

## APPENDIX F

### NOTIFICATION DECISION

## Combined Notification and I04 Decision Report

Section 95, 104, 104B and 104D of the Resource Management Act 1991

<b>Date:</b>	28 February 2020	<b>App Number:</b>	SUB0165/19
<b>Reporting Planner:</b>	Cameron Aplin (Consultant Planner – BCD Group)	<b>Property Ref:</b>	1005840
		<b>Site Visits on:</b>	12, 25 June 2019 & 10 January 2020

<b>Applicant:</b>	G & S Singleton Heritage Limited
<b>Property Address:</b>	635 State Highway 23, WHATAWHATA
<b>Legal Description:</b>	Site A: Lot 1 DPS 12627 comprised in Record of Title SA10B/682 Site B: Lot 2 DPS 12627 comprised in Record of Title SA10B/683
<b>Site Area:</b>	Site A: 4.0494 ha Site B: 41.6194 ha
<b>District Plan:</b>	Operative Waikato District Plan (Waikato Section) 2013 AND Proposed Waikato District Plan (Notified Version 2018)
<b>Activity Status:</b>	Operative District Plan: Non-Complying Activity
<b>Zoning:</b>	Operative District Plan: Rural Zone Proposed District Plan: Rural Zone
<b>Policy Area:</b>	Operative District Plan: Waikato River Catchment Proposed District Plan: Waikato River Catchment
<b>Proposal:</b>	To create eight additional lots from two existing titles in the Rural Zone. As result of the proposed subdivision; the following land use non-compliances are created. <ul style="list-style-type: none"> <li>- To exceed site coverage within Lot 8;</li> <li>- To locate existing accessory buildings within the internal building setbacks with respect to the new allotment boundaries of proposed Lots 3, 8 and 10.</li> </ul>

## **1.0 INTRODUCTION**

### **1.1 Proposal**

Pursuant to s88 of the Resource Management Act 1991, McCracken Surveys, now Cheal (the Agent) has applied on behalf of G & S Singleton Heritage Limited (the Applicant) for subdivision consent.

The applicant owns two parcels of land legally described above and contained in RT SA10B/682 comprising 4.0494 ha issued in 1969 and RT SA10B/683 comprising 41.6194 ha issued in 1969.

The proposal seeks to create eight additional lots from the two existing titles using the subdivision general provisions under Rule 25.70A of the Operative District Plan which is classified as a Non-Complying Activity. The application states that the applicant's vision behind the proposal is to create a park like environment with dwellings and planting selectively placed interspersed through the site to attract birdlife.

The lot sizes of the proposed subdivision are listed below.

#### **Lots Sizes**

Lot 1 – 0.8530 ha

Lot 2 – 1.04 ha

Lot 3 – 1.01 ha

Lot 4 – 0.8165 ha

Lot 5 – 0.8 ha

Lot 6 – 1.75 ha

Lot 7 – 1.22 ha

Lot 8 – 0.9620 ha

Lot 9 – 1.80 ha

Lot 10 – 35.41 ha (Balance Lot)

The proposed arrangement of the subdivision is seen in Figure 1.



**Figure 1 – Scheme Plan.**

## Access

The existing vehicle entrance off Whatawhata Road is proposed to provide access to the proposed Lots 8, 9 and 10. Proposed Lots 1 - 7 will obtain access via a proposed right of way created over Lot 10, with a width of 10m, also accessed from the existing vehicle entrance from Whatawhata Road.

Photographs of the access can be found in Appendix 3 of the application.

## Power

WEL Networks has provided written confirmation that power supply is available for all proposed lots.

## Telecommunications

Chorus has provided written confirmation that hardwire telecommunications is available for all proposed lots.

## Land Use Capability of Soils

A Land Use Capability (LUC) report prepared by Soil and Land Evaluation dated August 7<sup>th</sup> 2018 has been submitted with the application (Appendix 6). The site contains soil that is classed as 3w2, 3e3 (poorly drained) and 4e2. These do not meet the definition of high quality soils as defined under the Operative and Proposed District Plans.

## Agriculture Suitability Assessment

An Agriculture Suitability Assessment prepared by Ag First dated 18 December 2018 has been submitted with the application (Appendix 8). The assessment states that the soil types provide significant obstacles to profitable farming practices and the land development costs to remove the trees and establish a reasonably sized farming block would be prohibitive.

### **Floodplain Analysis**

A floodplain analysis prepared by Dr Steven Joynes of Golovin has been submitted as part of the application and updated as part of further information received on 18 October 2019. This analysis has undertaken flood modelling and recommended finished floor levels are provided for each of the proposed building platforms within each of the lots.

### **Site Suitability**

A preliminary geotechnical assessment report prepared by CMW Geosciences dated 15 August 2019 has been provided as part of further information on 16 August 2019 to the application to confirm site suitability for the proposed lots. The report includes an assessment of liquefaction risk, slope stability, foundation suitability and on-site disposal of stormwater and wastewater. The summary of the assessment states that based on the assessment and investigation, CMW Geosciences consider the site is suitable for the proposed rural-residential subdivision development provided their recommendations are adhered to.

### **Stormwater**

Possible locations of stormwater attenuation structures, above maximum flood levels, are shown on a plan attached to the report as seen in Figure 2. A copy of the final stormwater management plan was received on 20 December 2019.

### **Wastewater**

Possible locations of wastewater soakage fields, above maximum flood levels, are shown on a plan attached to the report as seen in Figure 2.

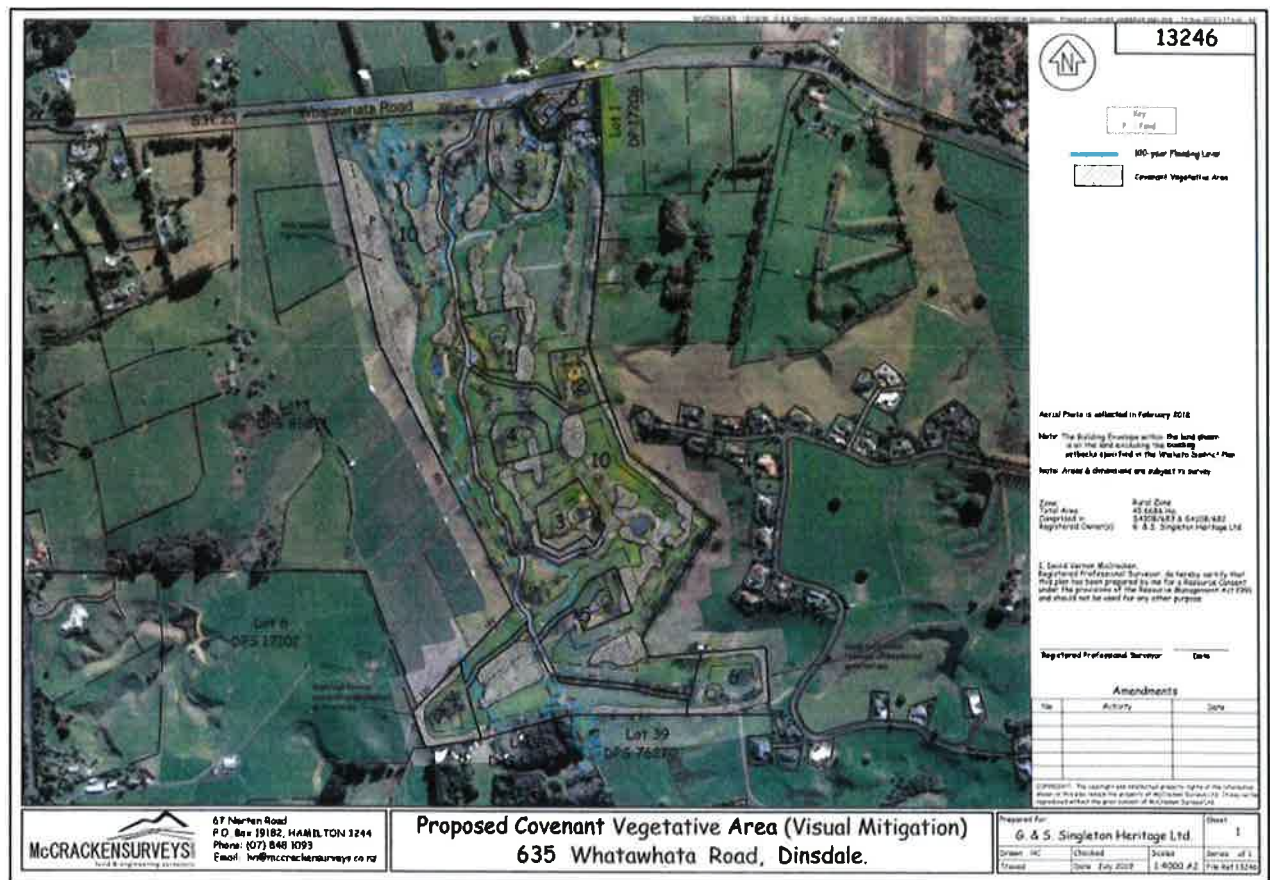
### **Water**

Future dwellings on Lots 1, 2, 4, 5, 6 and 7 will utilise on-site water detention tanks. Lot 3 has an existing water tank, for water collection and detention. Lots 8 and 9 will have a water bore that pumps water to individual water tanks on each lot. Lot 10 will have one water bore, which currently feeds an irrigation system and water storage tank located within the south-eastern portion of the lot. This water bore will be used in Lot 10 only. As seen in Figure 1, an easement is proposed to convey water over Lot 2.









**Figure 4 – Proposed Covenant Vegetative Area Plan.**

As part of further information received on 21 August 2019; the following details have been provided regarding planting species and growth rates of the proposed planting.

**Main boundary planting:**

Californian coastal redwood - *Sequoia sempervirens* - NZ growth rate very rapid 8.0m in five years;  
Height when mature 15.0m.

Western Red Cedar – *Thuja Placata* - NZ growth rate medium growth 4.0m after 5 years. Height when mature 30.0m

**Intermittent boundary planting:**

Black Beech - *Fuscospora solandri* - NZ growth rate medium growth 3.0m after 5 years. Height when mature 20.0m

Pohutukawa - NZ growth rate slow/medium growth 3.0m after 5 years. Height when mature 10.0m

Kauri - *Agathus australis* - NZ growth rate very slow 3mm /per year.

Manuka - *Leptospermum scoparium* - NZ growth rate medium/rapid growth 2.0m after 5 years. Height when mature 4.0m

**Subcanopy planting:**

*Pittisporum Crassifolium* -

*Pittisporum Eugenioides* - Established Height Width in 7/10 yrs: 6m x 3m

*Pittosporum Tenuifolium* - Established Height Width in 7/10 yrs: 5m x 3m

**Design Mitigation Measures**

A number of design measures were identified as part of the Landscape Visual Assessment prepared by Boffa Miskell dated 26 September 2019 (commissioned by Council) as necessary to minimise the potential adverse landscape and visual effects. As part of further information received 10 January 2019; the applicant has confirmed that these are adopted as part of the



application. The design measures include:

### Vegetation:

- Proposed mitigation native and exotic treed vegetation shall be implemented at subdivision stage. This shall include those areas shown on the Covenant Vegetative Area Plan (McCracken Surveys, File Ref 13246, Sheet 1, Date July 2019).
- Vegetation cover shall be managed in perpetuity and shall be allowed to grow to natural height and form.
- The LMP shall identify locations of the following planting schedule:

Planting Area	Species	Common Name	Height in 5 years	Mature Height
Main Boundary Planting	<i>Sequoia sempervirens</i>	Californian Coastal Redwood	8.0m in 5yrs	15.0m
	<i>Thuja placcata</i>	Western Red Cedar	4.0m in 5rs	30.0m
Intermittent Boundary Planting	<i>Fuscospora solandri</i>	Black Beech	3.0m in 5yrs	20.0m
	<i>Metrosideros excelsa</i>	Pohutukawa	3.0m in 5 years	10.0m
	<i>Agathis australis</i>	Kauri	3.0m in 5 years	40m
	<i>Leptospermum scoparium</i>	Manuka	2.0m in 5 years	4.0m
Sub Canopy Planting	<i>Pittosporum crassifolium</i>	Karo	7-10years – 5m	
	<i>Pittosporum eugenioides</i>	Lemonwood	7-10years – 6m	
	<i>Pittosporum tenuifolium</i>	Kohuhu	7-10years – 5m	

### Buildings & Structures:

- **Building Areas:** Defined Building Areas (DFA) shall be identified in a final scheme plan that:
  - Locates the DFA in general accordance with the building areas shown in the proposed scheme plan.
  - DFA shall include all new buildings and structures, including sheds, garden sheds, not precluding existing buildings and sheds.
- **Placement:** All buildings above ground must be located within the Building Areas as shown on the proposed scheme plan including ancillary buildings, garden sheds and above ground water tanks.
- **Height:** All buildings shall be single storey and a maximum height of 5m from natural ground level.
- **Water tanks:** All water tanks shall be screened from view in a manner and/or with screening and materials/colours harmonious with the dwelling and shall be installed on each respective lot.

### Form:

- Design roofs that integrate buildings into the landscape and use a sheltering form with deep overhangs of more than 1.0m.
  - **Roofing:** Roof materials shall be coloured in recessive colours no greater than a reflectance value of 20%. Grass or green roofing consistent with the surrounding vegetation patterns and colours is acceptable.
- Use building modulation to break the length of a building facade by changing direction, stepping in and out of the main facade, balconies, eaves, pergolas and other structures.
- Recess large areas of glazing below wide eaves and dividing glazing with walls, pergolas and the like.
- Use of dark tinted glass, but not mirror glazing, is required.
- Use window joinery, doors and balustrades that have a reflectance value of less than 30% and are dark or naturally coloured.
- Design buildings that use natural materials including natural stone, timber and concrete and

cladding that has a reflectance value of less than 30% for walls and 25% for roofs.

- Ancillary Buildings: Garages, boat storage, and other ancillary buildings associated with the house shall be contained within the house site and shall be a comparable quality to that of the main building on the site.

