

Further, we are also not aware of any statutory acknowledgement areas that would be impacted by the proposal.

Step 2: if not precluded by Step 1, limited notification precluded in certain circumstances

Section 95B(6) precludes limited notification of a proposal if:

- *all applicable rule(s) or national environmental standard(s) preclude public notification of the application*
- *the application is for a controlled activity; or a prescribed activity*

We note that the applicable rules do not preclude limited notification of the application.

Further, the application is not for a controlled activity or a prescribed activity under Section 360H.

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

Section 95B(9) necessitates a determination, in accordance with Section 95E, as to whether limited notification of a proposal is required to:

- *an owner of an allotment with an infringed boundary*

- *in the case of a prescribed activity, a prescribed person*
- *in the case of any other activity, any other person*

For the purposes of Section 95E and as set out in the assessment of effects above, which includes an assessment on people, as any adverse effects on people will be less than minor no persons are deemed to be adversely affected and as such no limited notification is required.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance, there are no special circumstances at play for this application because the proposal is conventional in nature and represents no significant deviation from the range of effects anticipated by the applicable planning framework and which have already been established in this environment as such there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that limited notification should occur.

Limited notification conclusion

For the reasons set above for steps 1 – 4, this application can be processed without limited notification.

11. SECTION 104 ASSESSMENT

Statutory Matters

Section 104(1) of the Resource Management Act 1991 [the Act] requires that when considering a resource consent application for a non-complying activity, the consent authority must, subject to Part 2, have regard to:

- any actual and potential effects on the environment of allowing the activity; and
- any relevant provisions of-

- (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
 - 104(2) of the Act directs that, when forming an opinion as to any actual or potential effects on the environment, a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.
 - The Plans relevant to this application are the operative New Plymouth District Plan and the Proposed New Plymouth District Plan.

Actual and Potential Effects on the Environment (section 104(1)(a))

An assessment of actual and potential effects has been undertaken at Section 8 of this report.

Having regard for the absence of any significant adverse effects and the positive social effects arising from the proposal of providing land title to enable the community to provide for additional housing needs, it is considered that, overall, the two lot subdivision will generate effects that are acceptable in this environment.

District Plan and any Relevant Statutory Documents (section 104(1)(b))

Operative District Plan

Under the New Plymouth District Plan, the site is zoned Rural and has an additional overlay of a priority water body in respect of the Waiongana River at the eastern extremity of the site.

Rules

An assessment of the rules has been undertaken in the foregoing. Other than the reasons stated for requiring resource consent; the proposal will comply with all other relevant standards of the District Plan.

Assessment Criteria & Objectives and Policies

As a non-complying activity, there are no assessment criteria specific to this activity. In respect of assessing a non-complying activity against the provisions of the District Plan, the relevant provisions are the objectives and policies of the District Plan which are considered in the table below.

Objective and Policies	Comment
<p>1. The adverse effects of activities on the character of areas and on other activities</p> <p>Objective 1: To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.</p> <p>Policy 1.1</p>	<p>As outlined in the AEE and for the reasons below, the proposed subdivision encompassing two dwellings is consistent with the outcomes sought by these provisions of the District Plan because:</p> <ul style="list-style-type: none"> • The dwellings that are to each have their own title are existing and form part of the

Activities should be located in areas where their effects are compatible with the character of the area.

Policy 1.2

Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.

Policy 1.3

New activities that are sensitive to the elements that define the character of the area in which they intend to locate should be designed and/or located to avoid conflict

4: Loss or reduction of rural amenity and character

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.

existing character of this rural environment. The subdivision will not change this situation or the spatial relationship between the existing activities on site and their surrounds.

- The dwellings, being the sensitive elements on the site, are positioned adjacent to other dwellings on neighbouring sites and as such no conflict between the dwellings and rural activities in adjacent sites are likely to be generated by the creation of the lots around the dwellings;
- The minimum lot size generally considered appropriate for rural environments of at least 4000m² is being maintained in an environment that may be considered to be made up of country-side living sized allotments and as such the creation of the smaller lot around the recently constructed dwelling will not be inconsistent with the spatial pattern of land holding in this area.
- No works or earthworks are required as part of the subdivision thereby maintaining the undulating landform of this site and its character in the context of its surrounds.
- No significant landscapes are affected by the proposal with the subdivision not changing the relationship of the activities occurring on site with the priority water body located well away from the dwellings on each proposed lot.
- As no additional access points are required, all services have been installed and the dwellings existing the proposed subdivision will not change the appearance and character if the site from that already existing and perceived from Mahoetahi Road and surrounding land.

(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 as a direct result of the subdivision and development.

(g) The rural nature and purpose of rural INFRASTRUCTURE (small scale, unserved 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.

(i) Consistency of the proposal with Policy 4.5

Policy 4.5

Ensure that the design of subdivision and development is sensitive to the surrounding environment. In particular the following design principles will be considered:

(a) Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.

(b) Ensure the intensity and scale of the development is in keeping with RURAL CHARACTER.

(c) Ensure that ALLOTMENTS and BUILDINGS are in context with the surrounding environment and are positioned to recognise natural features in the landform.

