



Clutha District Council

Date Lodged:
Date Paid:
Rct No:
VZ No:

Form 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To the Chief Executive, Clutha District Council, PO Box 25, Balclutha 9240

1. Name: Clark & Megan Campbell
Address: c/o Sweep Consultancy Ltd P.O. Box 5724 Dunedin 9054
Email: c/o emma@Sweepconsultancy.co.nz
Phone: _____ Mobile: 0274822214
Contact Person: Emma Peters Consultant, Sweep Consultancy Ltd
(name and designation, if applicable)

Address for service of applicant: as above

2. The location of the proposed activity is as follows:
Street: 239d Moturata Road Town (Community): Taiari Beach
Legal Description: Lot 9 DP 399272 (RT 396019)
Owner / Occupier (other than the applicant): _____

3. A description of the activity and why consent is needed:
Subdivision & land use consent
↳ please refer to attached AFE for more detail

4. Consent(s) applied for:
You may apply for 2 or more resource consents that are needed for the same activity on this form.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Land use consent | <input checked="" type="checkbox"/> Subdivision consent |
| <input type="checkbox"/> Change/cancellation of consent or consent notice conditions | |
| <input type="checkbox"/> Certificate of compliance | <input type="checkbox"/> Existing use certificate |
| <input type="checkbox"/> Extension of lapse period of existing consent (time extension) | |

5. Are additional resource consents needed for the proposed activity?

(a) Is consent required under a National Environmental Standard (NES)?

☐ Yes ☒ No

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information about the NES is available at: www.mfe.govt.nz/laws/standards/contaminants-in-soil/

- Applicant request Council undertake HAIL search of its property records*
- ☐ This application does not involve subdivision (excluding production land), change of land use or removal of (or part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume of earthworks not exceeding 25m³ per 500m²).
- ☒ I have found no record suggesting an activity on the Hazardous Activities and Industries List (HAIL) has taken place on the piece of land which is subject to the application. The List can be found at: <http://www.mfe.govt.nz/land/risks-contaminated-land/my-land-contaminated/hazardous-activities-and-industries-list-hail>
- ☐ An activity listed on the HAIL is likely to have taken place on the land which is subject to the application and I have addressed the NES requirements in the Assessment of Effects.
- ☐ I have included a Preliminary (or Detailed) Site Investigation undertaken by a Suitably Qualified and Experienced Practitioner.
- (b) Is consent required from the Otago Regional Council, such as a discharge consent?
- ☐ Yes ☒ No

6. Information required to be submitted (please attach to this form):

- ☐ Computer Freehold Register (Certificate of Title) for the property, including any consent notice and covenants listed on the title.
See: <https://apps.linz.govt.nz/survey-titles/order-copy/>
- ☒ A plan or map showing the locality of the site, relevant features & buildings.
Our website contains aerial images/maps: <http://103.14.216.134/SpliceMaps/map.html>
- ☒ A site plan at a convenient scale (e.g. 1:1000)
- ☒ Written approval of every person who may be adversely affected by your proposed activity in a minor or more than minor way.
- ☒ An Assessment of Effects (AEE)
An AEE explains the likely consequences on the environment of your proposal and helps to determine who may be adversely affected by it.
See the Assessment of Effects Guide to assist with this:
<http://www.cluthadc.govt.nz/Web%20Pages/Regulatory%20Services/Regulatory%20Services%20Publications/Resource%20Consent/AEE%20-%20General.pdf>

We can accept documents electronically – please ensure they are scanned at a minimum resolution of 300 dpi and in colour if relevant. Each document should be no greater than 10Mb in size.

7. Application deposit fee (note that an additional charge may also be payable).
Fees are set annually and can be found at:
<http://www.cluthadc.govt.nz/Web%20Pages/Plans%20and%20Publications/Annual%20Plans/AnnualPlan201415/FeesCharges1415.pdf>
8. I hereby apply for the resource consent(s) for the proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

Signed (by or person authorised to sign on behalf of applicant): *Emma Peters* *consultant*

Full name: Emma Peters

Company: Sweep Consultancy Ltd Date: 24/1/24

Assessment of Environmental Effects

239d Moturata Road, Taieri Beach

26 January 2024



Prepared by Emma Peters
Sweep Consultancy Limited
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26 January 2024

Edita Babos
Planning and Regulatory Manager
Clutha District Council
P.O. Box 25
Balclutha 9240

Lodged via email sent to:
Edita.Babos@cluthadc.govt.nz
cc: planning@cluthadc.govt.nz

Hi,

239d Moturata Road, Taieri Beach – Subdivision and Landuse Consent

Site

1. Our clients, Clark and Megan Campbell, own a property located at 239d Moturata Road, Taieri Beach legally described as Lot 9 Deposited Plan 399272 contained in record of title 396019¹ (site). The location of the site is shown in Figure 1 below.

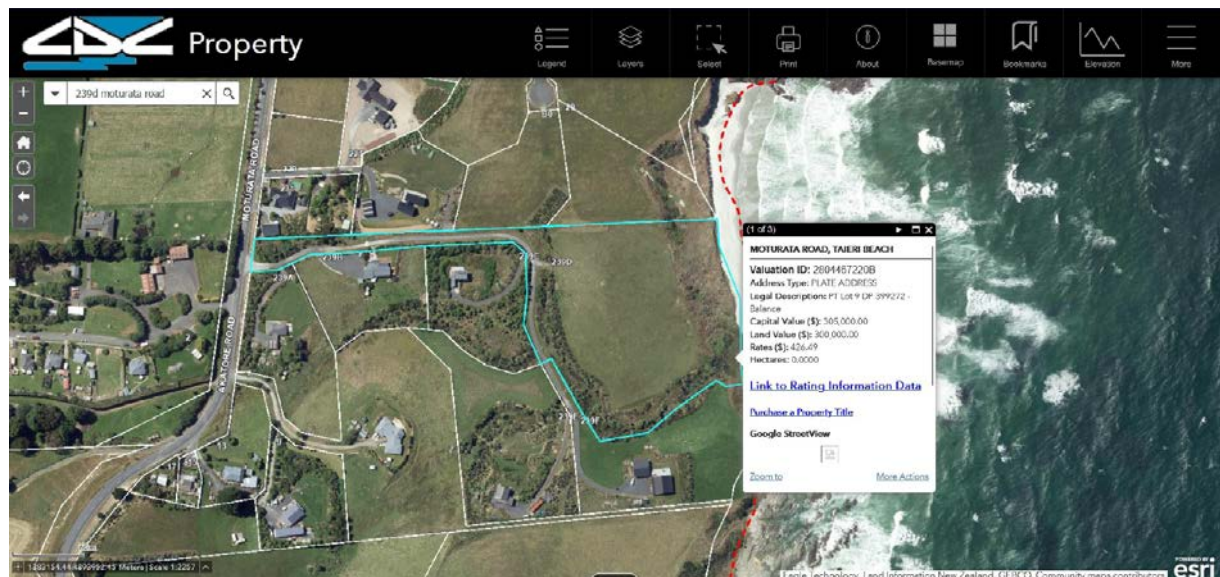


Figure 1: Location of Site – Approximate Site Boundaries shown in Aqua.

2. The site comprises of approximately 2.9770 hectares of land predominantly in pasture with a swathe of maturing indigenous plantings on the western and southern boundaries planted as a consequence of the previous subdivision creating the site². The site is gently sloping and sits on a marine terrace adjacent to Taieri Beach.
3. The previous subdivision consent that created the site, RM 1411, identified a building platform on which residential activity could occur and resulted in a consent notice on the record of title

¹ Copy of record of title 399272 is appended at Appendix 1a.

² See RM 1411.

for the site³. At the present time, the consent notice governs maintenance of the existing indigenous vegetation and controls built elements on the identified building platform. Recently Clark and Megan obtained building consent to erect a dwelling on that identified building platform – see BC20254⁴.

Zoning

4. Pursuant to the *Clutha District Council District Plan (1998)* (**district plan**) the site is zoned *Coastal Resource Area*. The zoning of the site pursuant to the district plan is shown in Figure 2a below. The green strip to the east of the site in Figure 2a below is unformed legal road shown as esplanade reserve on the district plan – see Figure 2b below. Moturata Road is classified as a collector road in *Schedule 6.9 Roading Hierarchy* of the district plan.