### **Materials and Colour:**

- Select materials that respond to the natural landscape and native vegetation immediately surrounding the subject site.

- Select colour palettes that have a reflectance value of less than 20% for roofs and 30% for walls (Refer to the Resene British Standard 5252 Range as a guide only. All colours and materials must be approved at building consent).

- Use natural material finishes such as stone and timber which will weather naturally.

- Apply dark oxide colouring to concrete materials to reduce reflectivity of the material.

- Timber cladding and other natural elements (stone) naturally weathered or stained dark.

- Painted timber, blockwork or other materials may be used and must contribute to receding the building into the landscape.

- The reflectance value of surfaces, including joinery, gutters, downpipes, cladding and roofing materials shall be no greater than 30% for walls and 25% for roofs.

### **Earthworks:**

- No earthworks or grading other than the minimum required for driveways or underground services is

permitted outside the house site area.

- Re-contouring all embankments surrounding driveways and building platforms into the natural landform to avoid visually exposed cut banks greater than 1.5m in height.

- All cut embankments, between 0.5m and 1.5m in height, shall be planted against to visually screen

the exposed soil. Planting shall be organic in shape and form and avoid emphasising straight unnatural lines within the landscape.

### **Hard Surfaces**

- Providing all driveways with flush kerb with either rip rap, grass or planted swales for stormwater management. Raised kerb and channels shall be avoided.

- Providing asphaltic concrete, dark coloured concrete or exposed aggregate concrete driveway surfaces.

- Impervious outdoor areas, including patio, outdoor entertainment areas and turning areas (within the driveway), all located within the Building Areas.

### **Fencing:**

- Using post and 3 - 5 timber rail or post and wire fencing and vegetation to demarcate boundaries of

properties to reflect the rural character of the wider area. Urban style post and panel and solid wall style fencing shall be avoided.

- Providing front gate fencing that is visually permeable including post and rail, stone pillars, brick or wrought iron.

### **Lighting and Utilities**

- All exterior lighting shall be contained within the Building Areas and shall be down lights only.

- All utilities and services shall be located below ground. No above ground wiring will be permitted.

Aerials, satellite dishes and other utilities shall be maintained within the 6.0m building height plane.

- Downward facing bollard lighting is acceptable along the accessway corridor and to demarcate driveway entrances.

- Street lighting shall be avoided.
- Illuminated signage shall be avoided.

## **Consultation**

### New Zealand Transport Agency

Based on the application including the following conditions; NZTA are not opposed to the proposal being granted. The applicant has adopted these as part of the proposal.

1. As State Highway 23 is a Limited Access Road in this vicinity, an authorisation pursuant to Section 91 of the Government Rounding Powers Act 1989 (GRPA) will be required for access onto the state highway from all lots depicted in Appendix One. Once resource consent has been granted, the consent holder should seek this authorisation from the Transport Agency enclosing a copy of the following:
  - a. The resource consent
  - b. The underlying certificate(s) of title
  - c. The LT plan including the number
  - d. The number of the allocated titles.
2. The landowner shall sufficiently screen the property where appropriate, to mitigate the risk of internal headlight glare causing distraction to State Highway 23 users. A screening design shall be submitted to and approved by the Transport Agency prior to installation.
3. The existing boulders that currently surround the (Westlands) sign shall be removed from the road reserve and the signage posts shall be replaced with frangible posts. Any alterations to the sign including wording or design, will require further approval from the Transport Agency.
4. The internal access / right of way (ROW) is to be sealed to mitigate debris tracking onto the state highway.
5. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the titles of proposed Lots 8, 9 and 10 of the subdivision of land shown on Scheme Plan 13246, Sheet 1 (dated October 2018) and comprised in SA10B/682 & SA10B/683 that addresses potential reverse sensitivity effects resulting from the normal operation of State Highway 23. This consent notice shall read as follows:
  - 1) Any dwelling or other noise sensitive location\* on the site in or partly within 100m of the edge of State Highway 23 carriageway must be designed, constructed and maintained to achieve,
    - (a) Road-traffic vibration levels complying with class C of NS 8176E: 2005.
    - (b) An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
  - 2) If windows must be closed to achieve the design noise levels in condition 1 (b), the building must be designed, constructed and maintained with ventilation and cooling system. For habitable spaces the system must achieve the following:
    - (a) Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB L when measured 1m away from any grille or diffuser.
    - (b) The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
    - (c) The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25C. At the same time, the sound of the system

*must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.*

- 3) *A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Waikato District Council demonstrating compliance with conditions 1 and 2 prior to construction or alteration. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.*

*\*Noise sensitive locations means buildings or parts of buildings used for, or intended to be used for the following purposes: residential activity (including visitor accommodation and retirement accommodation); education; healthcare; and/or places of worship/marae.*

Written correspondence from NZTA is attached to the application as Appendix 5.

#### Iwi

A letter from Ngaa Uri o Maahanga Trust has been provided as an official letter of support for this application.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)**

#### Preliminary Site Investigation

A Preliminary Site Investigation (PSI) was provided to address the requirements of the NES. This PSI recommended further preliminary soil sampling for arsenic being undertaken in regard to the building site for Lot 1 which was provided as further information. The PSI concludes the proposal is a permitted activity under the NES and the soil sampling results indicate that the average arsenic concentration at the intended site on Lot 1 is unlikely to breach applicable NES soil standards.

A copy of the preliminary site investigation (PSI) is attached to the application as Appendix 10 and an addendum to this report is attached to the electronic file as further information received 19 July 2019. Soil Testing referenced in the PSI is also attached to the electronic file as further information received 19 July 2019.

### **Landuse Non-Compliances**

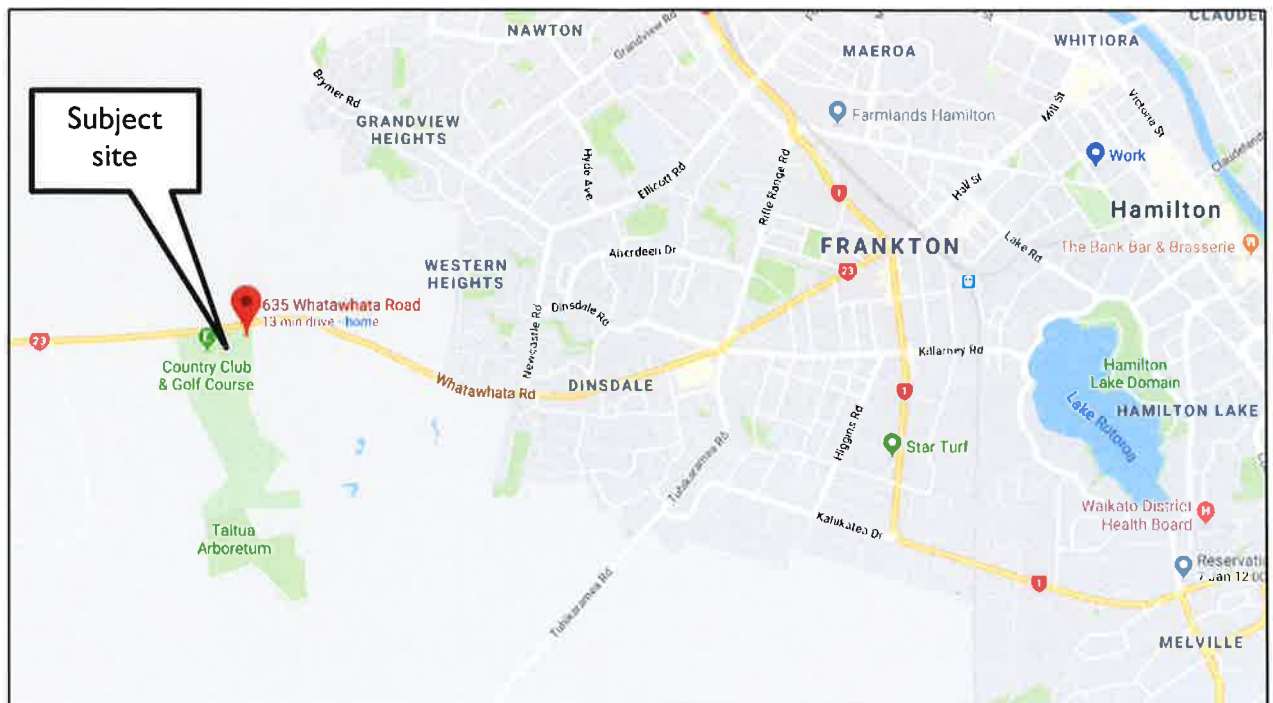
As result of the proposed subdivision; the following land use non-compliances are created.

- To exceed site coverage within one proposed lot (Lot 8). The total site coverage within Lot 8 will be 725m<sup>2</sup>, where 500m<sup>2</sup> is permitted.
- Existing accessory buildings located within the internal building setbacks with respect to the new allotment boundaries of Lots 3, 8 and 10.

## **1.2 Description of Subject Site and Surrounding Area**

The site approximately 1.2km to the west from the boundary of Hamilton City and the associated residential area of Western Heights and Dinsdale as identified in Figure 5.



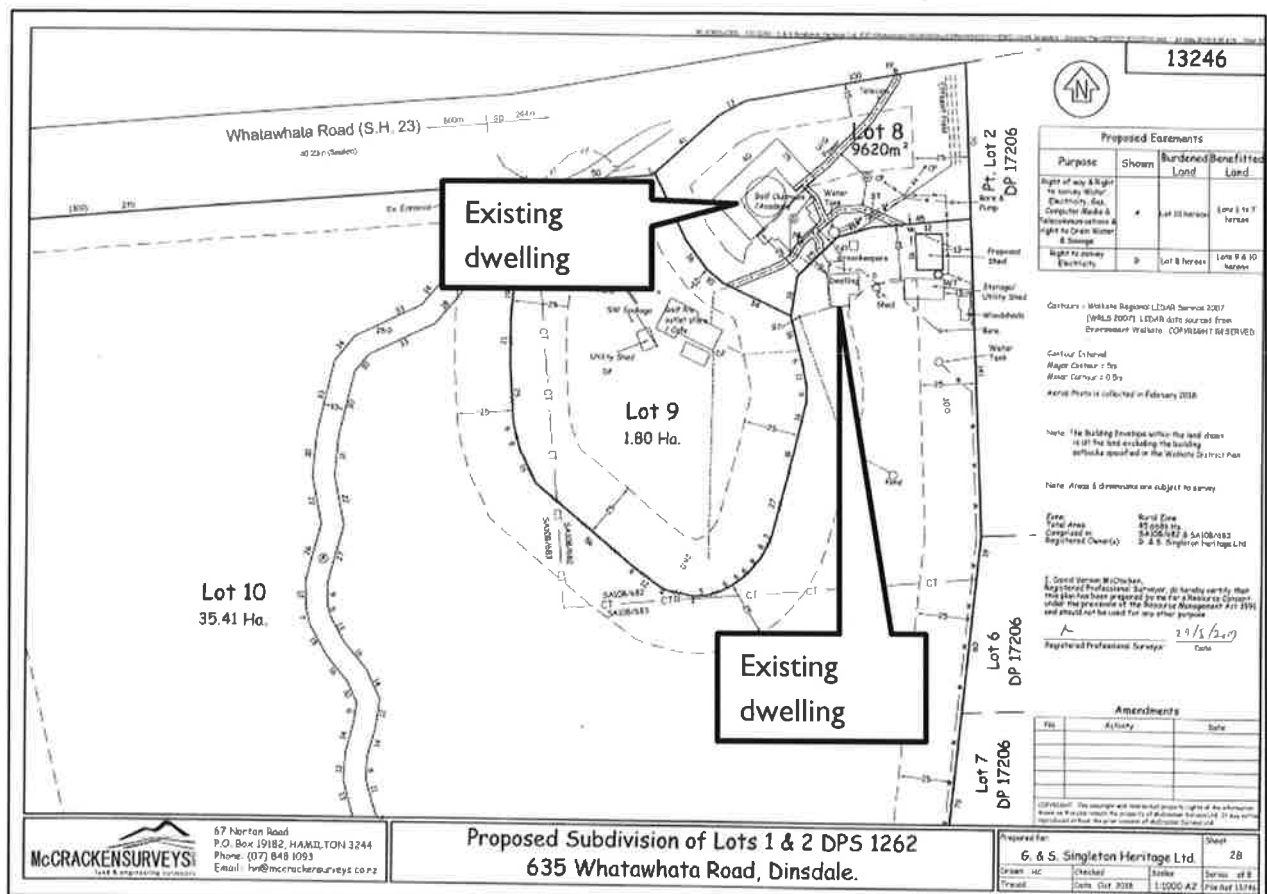


**Figure 5** – Location of site in context of Hamilton including suburbs of Western Heights and Dinsdale.

#### Description of Existing Buildings

A number of existing buildings are onsite as detailed below. Photographs of existing buildings can be found in Appendix 3 of the application.

With respect to the proposed new lot boundaries, Lot 3 contains an existing shed. Lot 8 contains the existing clubroom/academy building (formerly part of the Westlands County Club and Golf Course, discussed further below) which is being used as the dwelling currently occupied by the applicants. Lot 9 contains two existing buildings, one which was formerly used as a golf pro shop and a café. The other being a utility shed. Lot 10 contains an existing dwelling, woodshed and a storage/utility shed. The existing dwelling within Lot 8 is shown on the plan below as well as the existing dwelling on Lot 10.



**Figure 6 – Location of existing dwellings on Lot 8 & 10.**

### Site Description

The Assessment of Landscape and Visual Effects prepared by Boffa Miskell dated 26 September 2019 commissioned by Council provides a description of the site which I consider to satisfactorily describe the site and its surrounds. A copy of the site description from this assessment is provided below.