(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:

(i) softening with vegetation related to the area and treatment of boundary elements;

(ii) BUILDING design of a form and scale that is in keeping with the landscape;

(iii) the use of materials, that are in keeping with the environment, including consideration of colour and low reflectivity;

(iv) low level INFRASTRUCTURE and services that is rural in nature.

(e) Consistency of any full discretionary activity with design guidelines.

(f) Consideration towards any recommendations from a design panel.

Policy 4.8

<p>Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER</p>	
<p>14: Adverse effects of subdivision, use and development on the natural character of the coastal environment, wetlands, lakes and RIVERS and their margins</p> <p>Objective 14 To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and RIVERS and their margins.</p> <p>Policy 14.1 The natural character of the coastal environment should not be adversely affected by inappropriate subdivision, use or development and should, where practicable, be restored and rehabilitated.</p> <p>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.</p> <p>18: Provision of public access to and along the coast, lakes and RIVERS</p> <p>Objective 18 To maintain and enhance public access to and along the coast, lakes and RIVERS.</p> <p>Policy 18.1 Public access should be provided to and along the coast and PRIORITY WATERBODIES except where such access should be restricted:...</p>	<p>As detailed in the foregoing assessment of environmental effects, the proposed subdivision does not change the relationship of the activities occurring on site with the priority water body located well away from the dwellings on each proposed lot.</p> <p>The matter of conserving the margins and maintaining public access along the Waiongana River have been addressed by earlier subdivisions with an esplanade strip having been put in place for the future benefit of the community in the event connectivity along the river can be achieved.</p>
<p>20. Adverse effects of activities on the safe and efficient operation of the district's ROAD TRANSPORTATION NETWORK</p> <p>Objective 20 To ensure that the ROAD TRANSPORTATION NETWORK will be able to operate safely and efficiently.</p> <p>Policy 20.1 The movement of traffic to and from a SITE should not adversely affect the safe and efficient movement of VEHICLES, both on-SITE,</p>	<p>The subdivision does not change the number of access points to the proposed lots from what has already been lawfully established and the subdivision does not change the traffic generated by the uses on site and such there will be no change to the traffic character or road safety environment arising from the proposal and as such the subdivision is consistent with this objective and its policies.</p>

<p>onto and along the ROAD TRANSPORTATION NETWORK</p> <p>Policy 20.3 Potential conflict between VEHICLES, pedestrians and cyclists moving on the ROAD TRANSPORTATION NETWORK should be minimised to protect the safety and efficiency of ROAD and footpath users.</p>	
<p>22. Adverse effects due to increased demand on INFRASTRUCTURE, COMMUNITY FACILITIES and requirements for new areas of open space</p> <p>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.</p> <p>Policy 22.1 Subdivision and development should provide:</p> <ul style="list-style-type: none"> • 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. • 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. 	<p>As detailed in the description of the proposal, there are ready connections to the infrastructure network available to serve the two additional lots. There are no known capacity issues with each if these services.</p> <p>Given the above, the subdivision is able to be provided with potable water with the lots large enough to accommodate on site sanitary sewer and stormwater disposal within the confines of each lot, the proposal is consistent with the outcomes sought by Objective 22 and its associated policy.</p>

Proposed New Plymouth District Plan

The subdivision requires consent as a discretionary activity under the Proposed District Plan because it involves subdivision of land containing an archaeological feature that is also a site of significance to Maori as detailed in section 5 foregoing.

As a non-complying activity overall the relevant provisions of the Proposed District Plan to be assessed are the relevant objectives and policies. These are considered in the table below.

Objective & Policies	Assessment
<p>HH - Historic Heritage</p> <p>Objectives HH-O1 - Historic heritage is recognised, protected and maintained</p> <p>HH-O2 - Historic heritage is appreciated by the community and is acknowledged as important to the district's identity</p> <p>Policies Archaeological Sites</p> <p>HH-P13 - Protect and maintain archaeological sites from inappropriate activities by:</p> <p>ensuring scheduled archaeological sites are not disturbed, destroyed, removed and/or visually encroached upon; and requiring activities on or adjacent to archaeological sites to avoid adverse effects on the sites' historic heritage values.</p> <p>HH-P14 - Allow the following activities on or adjacent to an archaeological site provided they do not compromise the site's historic heritage values:</p> <p>land disturbance; demolition or removal of existing buildings and structures; alterations to existing buildings and structures; maintenance and repair or upgrading of existing network utility structures; and erection of signs.</p> <p>HH-P15 - Manage activities that occur on or adjacent to scheduled archaeological sites, including:</p> <p>erection of, additions to and relocation of structures; earthworks; and subdivision of land containing archaeological sites.</p> <p>HH-P16 - Ensure that activities on, adjacent to or affecting archaeological sites or on land where there is reasonable cause to suspect an archaeological site may exist avoid adverse effects on the site, or where avoidance is not possible, appropriately remedy or mitigate adverse effects, having regard to:</p>	<p>The archaeological site is located to the rear of proposed lot 2, being the balance lot that retain a large site area in excess of 3.8ha. Both this lot and proposed Lot 1 contain dwellings that are located to the front of the respective lots toward Mahoetahi Road. The area of the archaeological site is adjacent to the river and is presently grazed. This situation does not change.</p> <p>No earth disturbance of any kind is proposed as part of the subdivision and as such the archaeological site will remain intact unaffected by the subdivision thereby maintaining its scheduled state.</p>