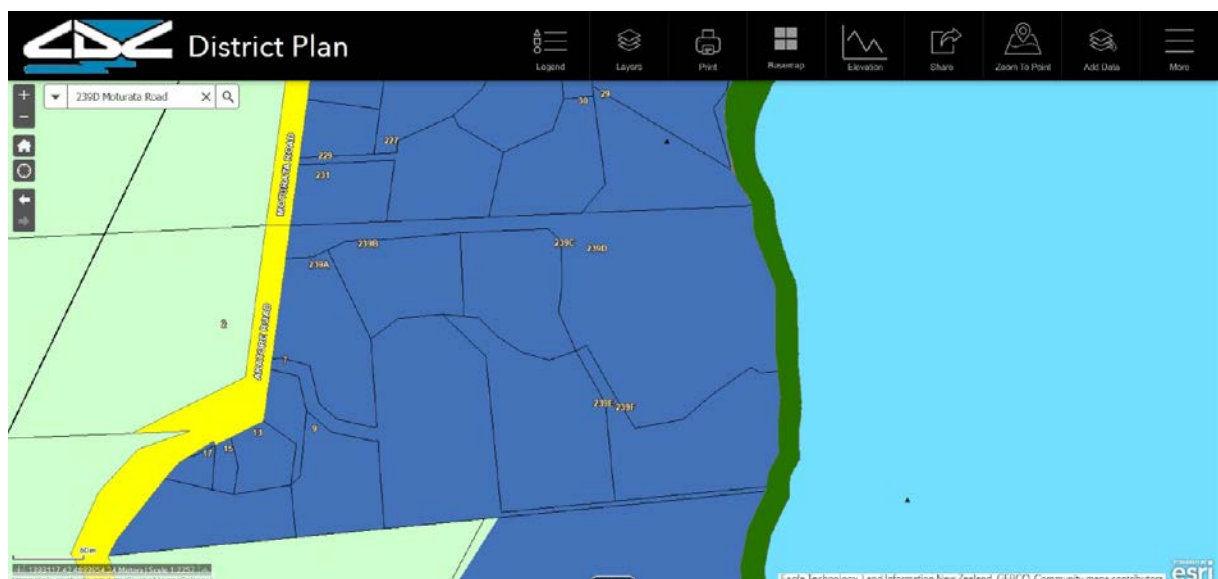


Figure 2a: Zoning pursuant to the District Plan – see Zone Map U51.

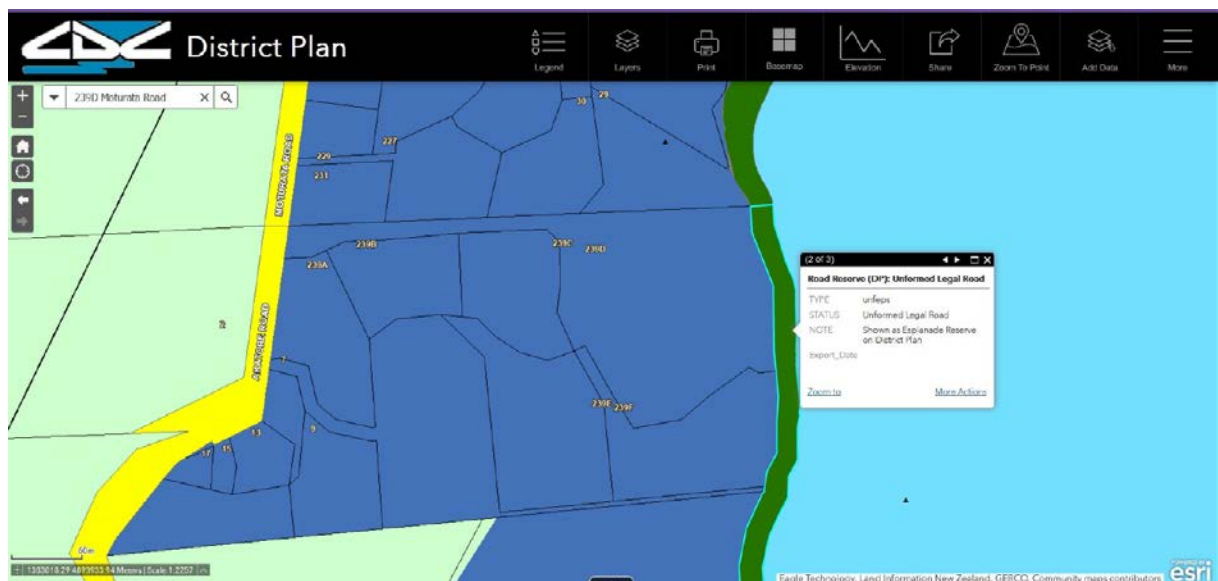


Figure 2b: Unformed Legal Road shown as Esplanade Reserve to the East of the Site.

5. There are no other planning features shown on the district plan map in relation to the site.

³ Copy of consent notice 7921033.5 is appended at Appendix 1b.

⁴ Copy of the site plan approved by BC20254 is appended at Appendix 2.

Proposed Activity

6. Clark and Megan propose to subdivide the property into two lots identifying a building platform in the process on the resultant Lot 2 as shown in Figure 3a below – full copy of the subdivision scheme plan is appended at Appendix 3.

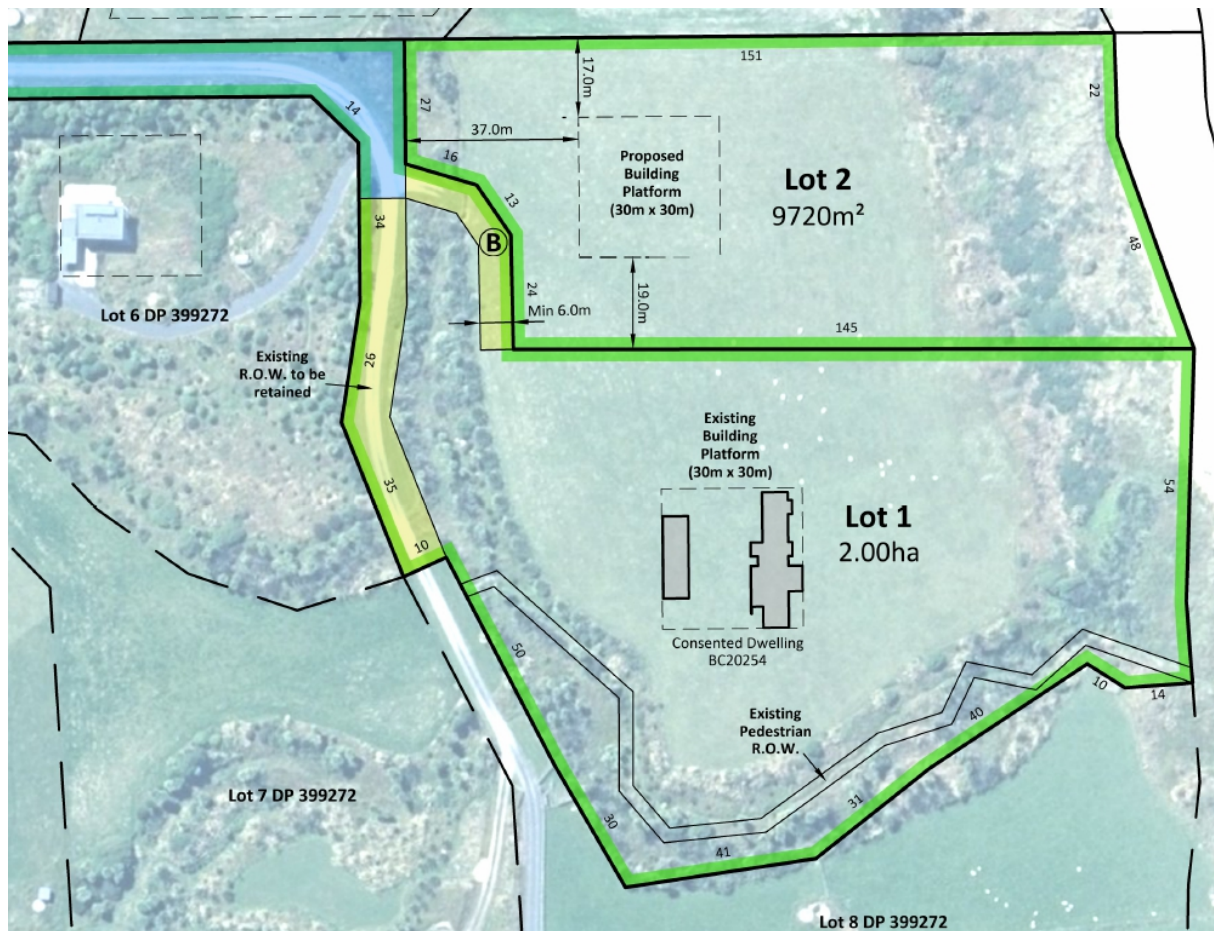


Figure 3a: Proposed Lots 1 and 2.

7. Proposed Lot 1 will contain approximately 2 hectares and the existing building platform upon which building consent for a dwelling has been obtained. Proposed Lot 2 will contain approximately 9,720m² and an identified building platform with dimensions of 30m by 30m.
8. Access is via existing right of way shown as 'A' on the subdivision scheme plan with a new right of way, shown as 'B' on the subdivision scheme plan, providing access over proposed Lot 1 to proposed Lot 2. Right of way B will have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404.
9. Mr Hugh Forsyth of Site Environmental Consultants, has prepared a landscape assessment report⁵ including a supplemental graphic of landscape figures⁶. Mr Forsyth proposes mitigation planting for both proposed Lots 1 and 2 in the areas identified as 'C', 'D' and 'E' as shown in Figure 2 of his supplemental graphic and reproduced in Figure 3b below.
10. Mr Forsyth has also included in his landscape assessment report at appendices B and C

⁵ Copy appended at Appendix 4a.