*The site comprises the old Westlands Country Club and Golf Course and forms a linear site extending from SH23 (Whatawhata Road) to the south, meeting rural properties and the Taitua Arboretum at its southern boundary.*

*The site sits on the cusp of a rolling hillside with the eastern edge of the site sitting on the mid to lower slopes of the hillside. The mid to western portion of the sites falls to the lower rural plains landform with knolls and mounds sited throughout from the remnant golf course.*

*Drains extend through the site from the south to north both along the boundary and within the site, collecting water from the internal and surrounding gully networks. Vegetation cover on the site is largely mature canopy vegetation and remnant of the golf course. New wetland, pond and shelter planting has been installed by the applicant to strengthen the natural features and framework planting around the site. Large areas of Redwood trees have been installed along the western boundary and along parts of the eastern boundary.*

The following map has been provided in the application which shows the location of trees planted in recent years in reference to the survey of existing trees onsite provided in Appendix II of the application.







**Figures 8 & 9 – Entrance to site driveway to Lot 8 and Lot 9.**



**Figures 10 & 11 – Proposed right of way (looking south).**





**Figure 12** – View from Lot 1 looking north towards State Highway 23.



**Figure 13** – View from Lot 4 looking east with bund subject to the proposed covenanted area in foreground, with the dwelling at 14 Stonebridge Road in the background.



**Figure 14** – Looking from Lot 4 towards the existing building within Lot 3.





**Figure 15** – Location of Lot 5 looking north.



**Figure 16** – Location of Lot 6 looking north with the dwelling visible located at 21 Stonebridge Road.





**Figure 17** – Location of Lot 7 looking south west.



**Figure 18** – Location of proposed restricted building area identified within Lot 10 looking north



**Figure 19** – Views from eastern boundary of proposed restricted building area identified within Lot 10 looking towards adjoining properties 15 (left), 16 (centre) and 17 (right) Stonebridge Road.





**Figure 20** – Views from proposed restricted building area identified within Lot 10 looking towards adjoining properties 18 (left) and 19 (right – behind the trees) Stonebridge Road.



**Figure 21** – Location of Lot 2 with the dwelling located at 14 Stonebridge Road visible in the background.

An aerial photograph of the site in context of the surrounding area is seen in Figure 23.

#### Surrounding area

The surrounding area is zoned Rural Zone made up of parcels of land of varying sizes from as small as 1,495m<sup>2</sup> (one of the sites forming part of the Stonebridge Road farm park as discussed below) to 108.944 ha (balance lot of the Stonebridge Road farm park).

To the north of the site consists of medium to larger rural parcels consisting of largely open space used for rural productive activities.





**Figure 22** – Looking across the road from the subject site to the north.

Immediately to the west of the site is two sites; approximately 45 and 21 ha in size largely consisting of open space and used rural productive activities. To the west of the site along Whatawhata Road and Howden Road is a cluster of properties used for rural lifestyle purposes which vary between 2,101m<sup>2</sup> and 2.8078 ha in size.

Immediately to the south of the site is the Taitua Arboretum operated by Hamilton City Council which consists of a collection of mature trees covering almost 20 hectares of open pasture, lakes and woodland gardens.

Immediately to the east of the site is Stonebridge Road farm park consisting of 34 small lots between 1,495m<sup>2</sup> and 2,171m<sup>2</sup> in size which are used for rural residential living. These lots were created under a different (and now defunct) rule framework known as the farm park provisions.

In the wider surrounding area is a range of small to medium sized rural zoned allotments as seen in Figure 23.



**Figure 23** – Aerial (now outdated) photograph of site showing extent of legal boundaries in context of surrounding area.

### 1.3 Legal Interests in the Property

The following relevant interest is registered on the Record of Title for RT SA10B/683.

- HI59200 Gazette Notice declaring No 23 State Highway (Hamilton-Raglan) fronting the within land to be a limited access road.

The following relevant interest is registered on the Record of Title for RT SA10B/682

- HI59200 Gazette Notice declaring No 23 State Highway (Hamilton-Raglan) fronting the within land to be a limited access road

#### HI59200 Gazette Notice

This relates to declaring a portion (including the portion adjoining the subject site) of State Highway 23 is a limited access road.

As noted above, the applicant has undertaken consultation with NZTA. As part of the consultation, NZTA has requested the following condition with respect to the Limited Access Road (of which the applicant has proffered as part of the application):

1. As State Highway 23 is a Limited Access Road in this vicinity, an authorisation pursuant to Section 91 of the Government Rounding Powers Act 1989 (GRPA) will be required for access onto the state highway from all lots depicted in Appendix One. Once resource consent has

been granted, the consent holder should seek this authorisation from the Transport Agency enclosing a copy of the following:

- e. The resource consent
- f. The underlying certificate(s) of title
- g. The LT plan including the number
- h. The number of the allocated titles.

On this basis, this legal interest does not restrict the proposal from proceeding.

#### Summary

There are no relevant interests that restrict the proposal from proceeding.

### **1.4 Site/Consent History**

As discussed on page 3 of the application, the site was historically used as a golf course known as Westlands Golf Club, inclusive of function facilities. The Westlands Golf Club operated from the early 1970's to the mid 2010's before ceasing operations. The existing clubroom is currently being used as a dwelling and is located within proposed Lot 8

Land use consent (LUC0190/05) provided in Appendix 5 of the application was granted on 17 January 2005 for an accommodation facility to operate onsite for up to 36 golf students and four staff. This existing building is located on Lot 9.

The applicant purchased the site in 2015 and, according to the application, have planted 70,000 specimen trees.

On 14 December 2018, land use consent (LUC0192/19) was granted for a 192m<sup>2</sup> storage shed to be constructed on an area of land identified as proposed Lot 10. The application advises that this shed is yet to be constructed.

### **1.5 Process Matters**

Date	Description	Working days
31 May 2019	Application lodged under Section 88 of the Resource Management Act 1991 (RMA)	1
10 June 2019	Application put on hold under section s92(2) for commissioning of a landscape visual assessment.	5
10 June 2019	Further information provided.	5
11 June 2019	Further information provided.	5
11 & 12 June 2019	Informal request sent regarding land development matters. Revised request sent after discussion onsite.	5
12 July 2019	Further information provided – Covenant Vegetative Area Plan.	5
19 July 2019	Further information provided – Addendum (Soil Testing) to PSI provided with application.	5
16 August 2019	Further information provided including response to informal request regarding land development matters. Letter from iwi also provided as well as feedback regarding the draft landscape visual assessment. Revised Covenant Vegetative Area Plan also provided.	5

19 August 2019	Further information provided – written approvals for 2 properties	5
21 August 2019	Further information provided - Planting species and growth rates	5
12 September 2019	Further information provided – Specified Building Area Scheme Plan	5
27 September 2019	Final version of landscape visual assessment completed	5
27 September 2019	Application on hold under s37 (agreed by agent) until Stormwater Management Plan review completed by BECA.	5
17 December 2019	Stormwater Management Plan review under s92(2) completed by BECA.	5
20 December 2019	Updated Stormwater Management Plan received as result of SWMP peer review.	8
06 January 2020	Application put on hold under Section 92 (1).	8
10 January 2020	Further information received relating to information requested under Section 92 (1).	8
13 January 2020	Further information received relating to information requested under Section 92 (1).	8
15 January 2020	Further information received requested under Section 92 (1).	8
21 January 2020	Timeframes extended under section 37 for special circumstances.	12

## 2.0 REASON FOR THE APPLICATION

### 2.1 Operative Waikato District Plan

The Waikato District Plan: Waikato Section was made operative on 5<sup>th</sup> April 2013.

An assessment of the proposal's compliance with the relevant rules of the Operative District Plan has been completed (see physical file).

With respect to prohibited Rule 25.5 (d) relating to subdivision of land resulting in more than 2 additional allotments containing high quality soils from any allotment with a title date issued prior to 6 December 1997, a Land Use Capability (LUC) report prepared by Soil and Land Evaluation has been submitted with the application which confirms the site does not comprise any high quality and high class soils (as defined under the Operative District Plan). Therefore, the prohibited activity rule is not triggered by this proposal.

With respect to Appendix A, Rule A1 Prohibited Activities, Rule A1.1(a) states that shared private vehicle accesses that service 9 or more allotments are prohibited. For avoidance of doubt, the shared Right of Way will serve 8 allotments therefore this prohibited rule does not prevent the application from being processed.

In summary, the proposal triggers consent under the following rules:



## Subdivision Rules

Rule #	Rule Name	Status of Activity	Comment
25.70A	Subdivision Generally	Non-Complying	The proposal seeks to create 8 additional titles from 2 existing viable certificate/record of titles which is seven more than anticipated under these provisions.
25.70B	Subdivision <ul style="list-style-type: none"> <li>• Policy Areas</li> <li>• Utility and Access Allotments</li> </ul>	Restricted Discretionary	The proposal complies with the requirements of this rule.
25.72	Allotment Boundaries	Discretionary	<p>The proposal does not comply with criteria (a) of this rule relating to compliance with permitted activity rules relating to building setbacks as follows:</p> <p>Lot 3 - The existing shed is located 5m from the eastern boundary shared with Lot 10 whereas 12m is required under this rule for an adjoining allotment 6ha or more for a building which does not accommodate a residential activity.</p> <p>Lot 8 – The existing clubroom / academy building currently used as a dwelling is setback 10m from the proposed common boundary between Lots 8 and 10 which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Existing greenkeeper's dwelling is setback 9m from the proposed common boundary between Lots 8 and 10 which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Consented shed subject to LUC0192/19 is setback 5m from the proposed common boundary between Lots 8 and 10 which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Consented shed subject to LUC0192/19 is setback 14m from the eastern boundary which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Existing storage building/utility shed is setback 13m from the eastern boundary which does not comply with the</p>

			<p>25m permitted activity setback.</p> <p>Lot 10 – Existing woodshed is setback approximately 0.5m from the eastern boundary which does not comply with the 25m permitted activity setback.</p> <p>The proposal complies with criteria (b), (c) and (ca) of this rule.</p>
25.74	Allotment Size – Minimum – Maximum	Restricted Discretionary	<p>(a) One of the existing titles fails to meet the minimum 20ha requirement under this criteria.</p> <p>(b) Lot 6 and Lot 9 have a net site area of 1.75ha and 1.80ha respectively which exceeds the maximum net site area under this rule by 0.15 ha and 0.2 ha respectively.</p> <p>(c) Three titles (Lots 6, 9 and 10) are proposed to be greater than 1.6 ha which exceeds one title anticipated under this criteria.</p> <p>(d) The proposal does not seek to create a utility allotment therefore this criteria is not applicable.</p>
25.75	Frontage	Discretionary	Lot 9 with a frontage of 50m does not comply with the minimum frontage of 60m required by this rule. Lots 8 & 10 comply with the 60m requirement. Lots 1 – 7 do not have road frontage therefore this rule does not apply to these lots.
25.76	Road Access	Restricted Discretionary	The proposal does not comply with Appendix A (Traffic) as discussed below.
25.77	Building Platform	Restricted Discretionary	The proposal complies with the requirements of this rule.
25.79	On-site Services	Restricted Discretionary	The proposal complies with the requirements of this rule.
25.80	Hazard Risks	Restricted Discretionary	The proposal complies with the requirements of this rule.
25.83	Traffic generation	Restricted Discretionary	The proposal complies with the requirements of this rule.

#### Appendix A (Traffic) – Provision of Access on Subdivision

Rule	Rule Name	Status of Activity	Comment
A21	Access and entrances	Non-Complying	<p>(a) The proposal complies in regard to every proposed allotment having vehicle access to a formed road that is maintained by Council.</p> <p>(b) The proposed right way serves eight allotments which does not comply with this rule as it exceeds the requirement</p>

			<p>of four allotments and is a Non-Complying activity as the proposed right of way (with a width of 10m) is less than 20m wide.</p> <p>(c) Access for Lot 8 runs parallel to State Highway 23 along the northern boundary of Lot 8 within the required 30m therefore does not comply this rule.</p> <p>(d) The proposed legal width of the proposed right of way is 10m, not 20m as required by Table 4, therefore does not comply with this rule. The proposal complies with Tables 5, 6, Figures 4 – 12 and Appendix B (Engineering Standards).</p> <p>(e) This criterion is not applicable to the proposal.</p> <p>(f) This criterion is not applicable to the proposal.</p> <p>(g) This criterion is not applicable to the proposal.</p>
A21A	Road Network – Safety and Functions	Restricted Discretionary Activity	<p>(a) No new vehicle entrance is proposed therefore the proposal complies</p> <p>(b) The proposal results in an increase of car movements per day to/from the existing vehicle entrance therefore does not comply with this rule.</p> <p>(c) This criterion is not applicable to the proposal.</p> <p>(d) This criterion is not applicable to the proposal.</p>

#### Land Use Rules

Rule #	Rule Name	Status of Activity	Comment
25.51	Building Coverage	Discretionary	As a result of the creation of Lot 8, land use consent is sought for site coverage of 725m <sup>2</sup> which exceeds 500m <sup>2</sup> allowed under this rule to be a permitted activity.
25.54	Building setbacks – allotments 1.6 or more	Non-Complying	<p>Proposed lot sizes for Lots 6, 9 and 10 are larger than 1.6 ha therefore this rule is applicable for these three lots.</p> <p>Lot 10 – Existing dwelling with a setback of</p>

			<p>9m from the proposed common boundary between Lot 8 and 10 which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Consented shed subject to LUC0192/19 is setback 5m from the proposed common boundary between Lot 8 and 10 which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Consented shed subject to LUC0192/19 is setback 14m from the eastern boundary which does not comply with the 25m permitted activity setback. It is noted that resource consent LUC0192/19 has been granted to allow this shed a reduced setback of 14m from this eastern boundary. Hence no further consent is required for this aspect.</p> <p>Lot 10 – Existing storage building/utility shed is setback 13m from the eastern boundary which does not comply with the 25m permitted activity setback.</p> <p>Lot 10 – Existing woodshed is setback of approximately 0.5m from the eastern boundary which does not comply with the 25m permitted activity setback.</p>
25.55	Building setbacks – allotments 5000m <sup>2</sup> to less than 1.6ha	Non-Complying	<p>Proposed lot sizes for Lots 1 - 5, 7 and 8 are between 5,000m<sup>2</sup> and less than 1.6ha therefore this rule is applicable for these seven lots.</p> <p>Lot 3 – The existing shed is located 5m from the eastern boundary which fails to comply with the 12m required under this rule for an adjoining allotment 6ha or more for a building that does not accommodate a residential activity.</p> <p>Lot 8 – The existing clubroom / academy building currently used as a dwelling is setback 10m from the proposed common boundary between Lot 8 and 10 which does not comply with the 25m permitted activity setback.</p>

As outlined in the assessments above, the proposal (subdivision and land use) is a Non-Complying activity under the operative planning documents, being the highest status indicated by the above rules.