<p>the particular cultural and/or historic heritage values present and their setting; the reduction or loss of historic heritage values, including the ability to interpret the place and its relationship with other heritage features/items and/or archaeological sites; the site's sensitivity to change or capacity to accommodate change without compromising the historic heritage values of the archaeological site and surrounds; any opportunities to enhance historic heritage; any assessments or advice from a suitably qualified and experienced heritage expert and/or archaeological expert; the outcomes of consultation with Heritage New Zealand Pouhere Taonga; and where the site is also a site or area of significance to Māori, the relevant objectives and policies in the Sites and Areas of Significance to Māori Chapter.</p>	
<p>SASM - Sites and Areas of Significance to Māori</p> <p>Objectives</p> <p>SASM-O1 - Sites and areas of significance to Māori are recognised, protected and maintained.</p> <p>Policies</p> <p>SASM-P2 - Protect and maintain sites and areas of significance to Māori from inappropriate activities by:</p> <p>ensuring identified sites and areas of significance to Māori are not disturbed, destroyed, removed and/or visually encroached upon; and requiring activities on, or in proximity to sites and areas of significance to Māori to avoid adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to tangata whenua.</p> <p>SASM-P3 - Allow the following activities to occur on, or adjacent to scheduled sites and areas of significance to Māori, while ensuring their design, scale and intensity will not compromise cultural, spiritual and/or heritage values, interests or associations of importance to tangata whenua:</p> <p>land disturbance; demolition or removal of existing buildings and structures;</p>	<p>As detailed above, the creation of lots around the existing dwelling on site does not change the relationship between existing activities and the site of significance to Maori. Therefore, the creation of separate titles will not result in any additional effects on the sites of significance than already form part of the environment, in particular there are no building platforms, or any site disturbance of any type proposed that would otherwise disturb this site.</p>

<p>alterations to existing buildings and structures; maintenance and repair or upgrading of existing network utility structures; and erection of signs.</p> <p>SASM-P4 - Manage activities that occur on, or adjacent to scheduled sites and areas of significance to Māori that have the potential to compromise cultural, spiritual and/or heritage values, interests or associations of importance to tangata whenua, including:</p> <p>erection of, additions to and relocation of structures; earthworks; and subdivision of land containing sites and areas of significance to Māori.</p>	

The New Plymouth District Council recently publicly notified its' Proposed District Plan, for which the first round of submissions has closed and the second yet to commence. Pursuant to Section 86B of the RMA, given this early stage of the process and as such is to be given little weighting in the event there is a divergence in policy between the operative District Plan and the Proposed District Plan. However, in this instance there is no clear change in policy direction and it has been concluded that the proposed activity is consistent with the objectives and policies of both the District Plan and Proposed District Plan so no weighting exercise need be undertaken.

Summary of District Plan Assessment

In the context of the existing environment that has already established around the application site to form the spatial character of this environment and not adversely affect the archaeological site of significance to Maori, it is considered that the proposal is consistent with the objectives and policies of both the operative and proposed District Plans in respect of their goals to maintain character and amenity of any given location as well as protect natural and cultural features.

12. OTHER MATTERS (Section 104(1)(c))

There are no other matters considered relevant to making an appropriate determination on whether to grant or refuse consent to this application. The matters covered by sections 104(1) (a) and 104(1) (b) are considered sufficient.

13. SECTION 10D - RESTRICTIONS ON NON-COMPLYING ACTIVITIES

Section 104D of the RMA states:

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

For the reasons set out in the assessment of environmental effects and the comments on the relevant objectives and policies above, the proposal satisfies both tests of s104D as any adverse effects will be less than minor and the proposal is consistent with the relevant objectives and policies.

Therefore, Council may grant consent.

14. PART 2 MATTERS

The stated purpose of the Act is to “promote the sustainable management of natural and physical resources”. This includes enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

As the proposal serves to enable separate private ownership of existing dwellings on site without generating any additional adverse effects on the environment and by maintaining the rural productivity capacity of the rural land, this proposal is considered to promote the efficient use of the land representing the sustainable management of natural and physical resources and as such to be consistent with Part 2 of the Act.

15. CONCLUSION

It is concluded that this subdivision is acceptable in this environment and is consistent with the principles of sustainable resource management.

With respect to section 104 RMA, I consider it appropriate for resource consent to be granted subject to fair and reasonable conditions.

A handwritten signature in blue ink, appearing to be 'P. Sousa', written over a faint horizontal line.

Prepared by: Paul Sousa BREP, MNZPI

(On behalf of the applicant)

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Standard Application form

APPENDIX B

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APPENDIX E

Land Use Consent for Second Dwelling