⁶ Copy appended at Appendix 4b.

respectively the built element conditions and the planting conditions and guidelines.



Figure 3b: Proposed Mitigation Planting for Proposed Lots 1 and 2.

11. The residential unit on the identified building platform for proposed Lot 2 will:

- Be serviced for potable water via collection of rainwater from non-toxic roof surfaces to storage in tanks of a suitable size. Excess water will be sent to sump and/or to existing stormwater drainage system within the site. Stormwater from hard surfaced areas will be sent to sump and/or to existing stormwater drainage system within the site. The applicants request that as a condition of land use consent for Lot 2, that a drainage plan, demonstrating that post development flows are no more than pre-development flows and that the existing stormwater flow paths through Lot 2 remain viable post development, is submitted for approval by Council at the time of or prior to application for building consent.
- Have an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent firefighting capacity with that water supply being located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. The firefighting reserve will be separate to the potable water reserve.
- Be serviced by on-site wastewater treatment via, at minimum, an approved secondary treatment system with dispersal to field or such other solution designed by a suitably

qualified person.

- Have a maximum height of 5m above ground level and 5m for ancillary buildings. The roof of buildings are to be clad in corrugated steel or iron tray roofing or timber shingles (unpainted). The exterior walls of buildings are to be clad in timber (natural finish or appropriately coloured) or plaster (appropriately painted) or locally sourced rock or corrugated iron (appropriately coloured). Roof colour shall have a reflectivity value of 10% or less whilst exterior wall colour shall have a reflectivity of 30% or less except where unstained natural timber is used for cladding or detailing.

12. A consent notice on the title for proposed Lot 2 shall require:

- Ongoing maintenance of the mitigation planting.
- New tree and shrub plantings further than 15m from the residential unit are to consist of indigenous species only with a mature height of no more than 7m. New tree and shrub plantings within 15m of a residential unit must not exceed a mature height of 5m.
- Outdoor lighting to:
 - (a) Be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source.
 - (b) Have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 40nm. This therefore includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.
 - (c) All fixed exterior lighting shall be directed away from adjacent properties, roads and marine environment.

13. Existing electricity services are available at the boundary to each lot.

14. The applicants request that the Clutha District Council (**Council**) processes this application on a non-notified basis, unless it determines that any party meets the statutory requirements for being an affected party, in which case the applicants request that Council undertake limited notification to that party so assessed.

15. A completed application form precedes this assessment of environmental effects. The applicant will pay the deposit application fee by way of electronic transfer upon receipt of an invoice from Council.

Activity Status

Subdivision Activity

16. The general subdivision of sites within the *Coastal Resource Area* has a **discretionary** activity status⁷ with the assessment criteria stating: *“In assessing any application under this rule, Council in addition to those matters set out in Section 104 of the Act shall also consider the criteria of Section 3.7 Subdivision, Rule SUB.1(d) and Rule SUB.4, the objectives and policies of the Coastal Resource Area and the Regional Policy Statement, Regional Coast Plan and the New Zealand Coastal Policy Statement.”*
17. An analysis of the proposed subdivision activity against relevant performance standards in Rule SUB.1(d) and Rule SUB.4 is undertaken in Appendices 5a and 5b respectively. That analysis determines that the proposed subdivision activity **meets all relevant performance standards in both Rule SUB.1(d) and Rule SUB.4.**
18. An analysis of the proposed activity (both subdivision and land use) with respect to the relevant policy framework is undertaken in a subsequent section below (see paragraphs 44 – 45). That analysis determines that the proposed activity is **generally consistent with relevant policy considerations.**

Residential Activity

19. The existing residential activity on Lot 1 is permitted via RM 1411 and BC20254.
20. In the *Coastal Resource Area*, any activity that has the effect of erecting a building or structure is a **restricted discretionary activity**⁸ with the discretion of Council restricted to:
 - The ability of the site to dispose of wastes adequately;
 - The effects of sea level rise or coastal erosion;
 - The effect of the building and any associated signage on the natural character of the Coast particularly in terms of visual impact;
 - The effect of the proposal on the intensity of development in the area;
 - The effect of the building or structure on indigenous flora and fauna;
 - The effect on cultural values; and
 - Height, yard and open space requirements.
21. An analysis of the effects of the proposed residential activity on the identified building platform

⁷ See Rules COA.5 and SUB.2(a).

⁸ Rule COA.4(b).

for Lot 2 with respect to the aforementioned matters of discretion is undertaken at paragraphs 42 – 43 below. That analysis determines that any adverse effects arising from the proposed residential activity on the identified building platform for Lot 2 will be **less than minor**.

22. The discharge of treated wastewater to land **complies** with the requirements of Rule 12.A.1.4 of the Otago Regional Water Plan⁹.

Affected Parties

23. As a starting point Rule COA.4(c) states: *“Any application or resource consent under (a) and (b) of this rule will generally not be notified.”* No adjoining neighbours are considered affected by the proposal. The dwelling on proposed Lot 1 forms part of the existing environment by stint of RM 1411 and BC20254. There is existing mature indigenous vegetation on the western boundary of the site which limits views to the identified building platform on Lot 2 from the right of way with the proposed mitigation planting adding to this existing area as well as those on the southern and northern boundaries of the site¹⁰. The proposed mitigation planting provides context and buffering for residences on adjoining land¹¹.
24. However, Rule COA.2 states: *“Consultation: Any person making an application for a Resource Consent and Council, in considering any Resource Consent application, shall consult with the Runanga that has kaitiaki in that particular area, and where relevant, the Department of Conservation and the Regional Council.”*
25. If Council determines that any of the runanga that has kaitiaki for this area, the Department of Conservation or the Otago Regional Council is an affected party, the applicants request that limited notification occurs with respect to that party determined by Council to be an affected party. However, care has been taken in the design of the proposed activity to ensure that: (a) the design is sympathetic to the concerns most frequently raised by runanga¹²; (b) the design does not adversely impact on the marine environment and increases the amount of biodiversity on the site; and (c) disposal of treated wastewater complies with Rule 12.A.1.4 of the Otago Regional Water Plan, the risk from or on natural hazard is low¹³ and the proposed activity includes increasing biodiversity on the site.

National Policy Statement for Highly Productive Land

26. The *National Policy Statement for Highly Productive Land (NPS-HPL)*, which came into force on 17 October 2022, seeks to ensure the availability of New Zealand’s most favourable soils for

⁹ See Appendix 6 for that analysis.

¹⁰ See *Assessment of Landscape & Visual Effects* paragraphs 4.3 and 6.8 – 6.10.

¹¹ See *Assessment of Landscape & Visual Effects* paragraphs 4.2 and 4.3.

¹² See Appendix 7, Assessment Matter 'The effect on cultural values' for more detail.

¹³ See Appendix 5a, Performance Standard 'B The effects of Natural Hazards'.

food and fibre production, now and for future generations by providing direction to improve the way highly productive land is managed under the *Resource Management Act 1991 (RMA)*¹⁴.

27. The site is classified by *Manaaki Whenua Landcare Research* as *Land Use Capability class 4* – see Figure 4 below.

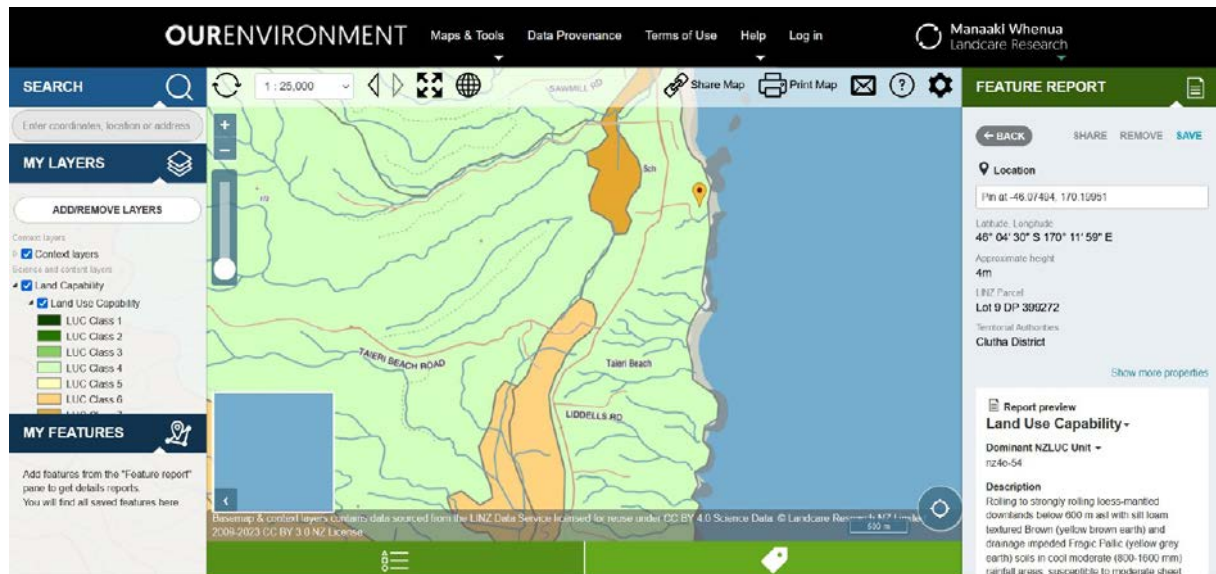


Figure 4: LUC Classification of the Site.