## **2.2 Proposed Waikato District Plan**

On 18 July 2018 Council notified the Proposed Waikato District Plan (Stage 1) ("PDP"). Submissions closed on 9 October 2018 and further submissions closed on 16 July 2019.

Notification of Stage 2 of the Proposed District Plan will occur later in 2020 and will include the Natural Hazards and Climate Change chapters.

In accordance with section 86B(1), a rule in a proposed plan has legal effect only once a decision on submissions relating to a rule is made and publicly notified under clause 10(4) of Schedule 1, unless the rule has immediate legal effect in accordance with section 86B(3).

While the submissions on Stage 1 have closed, decisions have not yet been made.

An assessment of this proposal against the rules of the PDP that have immediate legal effect under section 86B(3) has been completed (see physical file) and none of these are relevant to the proposal. Therefore, no consideration has been given to any of the rules in the PDP.

I note the prohibited rules under the PDP which have immediate legal effect under section 86B(3) are not triggered by the proposal. This is because a Land Use Capability (LUC) report prepared by Soil and Land Evaluation submitted with the application confirms the site does not comprise any high quality and class soils (as defined under the PDP).

## **2.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)**

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 identified on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred.

A Preliminary Site Investigation (PSI) was provided to address the NES. This PSI recommended further preliminary soil sampling for arsenic being undertaken in regard to the building site for Lot 1 which was provided as further information. The PSI concludes the proposal is a permitted activity under the NES and the soil sampling results indicate that the average arsenic concentration at the intended site on Lot 1 is unlikely to breach applicable NES soil standards.

Council's Contamination Land Specialist, Mr Parkes, has reviewed this information and has confirmed he agrees that the proposal is permitted activity under the NES.

## **3.0 SECTION 95A ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION**

A consent authority must follow the steps set out below in the order given to determine whether to publicly notify the application:

### **3.1 Step 1: Mandatory Public Notification – s95A(2) and (3)**

<b>Criteria</b>		<b>Yes/No</b>
(a)	Public Notification at Applicant's request - s95A(3)(a)	No



(b)	Public Notification is required under section 95C (s95A(3)(b))	No
(c)	Public Notification is required as the application is a joint application with an application under section 15AA of the Reserves Act 1977, to exchange recreation reserve land (s95A(3)(c))	No

### 3.2 Step 2: Public Notification Precluded in Certain Circumstances – s95A (4) and (5)

Criteria		Yes/No
(a)	Rules or National Environmental Standards that preclude public notification – s95A(5)(a)	No
(b)	Any Controlled Activities – s95A(5)(b)(i)	No
(c)	Subdivision - Restricted Discretionary, Discretionary – s95A(5)(b)(ii)	No
(d)	Residential Activities - Restricted Discretionary, Discretionary – s95A(5)(b)(ii)	No
(e)	Boundary Activities – Restricted Discretionary, Discretionary or Non Complying – s95A(5)(b)(iii)	No
(f)	A prescribed activity – s360H(1)(a)(i)	No

### 3.3 Step 3: Public Notification Required in Certain Circumstances – s95A(7)

Criteria		Yes/No
(a)	The application is for one or more activities and any of those activities is subject to a rule or NES which <b>requires</b> public notification – s95A(8)(a)	No

#### 3.3.1 Section 95D Assessment in Accordance with Section 95A(8)(b)

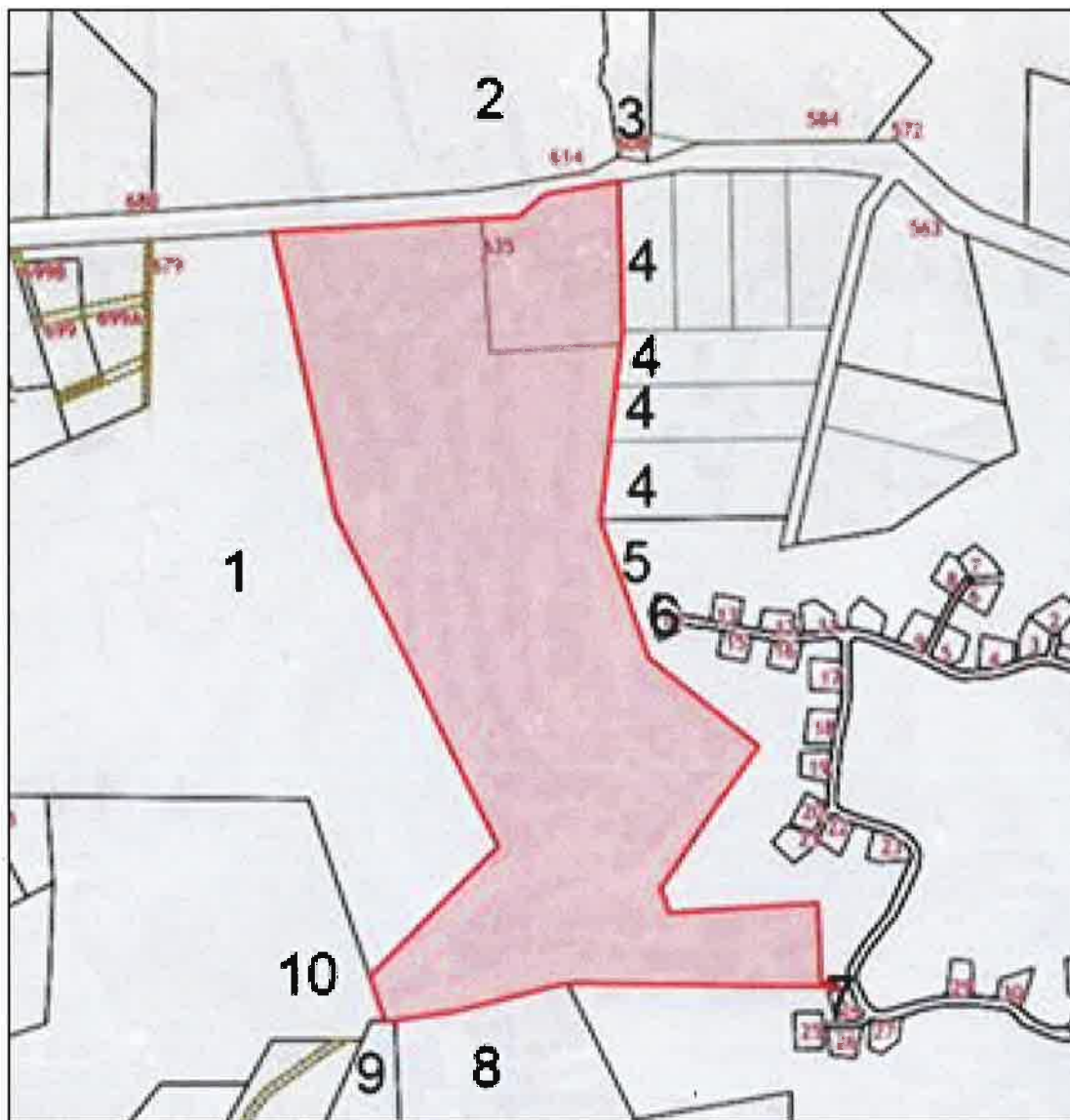
##### 3.3.1.1 Effects that may or must be disregarded - S 95D(a),(b),(c),(d) and (e)

In deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor the relevant requirements of Section 95D (a) to (e) must be considered.

#### Section 95D(a)

In regard to section 95D(a), Council must disregard any effects on persons who own or occupy the subject site and adjacent land.

Effects on persons who own or occupy the properties marked 1 – 10 below have been disregarded as they either own or occupy the land on which the activity will occur or any land adjacent to that land.



**Figure 24** – Locations of persons who have been disregarded under section 95D(a).

### **Section 95D(b)**

Pursuant to section 95D(b), if a rule or national environmental standard permits an activity with that effect then that adverse effect of that activity may be disregarded. This is known as the “permitted baseline”.

#### Subdivision Rules

While subdivision is not a permitted activity under the Operative District Plan, the result of the subdivision consent is that dwellings can then establish as a permitted activity on the newly created lots. The number of dwellings that could occur on the two parent titles subject to the property is therefore relevant. The permitted baseline for a dwelling on the smaller title is one. In terms of the larger title, two dwellings could be established as a permitted activity. This means there is a permitted and non-fanciful level of visual effects with respect to three dwellings at the site. This is on the basis that NZTA have advised that the existing access arrangements are acceptable. (i.e. no further consent is required for the accessways)

The “permitted baseline” has been applied to the subdivision aspect of the proposal in terms of visual effects of three dwellings at the site. This means the effects of three dwellings have been disregarded.

### Land Use Rules

It is a permitted activity to construct or alter buildings that comply with all bulk and location rules building coverage. Accordingly, the “permitted baseline” as it relates to bulk, location and building coverage has been applied to the land use aspect of the proposal and only the effects of exceeding the 500m<sup>2</sup> building coverage requirement will be assessed in regard to the proposed building coverage within Lot 8.

### **Section 95D(c)**

As this proposal is for a Non-Complying Activity, Section 95D(c) is not considered to be relevant.

### Section 95D(d)

Section 95D(d) of the RMA requires that Council must disregard trade competition and the effects of trade competition.

Trade competition and the effects of trade competition have been disregarded.

### Section 95D(e)

Section 95D(e) of the RMA requires that Council must disregard any effect on a person who has given written approval to the application.

Written approvals have been received from the following parties which are referenced to properties identified in Figure 24.

<b>Property Number</b>	<b>Property Address</b>	<b>Legal Description</b>	<b>Owner or Occupier</b>
5	44 Wallace Road, Dinsdale	LOT 39 DPS 76270	Chris John & Melissa Rose Gibbs
6	14 Stonebridge Road, Dinsdale	LOT 14 DPS 76106	Nigel Mark Liddicoat

Accordingly, Council must disregard any effects from this proposal on those persons who own and occupy the properties marked 5 and 6 on Figure 24 above.

### **3.3.2 Assessment of Adverse Environmental Effects – s95A(8)(b)**

As a non-complying activity, there is no restriction on what can be assessed in regard to the proposal and the following effects are considered relevant to the proposal.

- Landscape and Visual Effects
- Rural Character and Amenity Effects
- Fragmentation of Versatile Land / Effects on the Productivity of Rural Land
- Reverse Sensitivity
- Traffic Safety Effects
- Infrastructure Effects

I will consider each in turn below. When considering the adverse effects of an activity on the environment and whether those adverse effects are less than minor, minor or more than minor, case law as detailed below, provides some useful guidance on the meaning of “minor”.



*Progressive Enterprises v North Shore CC* (2005) 11 ELRNZ 421 [2006] NZRMA 72 stated at paragraph [54]:

*“Minor” is not defined. The dictionary meanings of ‘minor’ include “petty” and “comparatively unimportant” (Cassell Concise English Dictionary); “relatively small or unimportant... of little significance or consequence” (Oxford English Dictionary).*

The High Court in *McMillan v Queenstown Lakes DC* [2017] NZHC 3148 at [12] stated:

- The assessment of whether an effect is “minor” is one of fact and degree.
- Minor sits at the lower end of the scale of major, moderate and minor effects.
- Minor must be something more than *de minimis*.

The High Court in *Tasti Products Limited v Auckland Council* [2016] NZHC 1673 stated a “minor” effect is a low threshold.

In *Green v Auckland Council* [2013] NZHC 2364 at [126], the High Court stated:

*“The statutory test of “minor”, “more than minor”, and “less than minor” can only be informed by context. One is dealing with degrees of smallness. Where the line might be drawn between the three categories might not be easily determined. “*

Finally, the High Court in *Gabler v Queenstown Lakes DC* [2017] NZHC 2086 at [94] held:

*“The term “less than minor” means an effect that in “the overall context” is insignificant and one which is so limited that it is objectively acceptable and reasonable in a receiving environment and to a potentially affected person.”*

The High Court has also emphasised that adverse effects should be considered in the context of the District Plan planning framework when determining whether an application should be publicly notified, limited notified or non-notified. The following decisions have commented on the importance and relevance of the plan provisions in the context of notification decisions:

- The Court in *Tasti Products Ltd v Auckland Council* [2016] NZHC 1673 considered a notification decision by Council that did not refer to the objectives and policies of the Proposed Plan, rather only the objectives and policies of the Operative Plan at the time. The Court held at [82]: *“If the policies and objectives contained in a proposed plan are required to be taken into account in making the substantive decision on the resource consent application, then, in my judgment, it is axiomatic that they must be relevant in determining whether a person is affected by the application, so as to require that the consent authority find the person to be effected under s 95E(1), and then give limited notification of the application to that person pursuant to section 95B(2). “*
- Although the Court in *Tasti Products* was considering limited notification, the same approach would apply to public notification, as was confirmed in the recent High Court case of *Kawau Island Action Incorporated Society v Auckland Council* [2018] NZHC 3306 (refer para [93]).
- In *Kawau Island Action Incorporated Society v Auckland Council* [2018] NZHC 3306 the Court was reviewing a non-notification decision by Council in relation to an application for a land use consent and coastal permit (in the Coastal Marine Area). It was argued, amongst other things, that the notification decision did not take into account key issues. The Court referred to the position in *Tasti Products* as authority for the requirement for Council to consider objectives and policies in a notification

decision. The Court found that the objectives and policies of the CMA were a relevant consideration that provided the context for the notification decision.

Accordingly, it is clear the plan provisions provide the context for the assessment of effects for notification (not just the substantive decision) and that adverse effects are to be considered in the context of the relevant objectives and policies of the District Plan. I now address each relevant effect.