28. The NPS-HPL only applies to LUC 1, 2 or 3 land which is zoned rural¹⁵. The fact that the site is currently mapped as LUC 4 means the **NPS-HPL is not applicable** to the site.

National Environmental Standards

29. *National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)* provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.
30. The site is not registered as a HAIL site on the Otago Regional Council database and there are no registered HAIL sites within a one kilometre radius of the site as shown in Figure 5 below. There is a bore, I45/0004, located approximately 740m north of the site at 11 Palmer Place. The applicants inform that there is also a bore at Forestry Park at 2 Akatore Road and another bore at 123 Moturata Road. The proposed activity will have no effect on any of these bore sites.
31. The applicants request that Council undertakes a HAIL search of its records in relation to the site.

¹⁴ Ministry for the Environment: <https://environment.govt.nz/publications/national-policy-statement-for-highly-productive-land/>

¹⁵ See clause 3.5(7).

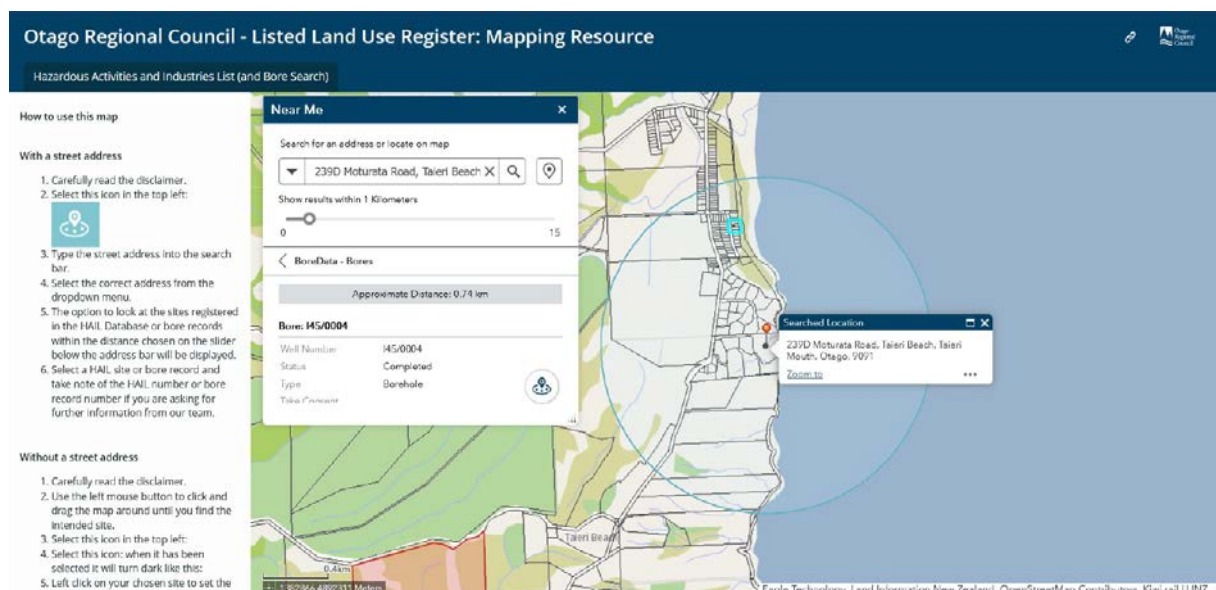


Figure 5: ORC HAIL Database Search Results for Site.

Notification

32. Rule COA.2 states: *“Any person making an application for a Resource Consent and Council, in considering any Resource Consent application, shall consult with the Runanga that has kaitiaki in that particular area, and where relevant, the Department of Conservation and the Regional Council.”*
33. The applicants consider that consultation with the Department of Conservation is not relevant in the circumstances as the proposed activity does not effect the marine environment and provides a positive effect with respect to biodiversity by increasing the amount of indigenous cover on the site. Likewise, the applicants do not consider that consultation with the Otago Regional Council is relevant because the proposed activity will meet the criteria stipulated in Rule 12.A.1.4 of the Otago Regional Water Plan for discharge of treated wastewater to land, the risk from natural hazards is considered to be low and the proposal increases the extent of indigenous cover on the site. Consultation with Runanga has not been undertaken because the applicants consider that the effects on cultural values of the proposed activity are less than minor¹⁶.
34. If Council deems that any of these three parties, Runanga, Department of Conservation or Otago Regional Council, meet the statutory criteria of being an affected party, then the applicants consent to limited notification being undertaken with respect to that party.
35. The district plan states in relation to restricted discretionary subdivision activity that (emphasis added): *“Restricted Discretionary activity status enables Council to refuse subdivision where it is considered that there will be a significant adverse effect on public services in the locality. **Notification of adjoining owners’ consent will generally not be needed as the majority of***

¹⁶ For more detail see, for example, Appendix 7, analysis of 'effect on cultural values'.

effects will be on Council owned services.”

36. With respect to the residential discretionary activity on Lot 2, no adjoining landowners are considered to be adversely affected by the proposed activity to an extent that is more than minor.

Permitted Baseline & Receiving Environment

37. An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the proposed activity.
38. The district plan does not provide for any subdivision activity with a permitted activity status and, therefore, there is no permitted baseline relevant to the subdivision component of the present application.
39. The residential activity on proposed Lot 1 falls within the permitted baseline. This is because residential activity on Lot 1 is authorised by RM 1411 and BC20254. This means that the residential activity on Lot 1 cannot be taken into account when assessing the effects of the proposed activity.
40. However, for Lot 2, there is no permitted baseline for land use activities involving the erection of buildings within the *Coastal Resource Area*.

Assessment of Environmental Effects

Subdivision Activity

41. The subdivision activity has an activity status of **discretionary**. An analysis of the proposed subdivision activity against relevant performance standards in Rule SUB.1(d) and Rule SUB.4 is undertaken in Appendices 5a and 5b respectively. That analysis determines that the proposed activity **meets all relevant performance standards** in both Rule SUB.1(d) and Rule SUB.4.

Residential Activity

42. The erection of buildings and structures in the *Coastal Resource Area* has an activity status of **restricted discretionary** with the assessment of environmental effects in relation to the proposed residential activity on the identified building platform on Lot 2 being restricted to:
- The ability of the site to dispose of wastes adequately;

- The effects of sea level rise or coastal erosion;
 - The effect of the building and any associated signage on the natural character of the Coast particularly in terms of visual impact;
 - The effect of the proposal on the intensity of development in the area;
 - The effect of the building or structure on indigenous flora and fauna;
 - The effect on cultural values; and
 - Height, yard and open space requirements.
43. An analysis of the proposed residential activity on Lot 2 against those matters of restricted discretion is set out in Appendix 7. That analysis shows that any adverse effects arising from the residential activity on Lot 2 is **in the range of no effect to no more than minor with a positive effect for indigenous flora and fauna.**

Assessment of Relevant Objectives & Policies

44. Rule COA.5 and SUB.2(a) require an assessment of the policy framework of the district plan (subdivision and coastal resource area sections), the regional policy statement, the regional coastal plan and the New Zealand Coastal Policy Statement.
45. An analysis of the proposed activity against the relevant policy framework from the district plan, partially operative regional policy statement and the New Zealand coastal policy statement is undertaken at Appendix 8a – c respectively. That policy assessment demonstrates that the proposed activity is **generally consistent** with relevant policy framework.

Conclusion

46. The applicant is applying for subdivision consent to subdivide the site into two lots and land use consent for the establishment of residential activity on the identified building platform on Lot 2. The proposed activity includes a number of mitigation measures as detailed at paragraphs 11 – 12.
47. An assessment of landscape and visual effects including a supplementary graphic has been prepared by Mr Hugh Forsyth of Site Environmental.
48. The site is zoned *Coastal Resource Area* and the proposed subdivision has an activity status of discretionary whilst the establishment of residential activity on Lot 2 has an activity status of restricted discretionary meaning the overall activity status is **discretionary**.
49. There is **no** permitted baseline for subdivision activity or erection of buildings and structures within the *Coastal Resource Area*. However, the dwelling on the identified building platform on Lot 1 is within the permitted baseline because the building platform is authorised by RM 1411 and the dwelling on that platform by BC20254.