### **Landscape and Visual Effects**

To assist with assessing visual and landscape effects, a landscape and visual assessment prepared by Rebecca Ryder of Boffa Miskell dated 26 September 2019 has been commissioned by Council under s92(2) of the RMA as it was considered that the subdivision aspect of the proposal may result in significant adverse landscape visual effects. This assessment separately assesses landscape visual effects and is discussed below.

This assessment also discusses rural character effects of the proposed subdivision in context of the objectives and policies of the Operative District Plan.

#### Landscape Effects

Section 5.1.3 of the landscape visual assessment provides a summary of landscape effects of the proposal which is reproduced below.

*The Site, by way of existing onsite character, landform and vegetation cover provides capacity to absorb a land use change as result of its unique present characteristics. The balancing of open space and the role of these areas of the site provide for separating Lots 1 – 5 and 10 from the surrounding rural landscape and the elements that reside within the surrounding landscape. The clustering of the house sites of Lots 1 – 5 and 10 creates a similar dispersal of house sites as grouping of houses at the entrance to Howden Road. This approach retains the openness between the groupings and protects the lowland plains and rural character margins of the site from development. Separately these lots (1, 2, 3, 4, 5 and 10) introduce a low degree of adverse landscape effects upon the rural character of the area.*

*With the overall subdivision and the inclusion of Lots 6 and 7 house sites the potential adverse landscape effects with regard to landscape character has potential to introduce a low to moderate adverse effects on the landscape character to the surrounding rural character when considered in the context of the overall proposed subdivision (inclusive of Lots 1 – 5 and 10). The inclusion of additional landscape vegetation treatments around Lots 6 and 7, with the mature scale and nature of the planting, these effects can be reduced to a low adverse level. The integration with the vegetation within the subject site will assist in the mitigation of landscape effects.*

#### Visual Effects

Section 5.2 of the landscape visual assessment assesses visual effects of the proposed subdivision. Section 2.3 of the landscape visual assessment states that the visual catchment is largely confined to nearby private dwellings and land and the road network of SH23, Howden Road and Wallace Road. The viewing catchment comprises dwellings on Howden Road's eastern slope, the northern slopes of Wallace Road and properties on the western slopes of Stonebridge subdivision. Road based views are limited to small areas of Howden Road and Wallace Road (as photographed in Appendix 6 of the landscape visual assessment) and along State Highway 23 between the site and Howden Road.

Section 5.2.3 of the landscape visual assessment provides a summary of visual effects of the proposal in regard to wider environment which is reproduced below.

*The integration of built form into this landscape requires not only sensitive placement, vegetation*

management but also building design management to ensure the built form visually integrates to the rural landscape. A set of design controls are proposed as part of the recommendations set out in section 6.0 of this report.

### Conclusion

Section 7 of the landscape and visual assessment prepared by Boffa Miskell dated 26 September 2019 concludes that when assessed against the relevant objectives and policies of the Operative District Plan; the potential for adverse landscape and visual effects (without mitigation) is of a low to moderate degree which equates to a minor adverse landscape effect. When taking into account the proposed mitigation, this level of effect can be reduced to a low degree.

On reliance on this assessment; it is my opinion that the proposed subdivision will have or is likely no more than minor adverse landscape and visual effects on the environment.

### **Rural Character Effects**

The proposed subdivision to create eight additional lots in the Rural Zone has the potential to create adverse rural character effects on the environment.

When assessing rural character effects, it is important to assess these in context of the relevant provisions of the Operative District Plan (ODP) and Proposed District Plan (PDP). Section 13.7.1 of the ODP recognises that “*Rural character is not constant throughout the district. It varies from one locality to another*”. Objective 13.6.1 of the ODP seeks that “*Rural Character is preserved*”. The PDP has similar wording with Objective 5.3.1 seeking that “*Rural Character and Amenity is maintained*”.

The following assessment assesses rural character effects in context of the relevant provisions of the ODP. The provisions of the PDP (including Policy 5.3.8 relating to effects on rural character and amenity from rural subdivision) have been reviewed in relation to rural character and are considered very similar so a separate assessment against the PDP is not considered necessary.

### Assessment of Rural Character

Policy 13.6.2 of the ODP states that rural subdivision and development should be of a density, scale, intensity and location to retain or enhance rural character and lists several elements that contribute to rural character. Each of these elements has been assessed in section 5.4 of the Landscape Visual Assessment (LVA) prepared by Boffa Miskell that was commissioned by Council as reproduced below.

<b>Elements listed in Policy 13.6.2</b>	<b>Assessment</b>
<i>(aa) a predominance of natural features over built features</i>	<i>The existing and proposed tree cover provides a clear dominance of ‘natural’ features over the built form proposed.</i>
<i>(a) a very high ratio of open space in relation to areas covered by buildings</i>	<i>Whilst a specific ratio has not been set, the overall rural zone provisions provide direction on the expected ratio. The proposed subdivision would not meet this expectation but provides a sleeving approach to many of the proposed lots to manage the interface with surrounding peri-urban and rural development.</i>
<i>(b) open space areas in pasture, trees, crops or indigenous vegetation</i>	<i>This policy provides a direction on the anticipated elements of the rural zone. The existing site includes some but does not represent a typical ‘productive’ rural landscape</i>



	<i>and is more so a parkland landscape.</i>
<i>(c) tracts of unmodified natural features, indigenous vegetation, streams, rivers, wetlands and ponds</i>	<i>As above.</i>
<i>(d) large numbers of farm animals and wildlife</i>	<i>As above regarding the existing parkland character. It is noted the considerable amount of tree and indigenous species planting, coupled with its locality adjoining Taitua Arboretum the site provides a habitat for wildlife.</i>
<i>(e) noises, smells and sights of farming, horticultural and forestry uses</i>	<i>The site reflects the unique rural characteristics of this area including views to the wider pastoral rural landscape, Taitua Arboretum and provision of open space surrounding the house sites.</i>
<i>(f) post and wire fences, purpose-built farm buildings, and scattered dwellings</i>	<i>The subdivision provides existing buildings of this nature, however established for the historic golf activities as implement sheds and the like. The house sites are scattered within the site and create open spaces between them.</i>
<i>(fa) low Population density</i>	<i>The proposal would increase the local population in a manner which is consistent with the density found along road corridors and is less than the adjoining rural farm park development.</i>
<i>(g) generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes</i>	<i>The proposal would provide all of these outcomes sought, excluding an unsealed road.</i>
<i>(h) a general absence of urban-scale and urban-type infrastructure such as roads with kerb and channel, footpaths, mown berms, street lights, advertising signs, sealed and demarcated parking areas, decorative fences and gateways</i>	<i>It is understood this is the intent. To further ensure this outcome is achieved the recommended design controls include avoidance of these elements.</i>
<i>(i) a diversity of lot sizes and shapes, related to the character and pattern of the landscape.</i>	<i>The site includes some diversity, with a larger parent lot sleeving around the entire site. The broader rural scale of lot size is not achieved.</i>

While the proposal achieves some of the elements (as listed below), there are a number of elements of rural character as assessed below which the proposal does not achieve.

- Predominance of natural features over built features;
- Wildlife as result of the proposed native planting; and
- The general absence of urban-type infrastructure such as roads with kerb and channel, footpaths and streetlights.

The rural character element of very high ratio of open space in relation to areas covered by buildings is supported by the following commentary found in Chapter 29 (Explanations and Reasons) of the ODP.

*“The retention of large sites allows a small part of the site to developed as dwelling curtilage and maintains rural character and the potential versatility of land”.*

The LVA states that whilst a specific ratio has not been set, the overall rural zone provisions provide direction on the expected ratio. The proposed subdivision would not meet this expectation but provides a sleeving approach to many of the proposed lots to manage the interface with surrounding peri-urban and rural development. However, I consider that in terms of the site itself, seven additional development rights created by way of subdivision will not maintain what the plan envisages to be a very high ratio of open space in relation to areas covered by buildings as it is 7 times more intensive than what the plan anticipates. In this context, the effect on rural character resulting from the subdivision would have a more than minor effect on the environment by further reducing open space in relation to areas covered by buildings.

Another element of rural character relates to “low population density”, which refers to the addition of people living in the Rural Zone rather than the density patterns. The LVA states the following in regard to this element.

*The proposal would increase the local population in a manner which is consistent with the density found along road corridors and is less than the adjoining rural farm park development.*

While I agree with the above, with regards to low population density, a restricted discretionary activity subdivision which allows for one additional small lot for this site is anticipated on the population density by one household. In this case, the proposal is anticipated to result in a population increase of eight additional households which would have a more than minor effect to the population density in this location and cannot currently occur as a permitted activity as provided for by the ODP.

#### Conclusion on Rural Character Effects

In summary, with regards to rural character, the proposed development goes beyond what is provided for in the ODP as a Restricted Discretionary activity and seeks to create seven additional lots to what is anticipated to occur on the site. Having regard to the relevant plan provisions which provide the context for my assessment of adverse effects (particularly Policy 13.6.2), I consider the proposal will have or is likely to have more than minor adverse rural character effects on the environment, particularly relating to a very high ratio of open space in relation to areas covered by buildings. The remaining elements of rural character relating to infrastructure, roading and drains have not been assessed as no modifications outside of the site are proposed as part of the proposal.

#### **Fragmentation of Rural Land**

Any proposed subdivision to create additional lots in the Rural Zone creates land fragmentation effects to some degree on the environment.

When assessing the degree of fragmentation effects, it is important to assess these in the context of the relevant provisions of the Operative District Plan (ODP). Section 3.5.9 (Reasons and Explanations - Rural Landscapes) of the District Plan states the following:

*“Land fragmentation and development can have a significant impact on the rural landscape, particularly over time as the cumulative effects of more intensive non-rural development becomes evident. It is important to control the overall level of subdivision in rural areas and to regulate the size of allotments being created to protect rural landscapes. In particular, it is important to ensure that, in any given rural area, rural land uses continue to predominate because these land uses are fundamental to providing the rural landscape. Rural land uses, **which may or may not be productive rural activities in economic terms**, require allotments that are large enough to support them. The creation of new allotments too small to support rural land uses, such as livestock grazing and horticulture can detract from rural landscapes and visual amenity values and need to be appropriately regulated in the Rural and Coastal zones. Development that is predominantly residential in nature and which has little or no rural land use component is provided for in the Country Living zone and to a limited degree in the Rural Zone.”*

The following assessment assesses fragmentation effects in context of the relevant provisions of the ODP.

#### Assessment of Land Fragmentation

The matters relating to landscape and visual amenity values have already been discussed in the section of landscape visual effects above. These landscape visual effects were found to be no more than minor on the environment.

A key statement in the commentary above from section 3.5.9 of the ODP is that rural land uses which may or may not be productive rural activities in economic terms, require allotments that are large enough to support them. While, the Agriculture Suitability Assessment submitted with the application states that the soil types provide significant obstacles to profitable farming practices and the land development costs to remove the trees and establish a reasonably sized farming block would be prohibitive, this is not sufficient justification for fragmentation of rural land.

Section 1A.9.1 of the ODP states that the creation of lots that are “*too small to support rural land uses, such as livestock grazing and horticulture can detract from rural landscapes and visual amenity values, and need to be appropriately regulated in the Rural and Coastal zones. Development that is predominantly residential in nature and which has little or no rural land use component is provided for in the Country Living zone and to a limited degree in the Rural Zone*”. It is agreed that the adverse effects relating to landscape and visual would not have more than minor effects on the environment. The District Plan is explicit in its direction for rural land and states that it is important to control the overall level of subdivision in rural areas. Development such as that proposed is provided for in the Country Living Zone. An additional 8 lots does not constitute a scale of a limited degree in the Rural Zone.

In Chapter 29 the District Plan states regarding number of allotments, “One additional allotment is provided for as a restricted discretionary activity, subject to relevant standards being met. Restricting the creation of additional allotments to no more than one ensures that larger areas are available for rural productive purposes, and protects rural character, landscapes and soils, while still providing for lifestyle choice associated with a level of rural use of the land. To subdivide off more than one allotment requires resource consent for a non-complying activity so that matters such as cumulative effects on rural character and sustainability of the soil resource and in the Coastal Zone, effect on natural character, can be assessed. By restricting the number of additional lots, the rules control adverse effects, including cumulative effects that result from continued fragmentation of rural land, while enabling subdivision to occur where appropriate. The retention of large sites allows a small part of the site to be developed as dwelling curtilage, and maintains rural character and the potential versatility of land. Note that subdivision on high quality soils is more restrictive and in some cases may be a prohibited activity”.

Policy 13.6.10 states that “*Subdivision, use and development of rural land composed principally of small land holdings should be managed to retain rural character by ensuring allotments are of sufficient size for rural land uses to predominate in these areas*”. The proposal does not provide for the new allotments to contain rural land-uses, therefore, further to the rural character assessment above regarding a very high ratio of open space in relation to areas covered in buildings, the maximum one additional allotment requirement sets the baseline for retention of opportunities of rural productive activities.

#### Conclusion

In summary, with regards to fragmentation, the proposed subdivision goes beyond what is provided for in the ODP as a Restricted Discretionary activity and seeks to create seven additional lots to what is anticipated to occur on the site. Having regard to the relevant plan



provisions (particularly the explanation and reasons under ODP sections 1A.9.1; 3.5.9 & 29; and policy 13.6.10) which provide the context for my assessment of adverse effects, the proposal will have or is likely to have more than minor adverse fragmentation effects on rural land.

### **Reverse Sensitivity**

In regard to reverse sensitivity, subdivision can result in development opportunities for residential dwellings that can be sensitive to activities that typically take place in the Rural Zone including farming and horticulture activities. It is important that subdivision does not worsen or give rise to any potential conflict between incompatible activities on the environment. The proposal will result in seven additional dwelling rights. However, the area is predominately used for rural residential activities and grazing/farming activities and as such, the potential for adverse reverse sensitivity effects to occur will be unlikely and will be no more than minor beyond the localised area. Furthermore, New Zealand Transport Agency (NZTA) have advised they are not opposed to the proposed subdivision subject to conditions which include a consent notice to address potential reverse sensitivity effects in relation to State Highway 39.

In conclusion, taking into account the above; it is considered the reverse sensitivity effects of the proposal are no more than minor on the environment.

### **Traffic Safety Effects**

The expected daily traffic generation of the eight additional lots is 80 traffic movements a day which is not considered to result in any adverse effects on the safe and efficient functioning of the transport network and infrastructure in reliance on the New Zealand Transport Agency not being opposed to the proposal subject to conditions which the applicant has adopted as part of the application.

The effects of the non-compliance relating to access for Lot 8 running parallel within 30m of State Highway 23 is considered no more than minor on the basis that New Zealand Transport Agency are not opposed to the proposal subject to conditions which the applicant has adopted as part of the application.

Taking into account the above, and in reliance on NZTA, it is considered the traffic safety effects of the proposal are no more than minor on the environment.

### **Wastewater & Water Supply Effects**

Wastewater can be adequately managed onsite and in relation to water supply, the application advises that future dwellings on Lots 1, 2, 4, 5, 6 and 7 will utilise on-site water detention tanks. Lot 3 will utilise the existing water tank, for water collection and detention. Lots 8 and 9 will obtain water supply via a water bore that pumps water to individual water tanks on each Lot. Lot 10 will have one water bore, which currently feeds an irrigation system and a south-east water storage tank, within Lot 10. This water bore will be used in Lot 10 only.

Taking into account the above, it is considered the wastewater and water effects of the proposal will be no more than minor on the environment.

### **Stormwater Effects**

The stormwater management plan provided with the application was peer reviewed by BECA on behalf of Council. After feedback from BECA, this plan was updated. The updated plan details how stormwater can be mitigated to an acceptable level. This includes recommended building floor levels, options for mitigating flooding of building platforms and location of wastewater fields.

Council's Consultant Land Development Engineer, Mr Brown, has reviewed these findings and has advised the following.

*New dwellings and associated paved areas will require attenuation to limit effects to existing stormwater flows. Consent conditions will required existing access roadways will be sealed, however the additional run-off is negligible as metalled areas that have been trafficked have similar runoff properties to seal. Culverts will be provided under raised ROW to mitigate the effect on stormwater flows.*

In reliance on these assessments, I consider the stormwater effects of the proposal to be no more than minor on the environment.

### **Flooding Effects**

A floodplain analysis provided with the application was peer reviewed by BECA on behalf of Council. After feedback from BECA, this assessment was updated and accepted by BECA on 17 November 2019. The summary of findings from the peer review undertaken by BECA are reproduced below.

- *Floor levels and freeboards have been identified and are considered appropriate.*
- *We infer from the modelling there will be a minor flood impact (tens of millimetres) on neighbouring land to the west of the drain however, this land is already subject to flooding (in parts over 1m deep). Climate change will provide a significant impact on flood levels irrespective of the development occurring or not.*

BECA have also provided the following additional comment.

*Given that the existing flood depths are > 1m and there are no existing homes in the affected area (the nearest dwellings are above the post development flood level) I would say the effects are less than minor from a stormwater/flooding perspective.*

Council's Consultant Land Development Engineer, Mr Brown, has reviewed these findings and has advised the following.

*Flooding effects on neighbouring properties due to the development is considered to be acceptable (see Item 1 of Steven Joynes' responses SW review, dated 28<sup>th</sup> November 2019) New dwellings and associated paved areas will require attenuation to limit effects to existing stormwater flows. Consent conditions will required existing access roadways will be sealed, however the additional run-off is negligible as metalled areas that have been trafficked have similar runoff properties to seal. Culverts will be provided under raised ROW to mitigate the effect on stormwater flows.*

In reliance on these assessments, I consider the flooding effects of the proposal to be no more than minor on the environment given the effects are acceptable on the localised adjacent properties.

### **Conclusion on Effects Arising from Subdivision**

Based on the above assessments, I consider the effects of the proposed subdivision to be no more than minor on the environment.

## **Effects of proposed landuse non-compliances**

### **Rural Character and Amenity Effects**

The proposed building coverage and building setback non-compliances created from the proposed allotment boundaries (under the subdivision consent) will be limited to the immediate environment and indiscernible to the wider environment.

On this basis, I consider the rural character and amenity effects as result of the proposed building coverage and building setback non-compliances will be no more than minor on the environment.

### **Stormwater Effects**

The building coverage non-compliance created from the proposed allotment boundaries of Lot 8 (under the subdivision consent) containing the existing clubrooms / academy building currently used as a dwelling has the potential to result in adverse stormwater effects.

Council's Consultant Land Development Engineer, Mr Brown, has assessed the effects of this non-compliance and has advised that the effects will be considered acceptable on the basis that the existing golf clubroom/academy building within Lot 8 directs all roof storm water to the water tank for detention and use. Overflow, if any, is discharged to the internal driveway and three catch pits eventually discharging to the eastern boundary drain.

In reliance on Mr Brown, I consider the stormwater effects as result of the site coverage non-compliance will be no more than minor on the environment.

### **Conclusion of Land Use Effects**

Based on the above assessments, I consider the effects of the proposed land use non-compliances of the proposal to be no more than minor on the environment.

### **Overall Effects Assessment for Public Notification**

While the matters assessed will have a varying degree of effect from no more than minor to more than minor, only one effect has to be more than minor on the environment to trigger the requirement for public notification. In this regard, it has been found that there will be more than minor adverse effects on the wider environment in relation to both rural character and the fragmentation of rural land as a result of the subdivision proposal.

Accordingly, for the purposes of section 95A(8)(b) under step 3 above, the proposal will have or is likely to have adverse effects on the environment that are more than minor.

### **3.4 Step 3: Public Notification Required in Certain Circumstances – s95A(7)**

<b>Criteria</b>		<b>Yes/No</b>
(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 – s95A(8)(b)	Yes

### **3.5 Conclusion on Public Notification**

It is concluded on the findings of the above assessments under s95A of the RMA that the application is required to be publicly notified.

#### **4.0 SECTION 95B ASSESSMENT FOR THE PURPOSE OF IDENTIFYING PARTIES TO SERVE NOTICE PURSUANT TO REGULATION 10 OF THE RESOURCE MANAGEMENT (FORMS, FEES AND PROCEDURE) REGULATIONS 2003**

##### **4.1 Assessment of adversely affected persons under section 95E**

If the consent authority determines that the application must be publicly notified, Regulation 10(2)(a) provides that the consent authority must serve notice of the application on every person who the consent authority decides is an affected person under section 95B of the RMA.

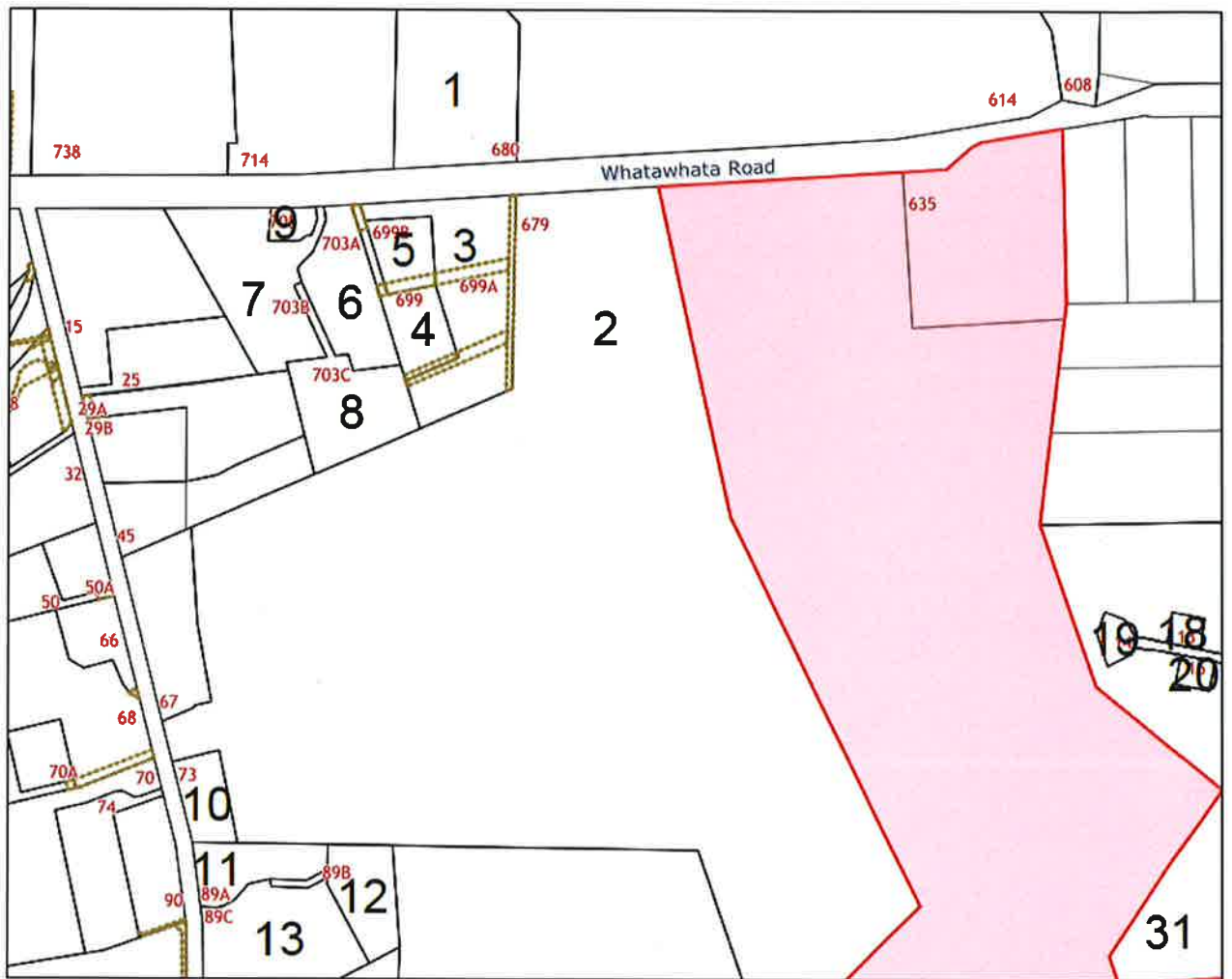
In determining whether there are any adversely affected persons under section 95B, I have considered the following adverse effects of the proposal:

Apart from the New Zealand Transport Agency as road controlling authority for State Highway 23 (Whatawhata Road), I consider that the only people who have the potential to be affected by the proposal are those people identified in Figures 25-27 below and detailed in Table 2 below. I do not consider that any other people/parties are affected based on the existing environment and the distance to other properties.

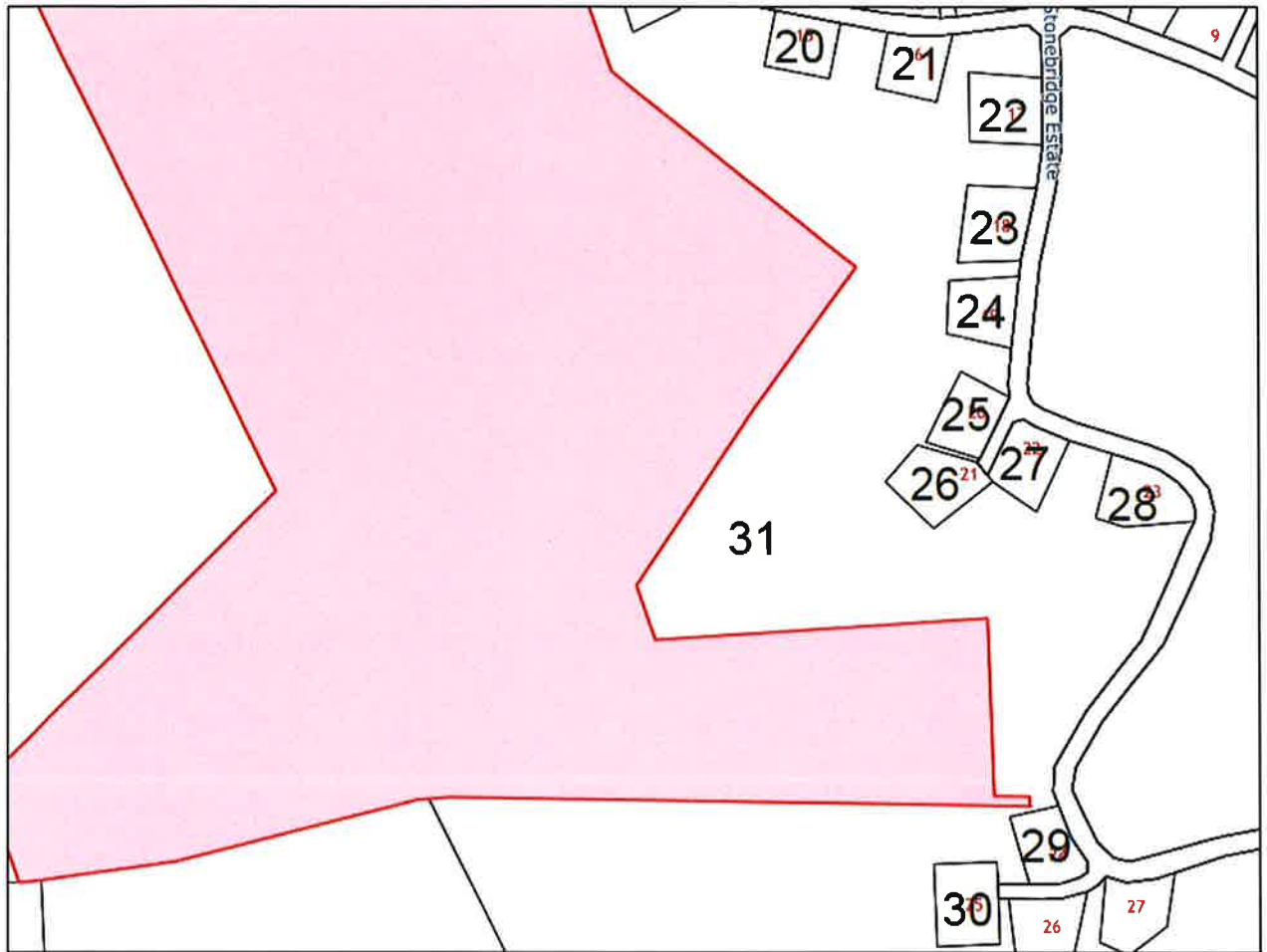
The main adverse effect of the proposal relates to visual effects as assessed in the Landscape Visual Assessment prepared by Rebecca Ryder of Boffa Miskell dated 26 September 2019 (commissioned by Council). The properties listed in Table 2 below include the properties identified as potentially visually affected as identified in section 5.2 of the Landscape Visual Assessment and discussed further in section 5.2.2 of that report.