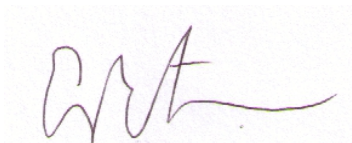
50. The assessment of effects demonstrates that, overall, **any adverse effects arising from the proposed activity will be in the range negligible to less than minor**. There are also **positive effects** associated with the proposed activity.
51. The assessment of the policy framework demonstrates that the proposed activity is **generally consistent** with relevant objectives and policies contained in the district plan, partially operative regional policy statement and the New Zealand coastal policy statement.
52. The application is lodged on a **non-notified** basis. The applicants do not consider that any party meets the statutory criteria for being an affected party. No adjoining landowner is adversely affected because the effects of the proposed activity are less than minor. The proposed activity:
- does not affect the marine environment;
 - the discharge to land of, at minimum, secondary treated wastewater will meet the criteria of a permitted activity pursuant to Rule 12.A.1.4 of the *Otago Regional Water Plan*;
 - there is a low risk from natural hazards;
 - is in keeping with the intensity and of residential development in the locale; and
 - the effect on cultural values is less than minor.

As such, consultation with Department of Conservation and Otago Regional Council was not considered relevant by the applicant. If Council determines that the local Runanga meets the criteria for being an affected party, the applicants request Council proceeds on a limited notified basis.

53. It is, therefore, open to Council to grant consent to the present application, preferably on a non-notified basis, and the applicants respectfully request that Council does so. The applicants request provision of a draft set of conditions of consent prior to issuing of consent.

Please make contact if you wish to discuss this matter further or require any further information.

Yours sincerely,

A handwritten signature in purple ink, appearing to read 'Emma Peters', is written over a light blue rectangular background.

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Appendix 1a: Record of Title 396019.



RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD

Search Copy




R. W. Muir
Registrar-General
of Land

Identifier 396019
Land Registration District Otago
Date Issued 28 August 2008

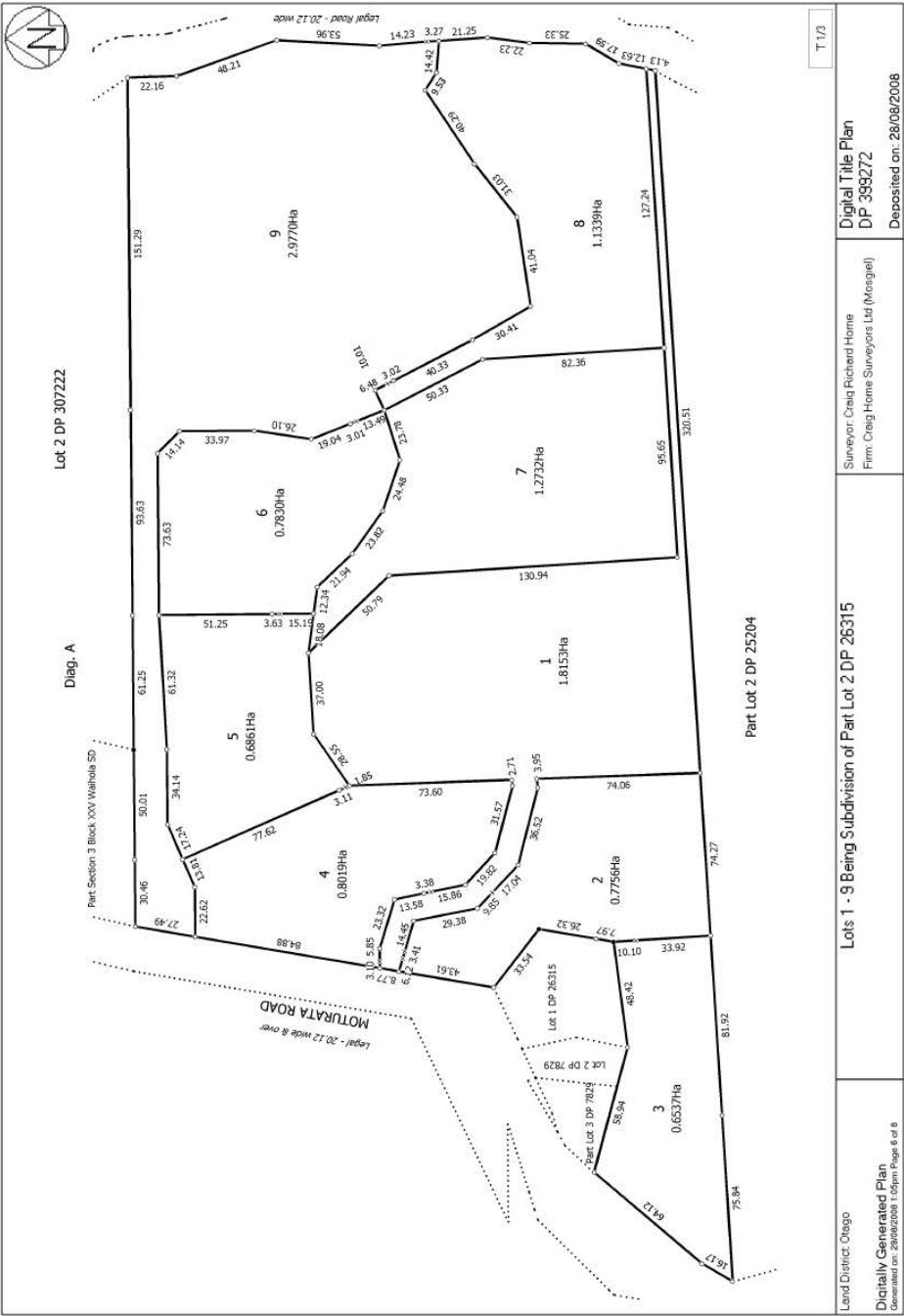
Prior References
OT18B/597

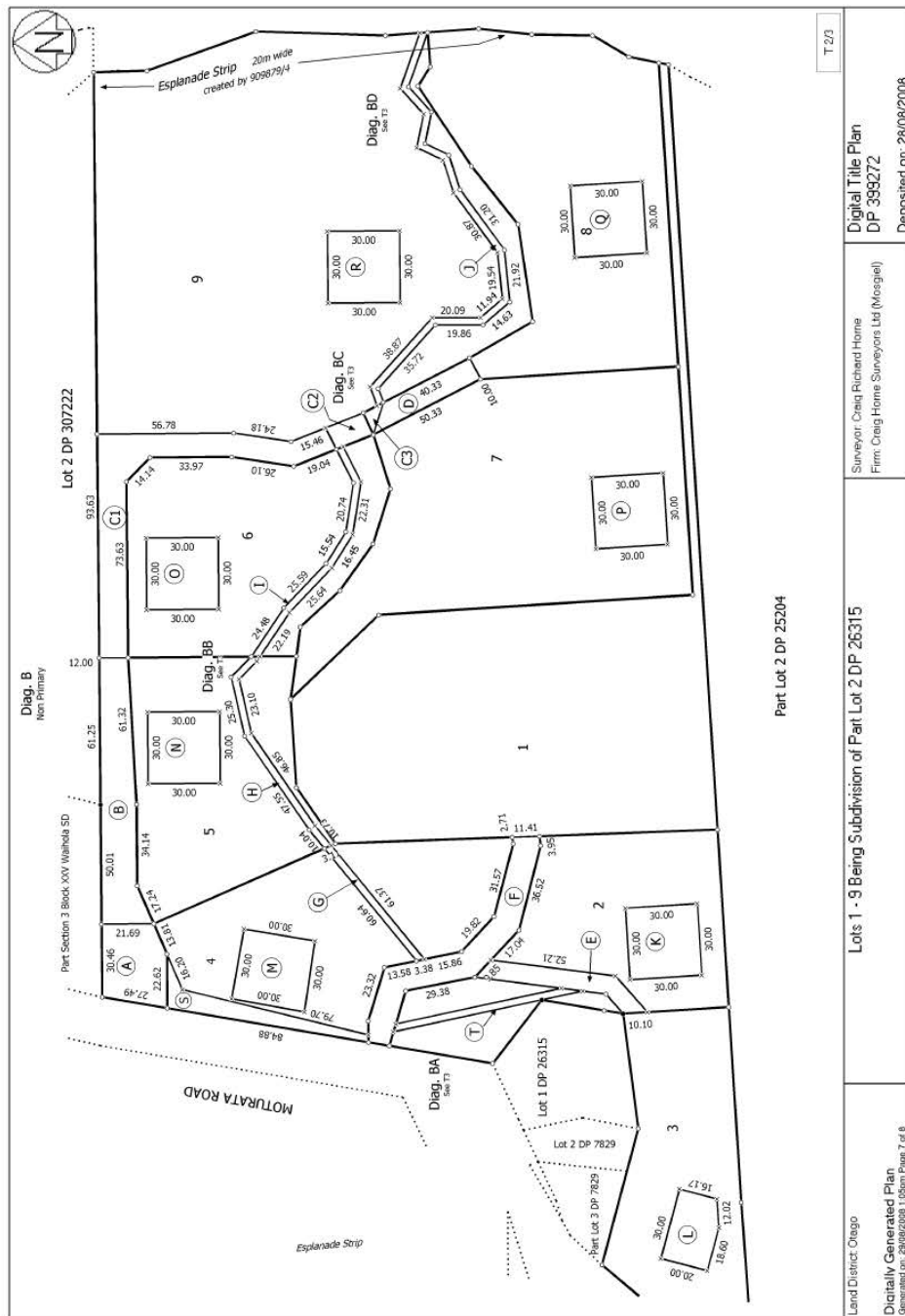
Estate Fee Simple
Area 2.9770 hectares more or less
Legal Description Lot 9 Deposited Plan 399272