Other effects relate to traffic safety and infrastructure.

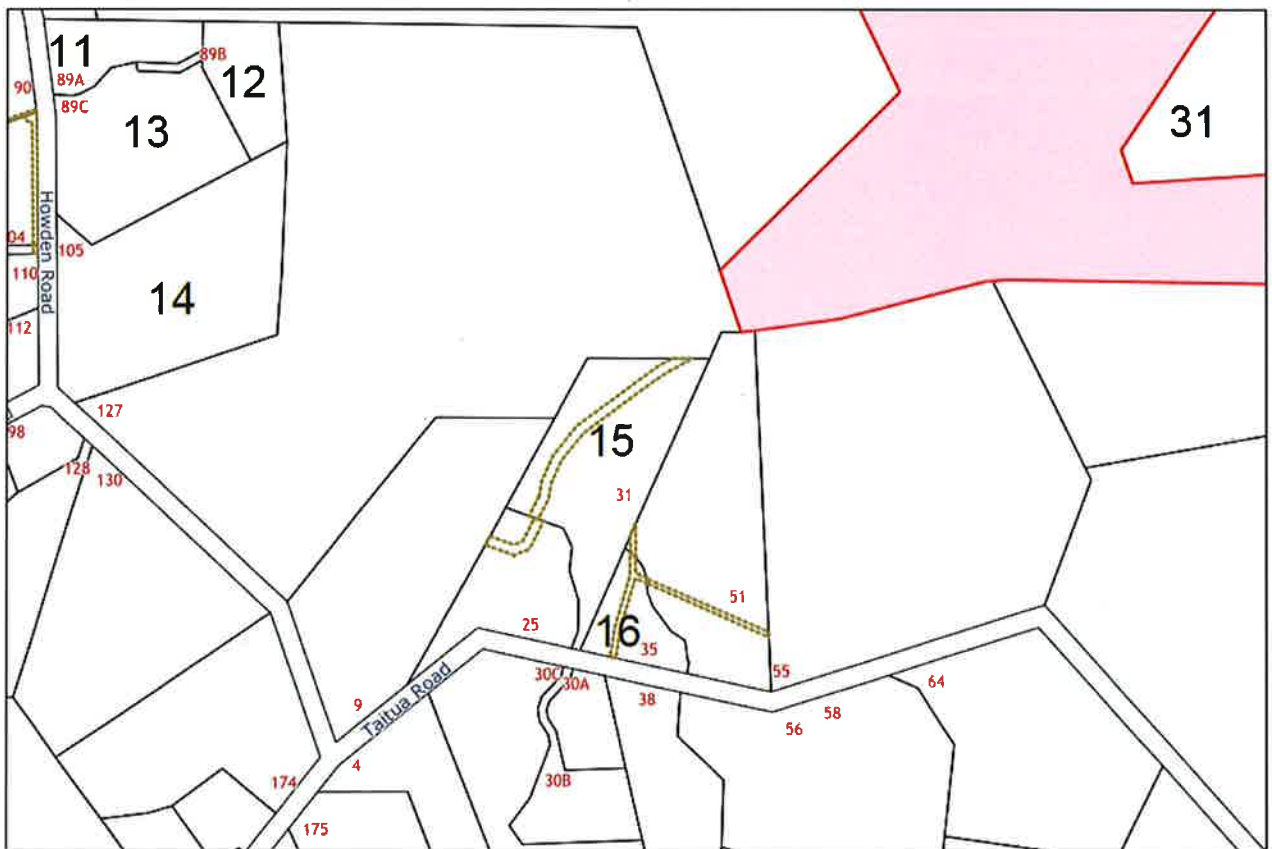




**Figure 25:** Location of properties considered under Section 95E (1 of 3).



**Figure 26:** Location of properties considered under Section 95E (2 of 3).



**Figure 27:** Location of properties considered under Section 95E (3 of 3).

**Table 2:** List of property owners considered under Section 95E:

<b>Property Number</b>	<b>Property Address</b>	<b>Legal Description</b>	<b>Owner</b>
1	680 State Highway 23 WHATAWHATA	LOT 1 DPS 33232	Wan Rong Ruan, Xiang Hong Zhang
2	679 State Highway 23 WHATAWHATA	LOT 1 DPS 86871	Glenis Eleanor Seath, James Alexander Seath, Stuart Alexander Seath
3	699A State Highway 23 WHATAWHATA	LOT 3 DP 490217	Calnan Trustee Limited
4	699 State Highway 23 WHATAWHATA	LOT 2 DP 490217	Dion James Singleton, Kim Tania Singleton
5	699B State Highway 23 WHATAWHATA	LOT 1 DP 490217	Nicole Elaine Barham, Reese Reremati Barham
6	703A State Highway 23 WHATAWHATA	LOT 2 DP 331694	Katherine Mary Sarah Foster, Sean William Foster
7	703B State Highway 23 WHATAWHATA	LOT 2 DP 345899	Aaron Phillip West, Gail Heather Fuller, J W Trustees No.5 Limited
8	703C State Highway 23 WHATAWHATA	LOT 3 DP 331694	Janet Anne Elder, Julian MacDonald Elder
9	705 State Highway 23 WHATAWHATA	LOT 1 DP 345899	Jessica Ann Kukutai, Steven Ross Johnson
10	73 Howden Road WHATAWHATA	LOT 1 DPS 81100	Doris Lilian Alice Smith, John Alfred Smith
11	0 Howden Road WHATAWHATA (identified as 89A Howden Road in LVA)	LOT 1 DP 381410	Debra Ann Larsen, Tompkins Wake Trustees Limited, Warren David Larsen
12	89B Howden Road WHATAWHATA	LOT 3 DP 381410	Jennifer Maureen Caulfield, Lynn Waters
13	89C Howden Road WHATAWHATA	LOT 2 DP 381410	Brett Clive Howard, Jill Doreen Cameron, Mark Harold Cameron
14	105 Howden Road WHATAWHATA	LOT 2 DPS 17101	Tavita James Pasisi
15	31 Taitua Road WHATAWHATA	LOT 2 DP 419229	Bronwyn Ainsley Emma Snodgrass, Matthew Gordon Snodgrass
16	35 Taitua Road WHATAWHATA	LOT 1 DP 462044	Rachel Anne Cooke, Steven Cooke
17	Properties accessed off Wallace Road	Various	Various

18	13 Stonebridge Road PVT DINSDALE	LOT 13 DPS 76106 HAVING 1/37SH LOT 38 DPS 76106	Marilyn Gay Griffiths, Robin Glyn Griffiths
19	14 Stonebridge Road PVT DINSDALE	LOT 14 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Nigel Mark Liddicoat
20	15 Stonebridge Road PVT DINSDALE	LOT 15 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Brooke Emma Whitelaw, Evans Bailey Trustees Limited, Joanne Kay Raines
21	16 Stonebridge Road PVT DINSDALE	LOT 16 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Gillian Dianne Pritchard, Murray William Pritchard
22	17 Stonebridge Road PVT DINSDALE	LOT 17 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Farook Mohamed Ali Khan
23	18 Stonebridge Road PVT DINSDALE	LOT 18 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Minjing Hu, Yueran Wang
24	19 Stonebridge Road PVT DINSDALE	LOT 19 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 7610 6	Bronwyn Josephine Ikinofu, Manuela Ikinofu
25	20 Stonebridge Road PVT DINSDALE	LOT 20 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Earlene Roberta Comins, Kenneth Kingsley Comins, Tanner Fitzgerald Trustees (2005) Limited
26	21 Stonebridge Road PVT DINSDALE	LOT 21 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Gurdip Kaur, Gurinder Pal Singh
27	22 Stonebridge Road PVT DINSDALE	LOT 22 DPS 76106 HAVING 1/37 SH IN LOT 38 DPS 76106	Angie Oei, Leonard Giles Chanwai, Paul Tumewu Soen Po Oei, Tammy Timi Wong
28	23 Stonebridge Road PVT DINSDALE	LOT 23 DPS 76106 HAVING 1/37 INT IN LOT 38 DPS 76106	Heather Gayle MacColl, Richard Loughnan, Rowena Marian Monk
29	24 Stonebridge Road PVT DINSDALE	LOT 24 DPS 76270 HAVING 1/37 SHARE IN LOT 38 DPS 76106 DPS 76106	Andrew Richard Priest, Helen Louise Edwards, Janelle Allison Wallace, Wain & Naysmith Trustees No 14 Limited
30	25 Stonebridge Road PVT DINSDALE	LOT 25 DPS 76270 HAVING 1/37 SH IN LOT 38 DPS 76106	Bronwyn Josephine Ikinofu, Manuela Ikinofu
31	44 Wallace Road, Dinsdale	LOT 39 DPS 76270 HAVING 1/37 SHARE IN LOT 38 DPS 76106 DPS 76106	Christopher John Gibbs, Melissa Rose Gibbs

### New Zealand Transport Agency

I consider the effects of the proposal on New Zealand Transport Agency as the road controlling authority of State Highway 23 to be less than minor when taking into account that the New Zealand Transport Agency has reviewed the proposal and is not opposed to the proposal subject to specific conditions which the applicant has adopted as part of the



proposal.

### **Owners and Occupiers of Properties 1-18, 20 - 30**

The following effects assessment relating to traffic safety and infrastructure is considered applicable for all properties discussed below.

#### Traffic Safety Effects

The non-compliance relating to the proposed right of way in terms of number of users and width are internal effects and therefore do not extend outside of the site. The non-compliance relating to access for Lot 8 running parallel within 30m of State Highway 23 is considered less than minor on the basis that New Zealand Transport Agency are not opposed to the proposal subject to conditions which the applicant has adopted as part of the application.

On this basis; it is considered traffic safety effects on the owners and occupiers within the localised environment which includes Properties 1 – 18, 20 – 30 will be less than minor.

#### Infrastructure Effects

The size of the proposed lots is suitable for a standard on-site wastewater disposal system therefore no adverse wastewater effects are expected to occur. Stormwater can be adequately managed onsite within each of the proposed lots, some of which will be used for water supply for Lots 1 – 7 with water supply being obtained for Lots 8 – 10 via existing water bores.

On this basis it is considered servicing effects on the owners and occupiers within the localised environment which includes Properties 1 – 18, 20 – 30 will be less than minor.

### **Owners and Occupiers of Property 1**

Property 1 is located to the north west of the site accessed off State Highway 23.

#### Visual Effects

Refer to Figure 14, 15 and 16 of Appendix 5 of the Landscape Visual Assessment for views of the site from State Highway 23. The visual effects of the proposal on this property has been assessed in section 5.2.2 and 5.2.3 of this assessment. The assessment in section 5.2.2 notes that when taking into account the existing vegetation within the site, the potential visual adverse effects will be very low in degree. It is noted that the proposed mitigation includes the retention of the existing vegetation to the north of Lot 1 (being the most northern lot apart from Lot 8 and 9 which form part of the permitted baseline) as shown on the Covenant Vegetative Area Plan. To ensure the built form of the anticipated buildings on the proposed lots visually integrates to the rural landscape, a set of design controls are proposed as part of the recommendations set out earlier in this report which have been adopted as part of the proposal. In my view a very low level of adverse effect translates (as set out in Appendix 1: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect on the owners/occupiers of Property 1.

On reliance on this assessment, I consider the landscape visual effects on owners and occupiers of Property 1 to be less than minor.

#### Character and Amenity Effects

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Property 1 is considered to be less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and the

proposed internal boundaries of the new lots and therefore do not create any new effects with respect to owners and occupiers of this property.

- The non-compliance relating to Lot 9 not meeting the minimum 60m frontage requirement is set to preserve amenity, traffic and pedestrian safety by ensuring that entrances are not too frequent along a road, and an excessive number of long narrow sections are not created. It is noted the combined frontage (along State Highway 23) of Lots 8, 9 and 10 is in excess of 180 metres being approximately 500m. On this basis, it is considered the effects are less than minor on the owners and occupiers of Property 1.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to the owners and occupiers of Properties 1- 9 when considering the estimated average daily traffic (ADT) count along the relevant section of State Highway 23 being 7,869. On this basis, traffic amenity effects on the owners and occupiers of Property 1 will be less than minor.

#### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on owners and occupiers of Property 1.

#### **Owners and Occupiers of Properties 2 - 9**

Properties 2 - 9 are located to the north west of the site accessed off State Highway 23.

#### Visual Effects

Refer to Figure 14, 15 and 16 of Appendix 5 of the Landscape Visual Assessment for views of the site from State Highway 23. The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. The assessment in section 5.2.2 notes that the existing vegetation to the north of Lot 1 provides substantial visual screening of Lots 1 – 6 and Lot 10 within the site. Lot 7 will be a distant view. Lot 8 and 9 form part of the permitted baseline. It is noted that the proposed mitigation includes the retention of the existing vegetation to the north of Lot 1 as shown on the Covenant Vegetative Area Plan. To ensure the built form of the anticipated buildings on the proposed lots visually integrates to the rural landscape, a set of design controls are proposed as part of the recommendations set out earlier in this report which have been adopted as part of the proposal. The assessment in both section 5.2.2 concludes that visual effects on Properties 2 – 9 will be low in degree. In my view a low level of adverse effect translates (as set out in Appendix 1: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect on the owners and occupiers of Properties 2 – 9.

On reliance on this assessment; I consider the landscape visual effects on the owners and occupiers of Properties 2 – 9 to be less than minor.