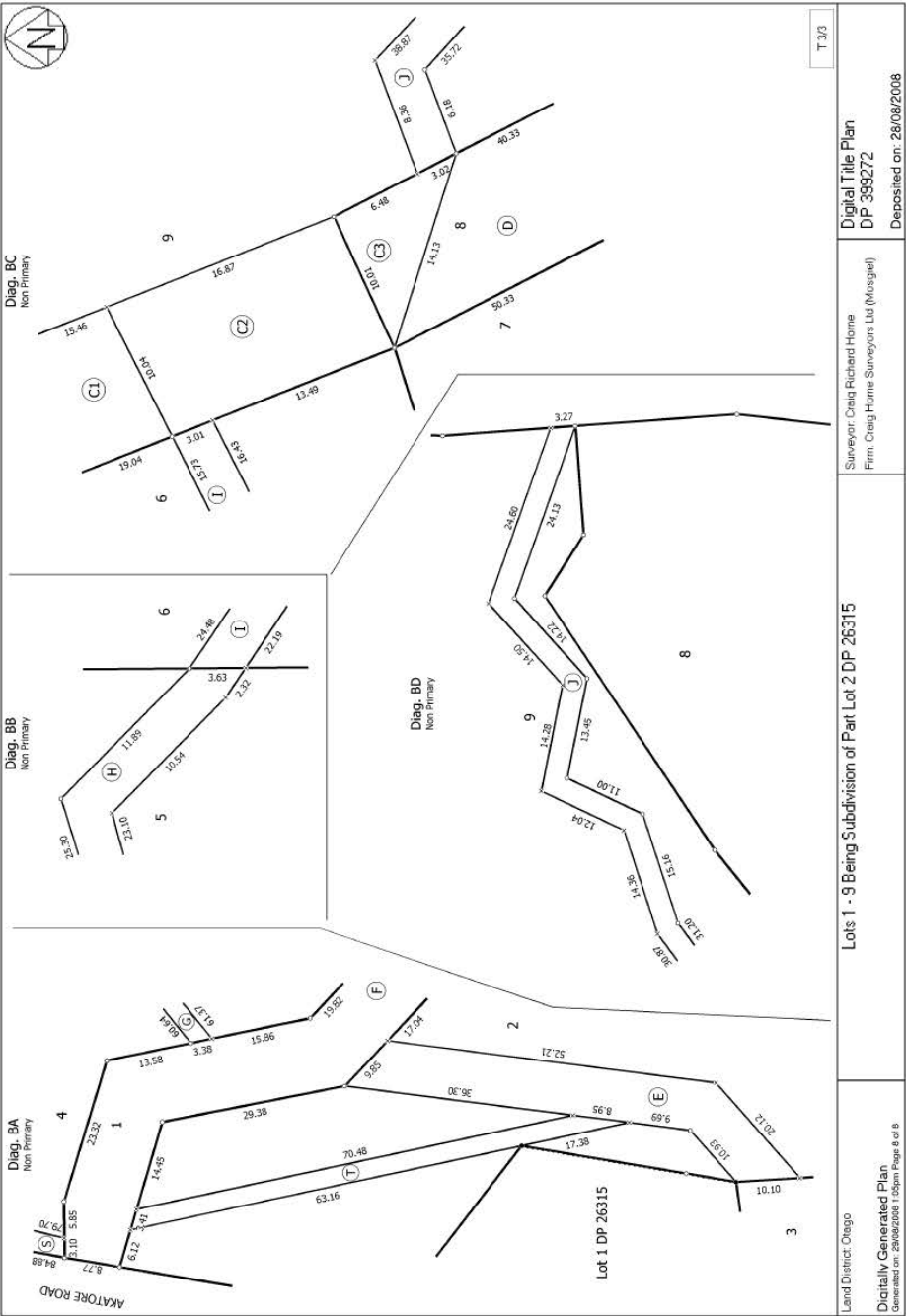
Registered Owners
Solomons Trustees 16 Limited, Clark Robert Campbell and Megan Lindsay Campbell

Interests

223954 Compensation Certificate pursuant to Section 17 Public Works Amendment Act 1948 - 30.8.1960 at 2.43 pm
909879.4 Esplanade Strip Instrument pursuant to Section 230 Resource Management Act 1991 shown marked Esplanade Strip on DP 25204 in favour of the Clutha District Council - 14.6.1996 at 9.30 am
7921033.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.8.2008 at 9:00 am
Subject to a right of way over the parts marked A, B, C1 and C2 on DP 399272 and a pedestrian right of way over parts marked C2 and J on DP 399272 created by Easement Instrument 7921033.7 - 28.8.2008 at 9:00 am
The easements created by Easement Instrument 7921033.7 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right (in gross) to convey telecommunications and computer media over parts marked A, B, C1 and C2 on DP 399272 in favour of Telecom New Zealand Limited created by Easement Instrument 7921033.8 - 28.8.2008 at 9:00 am
Some of the easements created by Easement Instrument 7921033.8 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right (in gross) to convey electricity over parts marked A, B, C1 and C2 on DP 399272 in favour of OtagoNet Limited created by Easement Instrument 7921033.9 - 28.8.2008 at 9:00 am
The easements created by Easement Instrument 7921033.9 are subject to Section 243 (a) Resource Management Act 1991
12051354.3 Mortgage to Bank of New Zealand - 23.4.2021 at 12:53 pm







Appendix 1b: Consent Notice 7921033.5.

IN THE MATTER of Section 221 of the Resource Management Act 1991

AND

IN THE MATTER of an application for Subdivision Consent RM1411

CONSENT NOTICE

Whereas Council has granted Resource Consent to the proposed subdivision comprised in DP 399272 subject to the following conditions which are required to be complied with on a continuing basis by the owners and subsequent owners of the land or parts thereof being the condition specified in the operative part of this notice.

Operative Part

Conditions relating to Lots 2 - 9 DP 399272 (Computer Registers 396012 - 396019)

- (i) *That any dwelling erected within the allotments shall be confined to Areas K - R on DP 399272 unless otherwise complying with the permitted activities of the District Plan.*
- (ii) *That the owners of the allotments shall be responsible for the maintenance of the designated landscape areas shown on the attached plan from the Landscape Assessment and Mitigation Report by Mike Moore, including the replacement of diseased or lost specimens, and removal of weed species.*
- (iii) *No earthworks or excavation, except for the purpose of constructing access, shall occur on the allotment prior to the issue of building consent.*
- (iv) *That if, during the course of excavation or other development activity, previously unidentified archaeological material or sites of possible interest to Manawhenua are identified or disturbed then the following shall occur:*
 - a) *all work that may effect the archaeological site shall cease;*
 - b) *the consent holder shall contact the New Zealand Historic Places Trust and obtain all necessary authorisation in terms of Section 14 of the Historic Places Act 1993;*
 - c) *the consent holder shall contact Kai Tahu ki Otago Ltd Resource Management Office of Dunedin in the event that the site is of significance to Iwi.*
- (v) *That sewage and grey water waste treatment shall be designed by a professionally qualified person experienced in that field, such design to be submitted with any Building Consent application made, (together with Producer Statement), with oversight of the installation to be overseen by that person. This shall include a requirement for secondary treatment systems for the treatment of effluent and wastewater (for example, but not limited to one of the following secondary treatment systems Oasis Clearwater, Filtertech, InnoFlow) to be installed for each of Lots 2 - 9.*
- (vi) *That dwellings and ancillary buildings shall not exceed a single storey and a maximum of 6.0 metres in height, measured from the existing ground level prior to any excavation of a building platform, except for buildings on Lot 3 which shall not exceed a single storey and a maximum of 4.0 metres in height, measured from the existing ground level prior to any excavation of a building platform.*
- (vii) *Dwellings and ancillary buildings shall be located within the building platforms designated for each allotment.*

CONO 7921033.5 Cons

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- (viii) Water tanks and any other accessory structures are to be sited in association with the residential dwelling on each allotment and shall be finished in colours to match the residential dwelling.
- (ix) Material for roofing shall be restricted to steel corrugated iron or tray roofing, or slate (unpainted) or timber shingles (unpainted).
- (x) Materials for walls shall be restricted to timber (natural finish or appropriately coloured) or plaster (appropriately painted) or locally sourced rock or corrugated iron (appropriately coloured).
- (xi) The colours of the roofs shall be restricted to colours that blend with the landscape and have a reflectivity value of 10% or less.
- (xii) The colours of the walls shall be restricted to colours that blend with the landscape and have a reflectivity value of 30% or less, although, detailing around verandas, posts, windows and doors may differ and natural or stained timber would be permissible.
- (xiii) The exterior design and colouration of dwellings, ancillary buildings and water tanks shall be submitted for Council's approval prior to, or together with, the application for building consent.
- (xiv) New fencing shall be constructed from post and wire or traditional dry stone walls using local rock only.
- (xv) Modification to the natural colours is to be kept to the minimum reasonably required for a house, driveway and any outdoor living areas (e.g. patios etc). Any new earthworks are to be designed to blend seamlessly with the surrounding natural landforms.
- (xvi) No monumental gates or lighting shall be associated with driveways or accessways.
- (xvii) Any plantings further than 15m from the houses are to be comprised of appropriate native species as listed in the Landscape Assessment and Mitigation Report prepared by Mike Moore and attached. (Please note the reason for this control is to allow for a variety of small scale garden plantings close to houses whilst retaining a coherent overall effect consistent with the protection of the natural character of the coastal environment.)
- (xviii) No pre-existing dwellings shall be established on the allotments.
- (xix) Woodlots and/or plantations of exotic trees shall not be established.

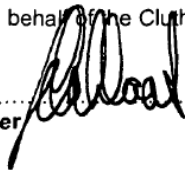
Conditions relating to Lot 3 DP 399272 (Computer Registers 396013)

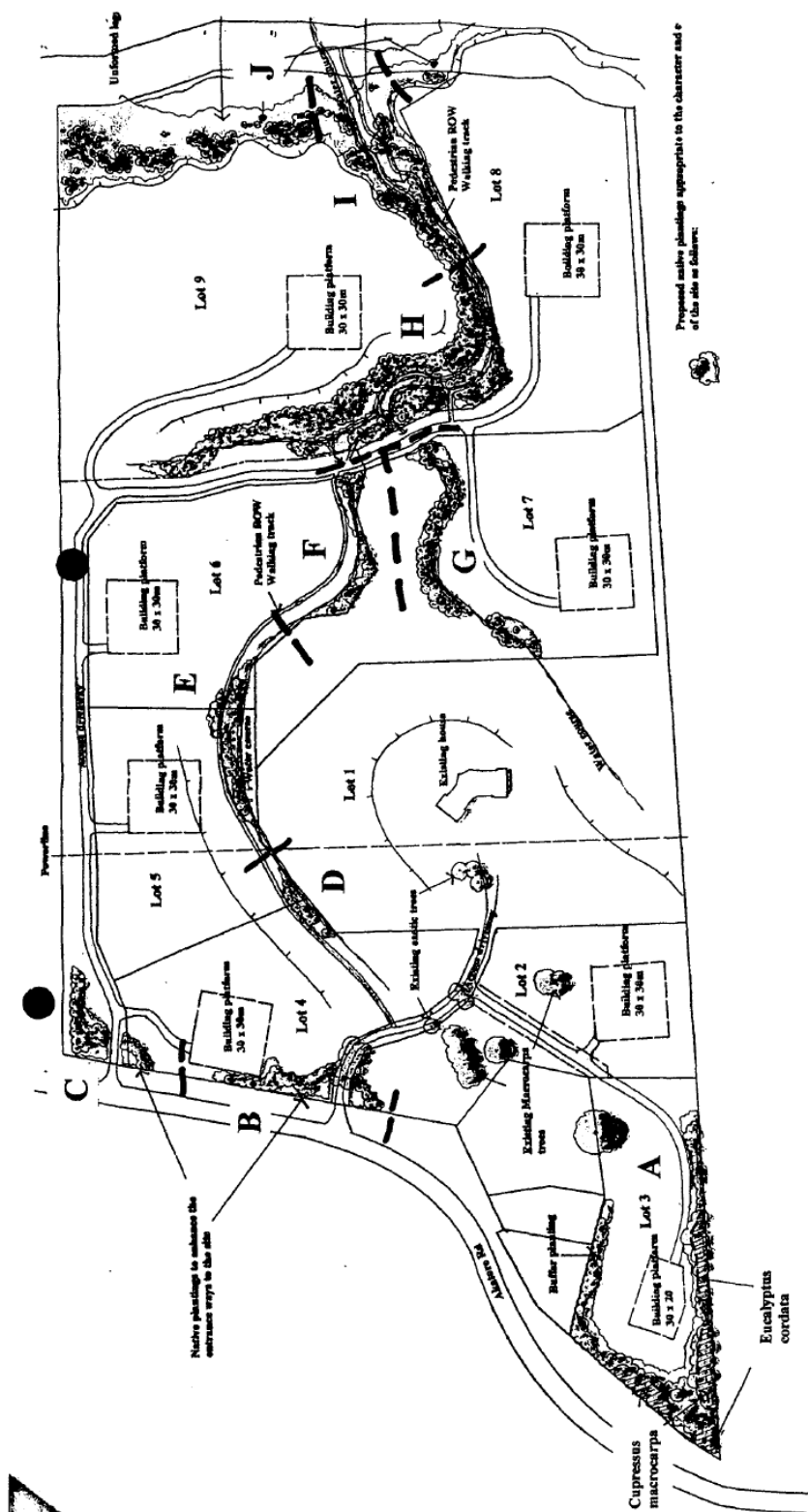
- (xx) Lot 3 shall have a wind-cloth fence not less than 2 metres high, but approximately the height of a standard deer fence, constructed in the position shown on the plan attached as annexure 1 to this consent notice. The fence shall be constructed prior to the construction of any dwelling on Lot 3 starting, and shall be maintained until landscape planting adjacent to the fence required pursuant to subdivision condition 2.4(i) reaches the height of the fence and provides effective screening.

DATED at Balclutha this 3rd day of June 2008.

Signed for and on behalf of the Clutha District Council

Authorised Officer





Scale 1:1500 (A3)

10 December 2007

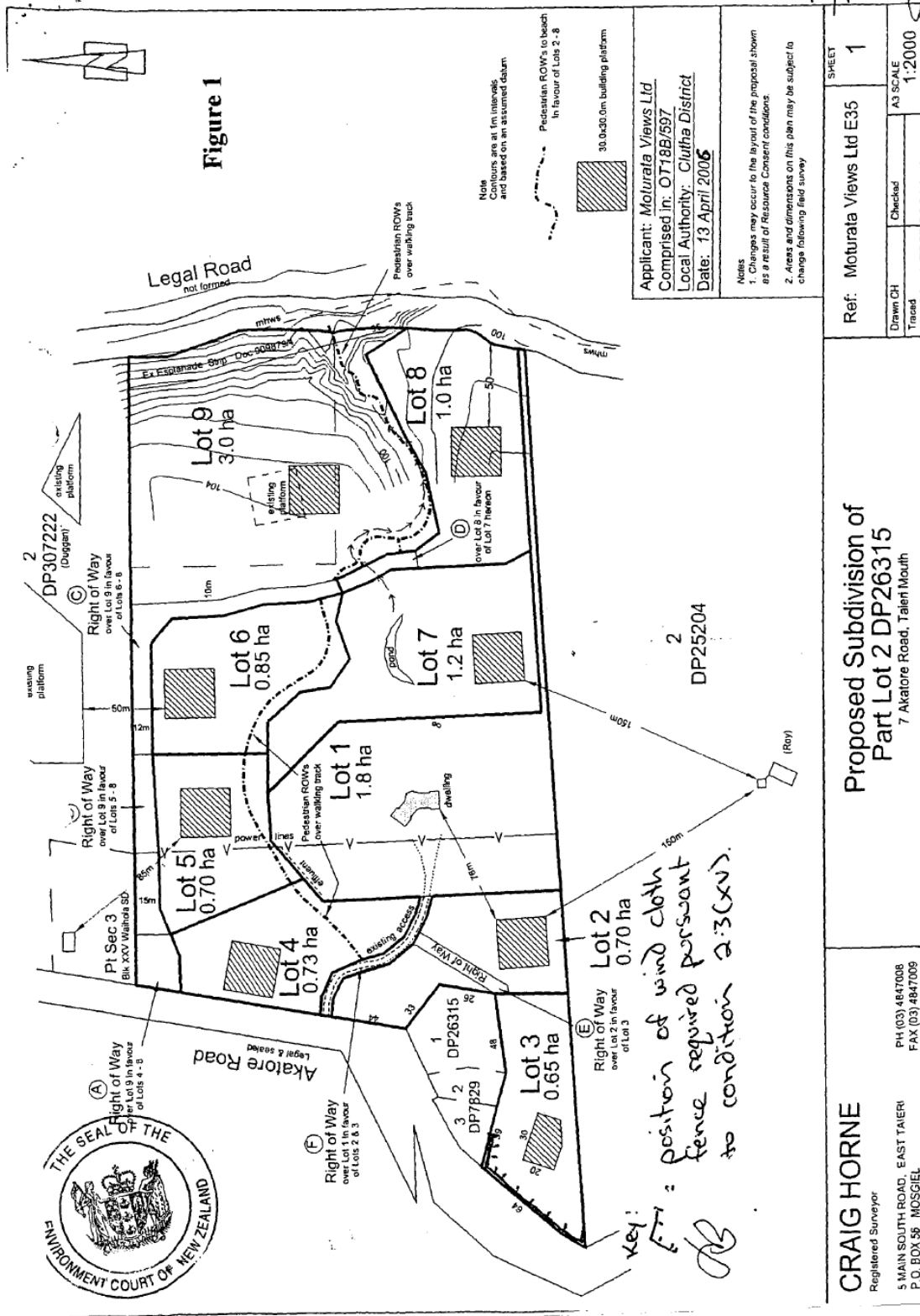
MIKE MOORE
8540 DUG LANE, MERRIDEN, ARIZONA
LANDSCAPE ARCHITECT

po box 5076, durand
tel (03) 479 0833 • fax (03) 479 0834 • cell 0274 360 163
email m.mcgregor@net.net