#### Character and Amenity Effects

Taking into account the factors below; it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Properties 2 – 9 is considered to be less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and the proposed internal boundaries of the new lots and therefore do not create any new effects with respect to owners and occupiers of these properties.
- The non-compliance relating to building coverage relating to Lot 8 not meeting the

500m<sup>2</sup> requirement is set based on the expected level of amenity in the Rural Zone. Taking into account the large area of open spaces that forms Lot 10 which is located between Lot 8 and Properties 2 – 9, it is considered the amenity effects of the additional building (225m<sup>2</sup>) beyond the permitted baseline are less than minor on the owners and occupiers of these properties.

- The non-compliance relating to Lot 9 not meeting the minimum 60m frontage requirement is set to preserve amenity, traffic and pedestrian safety by ensuring that entrances are not too frequent along a road, and an excessive number of long narrow sections are not created. It is noted the combined frontage (along State Highway 23) of Lots 8, 9 and 10 is in excess of 180 metres being approximately 500m. On this basis, it is considered the effects are less than minor on the owners and occupiers of these properties.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to Properties 2 - 9 when considering the estimated average daily traffic (ADT) count along the relevant section of State Highway 23 being 7,869. On this basis, traffic amenity effects on the owners and occupiers of these properties is considered to be less than minor.

#### Flooding Effects

A floodplain analysis provided with the application was peer reviewed by BECA on behalf of Council. After feedback from BECA, this assessment was updated and accepted by BECA on 17 November 2019. The summary of findings as reproduced below.

- *Floor levels and freeboards have been identified and are considered appropriate.*
- *We infer from the modelling there will be a minor flood impact (tens of millimetres) on neighbouring land (Property 2) to the west of the drain however, this land is already subject to flooding (in parts over 1m deep). Climate change will provide a significant impact on flood levels irrespective of the development occurring or not.*

BECA have also provided the following additional comment.

*Given that the existing flood depths are > 1m and there are no existing homes in the affected area (the nearest dwellings are above the post development flood level) I would say the effects are less than minor from a stormwater/flooding perspective.*

Council's Consultant Land Development Engineer, Mr Brown, has reviewed these findings and has advised the following.

*New dwellings and associated paved areas will require attenuation to limit effects to existing stormwater flows. Consent conditions will required existing access roadways will be sealed, however the additional run-off is negligible as metalled areas that have been trafficked have similar runoff properties to seal. Culverts will be provided under raised ROW to mitigate the effect on stormwater flows.*

On reliance on these assessments, I consider the flooding effects on the owners and occupiers of Properties 2 - 9 to be less than minor.

#### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on owners and occupiers of Properties 2 - 9.

## **Owners and Occupiers of Properties 10 - 14**

Properties 10 – 14 are located to the west of the site accessed off Howden Road.

### Visual Effects

Refer to Figure 13 of Appendix 5 of the Landscape Visual Assessment for view north of the site and surrounds from Howden Road. The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. The assessment in section 5.2.2 notes the views from these properties are limited by landform, vegetation (both off and onsite) and distance (500m) from the subject site. The extent of view dominated by the ridgeline that sits to the east of the site, housing the Stonebridge Road subdivision. The assessment in section 5.2.2 concludes that visual effects on these properties will be low in nature. In my view a low level of adverse effect translates (as set out in Appendix I: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect on the owners and occupiers of Properties 10 – 14.

On reliance on this assessment, I consider the visual effects on the owners and occupiers of Properties 10 – 14 are less than minor.

### Character and Amenity Effects

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Properties 10 & 14 is considered less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and the proposed internal boundaries of the new lots and therefore do not create any new effects with respect to owners and occupiers of these properties.
- The non-compliance relating to building coverage relating to Lot 8 not meeting the 500m<sup>2</sup> requirement is set based on the expected level of amenity in the Rural Zone. Taking into account the large area of open spaces that forms Lot 10 which is located between Lot 8 and Properties 10-14, it is considered the amenity effects of the additional building (225m<sup>2</sup>) beyond the permitted baseline are less than minor on the owners and occupiers of these properties.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to Properties accessed off Howden Road are not accessed off State Highway 23. On this basis, traffic amenity effects will be less than minor on the owners and occupiers of these properties.

### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on the owners and occupiers of Properties 10 - 14.

## **Properties 15 & 16**

Properties 15 & 16 are located to the south / south west of the site accessed off Taitua Road.

### Visual Effects

The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. The assessment in section 5.2.2 notes that the nearest house site to these properties will be within Lot 7 which is screened from view by existing planting, visual mitigation planting shown on the Covenant Vegetative Area Plan and the vegetation within the Taitua Arboretum. The viewing audience of Property 15 and 16 has limited views of the subject site, with potential long views to the central lots (Lots 1 – 5). The assessment



in section 5.2.2 concludes that visual effects on these properties will be very low in nature. In my view, a very low level of adverse effect translates (as set out in Appendix I: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect on the owners and occupiers of Properties 15 and 16.

On reliance on this assessment, I consider the visual effects on the owners and occupiers of Properties 15 & 16 to be less than minor.

#### Character and Amenity Effects of the Proposal

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Property 15 & 16 is considered less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and the proposed internal boundaries of the new lots and therefore do not create any new effects with respect to owners and occupiers of these properties.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to Properties accessed off Taitua Road are not accessed off State Highway 23. On this basis, traffic amenity effects on the owners and occupiers of Properties 15 and 16 will be less than minor.

#### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on the owners and occupiers of Properties 15 & 16.

#### **Owners and Occupiers of Properties accessed off Wallace Road**

A large number of properties obtain access off Wallace Road and are located to the east and south east of the site accessed off Wallace Road.

#### Visual Effects

The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. The assessment in section 5.2.2 notes the following.

*The private views from Wallace Road are distant and interrupted with landform and vegetation. Largely, this viewing audience captures the eastern edge of the site. Views of the proposed lots 6, 10 and 2 will be extremely limited due to the off-site and on-site vegetation. The Taitua Arboretum, existing off site vegetation cover, on site vegetation and rolling landform provides screening of much of the proposed lots. For this reason, the visual sensitivity of the viewing audience will be low due to the infrequency, fleeting view and the distance of some 700m from the subject site. The magnitude of visual change will be low with minimal housing visible from this location. This considers the existing and proposed covenant vegetative area for visual mitigation provided for.*

The assessment in section 5.2.2 concludes that visual effects on these properties will be very low in nature. In my view a very low level of adverse effect translates (as set out in Appendix I: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect.

On reliance on this assessment, I consider the visual effects on the owners and occupiers of Properties accessed off Wallace Road to be less than minor.

### Character and Amenity Effects of the Proposal

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Properties accessed off Wallace Road are less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and the proposed internal boundaries of the new lots and therefore do not create any new effects with respect to owners and occupiers of these properties.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to Properties accessed off Wallace Road as they are not accessed off State Highway 23. On this basis, traffic amenity effects will be less than minor on the owners and occupiers of the properties accessed off Wallace Road.

### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on the owners and occupiers of properties accessed off Wallace Road.

### **Owners and Occupiers of Property 18**

Property 18 is located approximately 100m to the east of the site and accessed off Stonebridge Road. It is noted that Property 19 is located in front of Property 18 directly to the west.

### Visual Effects

The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. This assessment states that views from a number of properties including Property 18 overlook the mid to southern extent of the site comprising largely views of the house sites for Lots 2, 3, 4, 6 and 10. The assessment states that the most visually sensitive dwellings to the proposed subdivision design, within Stonebridge Road is Property 18 (and Property 19) which is based from onsite observations. The assessment states that Lots 2 and 10 will be visible to Property 18 with potential glimpses also of Lots 1 and 4. The assessment has concluded that magnitude of visual change when considering the permitted environment would be of a low to moderate degree. In my view this translates (as set out in Appendix 1: Landscape and Visual Effects Methodology of the Assessment) as being a minor adverse effect on the owners and occupiers of Property 18.

However, with the proposed mitigation, the assessment summary concludes that this minor adverse visual effect will be reduced to a low level. This mitigation includes the visual mitigation planting shown on the Covenant Vegetative Area Plan. To ensure the built form of the anticipated buildings on the proposed lots visually integrates to the rural landscape, a set of design controls are proposed as part of the recommendations set out earlier in this report which have been adopted as part of the proposal. In my view a low level of adverse effect translates (as set out in Appendix 1: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect on the owners and occupiers of Property 18.

On reliance on this assessment, I consider the visual effects on the owners and occupiers of Property 18 to be less than minor.

### Character and Amenity Effects of the Proposal

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Property 18 are less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and the proposed internal boundaries of the new lots and therefore do not create any new effects with respect to owners and occupiers of this property.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to Property 18 as this property is not accessed off State Highway 23. On this basis, traffic amenity effects on the owners and occupiers of Property 18 will be less than minor.

#### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on the owners and occupiers of Property 18.

#### **Owners and Occupiers of Properties 19 & 31**

Written approval has been obtained from these properties therefore the effects of the proposal have been disregarded in relation to these parties.

#### **Owners and Occupiers of Properties 20 – 25**

Properties 20 - 25 are located to the east of the site and is accessed off Stonebridge Road.

#### Visual Effects

The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. This assessment states that views from a number of properties including Properties 20 - 25 overlook the mid to southern extent of the site comprising largely views of the house sites for Lots 2, 3, 4, 6 and 10.

The assessment has concluded that inclusion of this subdivision will see a low to moderate level of adverse visual effect. In my view this translates (as set out in Appendix I: Landscape and Visual Effects Methodology of the Assessment) as being a minor adverse effect on the owners and occupiers of Properties 20 – 25. With the proposed mitigation, the assessment summary concludes that this minor adverse visual effect will be reduced to a low level. This mitigation includes the visual mitigation planting shown on the Covenant Vegetative Area Plan.

To ensure the built form of the anticipated buildings on the proposed lots visually integrates to the rural landscape, a set of design controls are proposed as part of the recommendations set out earlier in this report which have been adopted as part of the proposal. In my view a low level of adverse effect translates (as set out in Appendix I: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect on the owners and occupiers of Properties 20 - 25.

In reliance on this assessment, I consider the visual effects on the owners and occupiers of Properties 20 – 25 to be less than minor.

#### Character and Amenity Effects of the Proposal

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Properties 20 – 25 are less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and therefore do not create a new effect on the owners and occupiers of these properties.
- Traffic amenity effects of the proposal (eight additional lots generating approximately

80 extra traffic movements per day) will be in indiscernible to Property 18 as this property is not accessed off State Highway 23. On this basis, traffic amenity effects will be less than minor on the owners and occupiers of Properties 20- 25.

#### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on the owners and occupiers of Properties 20 – 25.

#### **Owners and Occupiers of Properties 26 - 30 (21, 22, 23, 24, 25 Stonebridge Road)**

Properties 26 - 30 are located to the east and south of the site and is accessed off Stonebridge Road.

#### Visual Effects

The visual effects of the proposal on these properties have been assessed in section 5.2.2 and 5.2.3 of this assessment. This assessment states that views from a number of properties including Properties 26 - 30 overlook the mid to southern extent of the site comprising largely views of the house sites for Lots 2, 3, 4, 6 and 10.

This assessment states that the introduction of Lot 6 into the southern end of the site will have potential views from properties 26 - 30 with existing vegetation, landform and the placement of Lot 6's house site, demonstrates onsite that views are mostly gained from Property 28. These views will also be seen in the context of potential views to lot 5. The assessment has concluded that magnitude of visual change from an open and treed parkland to a house site with park surrounding for Lot 6 will be of a low to moderate degree. In my view this translates (as set out in Appendix 1: Landscape and Visual Effects Methodology of the Assessment) as being a minor adverse effect.

When taking into account the proposed mitigation, the assessment summary concludes that this minor adverse visual effect will be reduced to a low level. This mitigation includes the visual mitigation planting shown on the Covenant Vegetative Area Plan. To ensure the built form of the anticipated buildings on the proposed lots visually integrates to the rural landscape; a set of design controls are proposed as part of the recommendations set out earlier in this report which have been adopted as part of the proposal. In my view a low level of adverse effect translates (as set out in Appendix 1: Landscape and Visual Effects Methodology of the Assessment) as being a less than minor adverse effect.

In reliance on this assessment, I consider the visual effects on the owners and occupiers of Properties 26 - 30 to be less than minor.

#### Character and Amenity Effects of the Proposal

Taking into account the factors below, it is considered the rural character and amenity effects of the proposal on the owners and occupiers of Properties 26 - 30 are less than minor.

- The non-compliance relating to building setbacks relate to existing buildings and therefore do not create a new effect on the owners and occupiers of these properties.
- Traffic amenity effects of the proposal (eight additional lots generating approximately 80 extra traffic movements per day) will be in indiscernible to Property 26 – 30 as these properties is not accessed off State Highway 23. On this basis, traffic amenity effects will be less than minor on the owners and occupiers of Properties 26 – 30.



### Overall conclusion

Based on the above, overall it is considered the effects of the proposal are less than minor on the owners and occupiers of Properties 26 - 30.

## **4.2 Conclusion on affected parties to be served notice**

No parties have been identified as affected persons in terms of Regulation 10(2)(a).

## **4.3 Other requirements for serving notice under Regulation 10**

Person/ authority described in regulation 10	Notice required to be served
every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review.	No
every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates.	No
the regional council or territorial authority for the region or district to which the application or review relates.	Yes Waikato Regional Council
other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review.	Yes Hamilton City Council
the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area.	No
the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area.	No
Heritage New Zealand Pouhere Taonga, if the application or review— (i) relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or (ii) affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014.	No
a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.	No
a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity.	No
Transpower New Zealand, if the application or review may affect the national grid.	No

**Reporting Planner:**



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**Cameron Aplin**  
**Consultant Planner**

**Dated: 28 February 2020**

**Peer Reviewed By:**



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**Lance Feaver**  
**Consultant Planner**

**Dated: 28 February 2020**

**Approved By:**



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**Wade Hill**  
**Consents Team Leader**

**Dated: 6/03/2020**