Planting Plan

**Moturata Views Ltd, 7 Akatore Road,
Taieri Mouth**

Annexure 1:



7 Akatore Road, Taieri Mouth, Planting Plan

Planting Plan and Specification

**Moturata Views Ltd, 7 Akatore Road,
Taieri Mouth**

10 December 2007

Prepared by

MIKE MOORE

BSc, Dip LA, MRRP, ANZILA

LANDSCAPE ARCHITECT

Po box 5076, Dunedin

Tel (03) 479 0833 . fax (03) 479 0834 . cell 0274 360 163

Email m.moore@clear.net.nz

Introduction

This planting plan and specification is in response to condition 2.4 of Clutha District Council Resource Consent RMA/COM/1411 for subdivision and rural residential land use at the Moturata Views Ltd property, 7 Akatore Rd, Taieri Mouth (Part Lot 2 DP 26315 (CT 18B/597)). The objectives of the planting are as follows:

- To help mitigate visual effects associated with new buildings from viewpoints beyond the site.
- To enhance the natural character of the site and emphasize the natural landform .
- To enhance the on-site amenity, including shelter and screening for the future residents.

The following specification and schedules relate to the planted areas shown on Plan A attached.

General specification

1. If required, ensure that the areas to be planted are securely fenced off from grazing animals. Include rabbit proof fencing as needed.
2. Spray the entire area to be planted using a systemic non-residual herbicide to kill the existing grasses. To ensure that this spraying is effective two applications may be required.
3. Plant the following species in random fashion to achieve as natural effect as possible, including groups of the same species. Except as otherwise stated planting density should be approximately 1.5 – 2.0m. Planting should be undertaken between the months of April – August.
4. All plants are to be PB3 stock except for Hebe sp and Myoporum Laetum which are to be PB5.
5. Plant with one slow release fertilizer tablet per plant.
6. Apply 500mm radius ring of mulch, 100mm deep (e.g. wood shreds) around each plant.
7. Weed or spray as required to ensure that weed species do not impede successful plant establishment. Undertake on-going animal pest control and water as required. Replace any dead plants. The establishment maintenance period is 3 years from the date of planting.

Schedules

Area A

- Total area : 1531 m²
- Approx number of plants @ 1.75m centres : 500
- Lower species (marked *) are to be concentrated more, but not entirely, around the edges

Botanical name	Common name	% of planting	Approx quantity
<i>Coprosma propinqua</i> *	Mingimingi	5	25
<i>Cordyline australis</i>	Cabbage tree	10	50
<i>Fuchsia excorticata</i>	Native fuchsia	2.5	13
<i>Griselinia littoralis</i>	Broadleaf	5	25
<i>Hebe salicifolia</i> *	Koromiko	5	25
<i>Kunzea ericoides</i>	Kanuka	22.5	113
<i>Melicactus ramiflorus</i>	Mahoe	10	50
<i>Myoporum laetum</i>	Ngaio	12.5	60
<i>Myrsine australis</i>	Mapou	5	25
<i>Olearia avicenniaefolia</i>	Akeake	2.5	13
<i>Phormium tenax</i> *	Flax	5	25
<i>Pittosporum tenuifolium</i>	Kohuhu	5	25
<i>Plagianthus regius</i>	Ribbonwood	5	25
<i>Psuedowintera colorata</i> *	Pepper tree	2.5	13
<i>Sophora microphylla</i>	Kowhai	2.5	13

Area A(exotics)

- Total area : 775 m²
- Approx number of plants @ 3m centres : 87

Note : The following species to be planted in large groups of the same species as shown on Plan A at 3m spacings

Botanical name	Common name	% of planting	Approx quantity
<i>Cupressus macrocarpa</i>	Macrocarpa	See plan	55
<i>Eucalyptus cordata</i>	Heart-leaved Silver Gum	See plan	32

Area B

- Total area : 570 m²
- Approx number of plants @ 1.75m centres : 185
- Lower species (marked *) are to be concentrated more, but not entirely, around the edges

Botanical name	Common name	% of planting	Approx quantity
<i>Coprosma propinqua</i> *	Mingimingi	5	9
<i>Cordyline australis</i>	Cabbage tree	10	18
<i>Fuchsia excorticata</i>	Native fuchsia	2.5	5
<i>Griselinia littoralis</i>	Broadleaf	5	9
<i>Hebe salicifolia</i> *	Koromiko	5	9
<i>Kunzea ericoides</i>	Kanuka	27.5	50
<i>Melicytus ramiflorus</i>	Mahoe	10	18
<i>Myoporum laetum</i>	Ngaio	12.5	23
<i>Myrsine australis</i>	Mapou	5	9
<i>Phormium tenax</i> *	Flax	5	9
<i>Pittosporum tenuifolium</i>	Kohuhu	5	9
<i>Plagianthus regius</i>	Ribbonwood	2.5	5
<i>Psuedowintera colorata</i> *	Pepper tree	2.5	5
<i>Sophora microphylla</i>	Kowhai	2.5	5

Area C

- Total area : 390 m²
- Approx number of plants @ 1.75m centres : 130
- Lower species (marked *) are to be concentrated more, but not entirely, around the edges

Botanical name	Common name	% of planting	Approx quantity
<i>Coprosma propinqua</i> *	Mingimingi	5	6
<i>Cordyline australis</i>	Cabbage tree	10	13
<i>Fuchsia excorticata</i>	Native fuchsia	2.5	3
<i>Griselinia littoralis</i>	Broadleaf	5	6
<i>Hebe salicifolia</i> *	Koromiko	5	6
<i>Kunzea ericoides</i>	Kanuka	27.5	36
<i>Melicytus ramiflorus</i>	Mahoe	10	13
<i>Myoporum laetum</i>	Ngaio	12.5	16
<i>Myrsine australis</i>	Mapou	5	6
<i>Phormium tenax</i> *	Flax	5	6
<i>Pittosporum tenuifolium</i>	Kohuhu	5	6
<i>Plagianthus regius</i>	Ribbonwood	2.5	3
<i>Psuedowintera colorata</i> *	Pepper tree	2.5	3

<i>Sophora microphylla</i>	Kowhai	2.5	3
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Area D

- Total area : 150 m2
- Approx number of plants @ 1.75m centres : 50
- Species (marked *) are to be concentrated mainly along the lower damper edge

Botanical name	Common name	% of planting	Approx quantity
<i>Carex secta</i> *	Niggerhead	5	0
<i>Coprosma propinqua</i> *	Mingimingi	5	3
<i>Cordyline australis</i>	Cabbage tree	10	5
<i>Cortaderia richardii</i> *	Toe toe	5	3
<i>Griselinia littoralis</i>	Broadleaf	5	3
<i>Kunzea ericoides</i>	Kanuka	10	5
<i>Leptospermum scoparium</i> *	Manuka	5	3
<i>Myoporum laetum</i>	Ngaio	15	8
<i>Myrsine australis</i>	Mapou	5	3
<i>Phormium tenax</i> *	Flax	25	13
<i>Pittosporum tenuifolium</i>	Kohuhu	10	5

Area E

- Total area : 560 m2
- Approx number of plants @ 1.75m centres : 185
- Species (marked *) are to be concentrated mainly along the lower damper edge

Botanical name	Common name	% of planting	Approx quantity
<i>Carex secta</i> *	Niggerhead	5	10
<i>Coprosma propinqua</i> *	Mingimingi	5	10
<i>Cordyline australis</i>	Cabbage tree	10	19
<i>Cortaderia richardii</i> *	Toe toe	5	10
<i>Griselinia littoralis</i>	Broadleaf	5	10
<i>Kunzea ericoides</i>	Kanuka	10	19
<i>Leptospermum scoparium</i> *	Manuka	5	10
<i>Myoporum laetum</i>	Ngaio	15	28
<i>Myrsine australis</i>	Mapou	5	10
<i>Phormium tenax</i> *	Flax	20	37
<i>Pittosporum tenuifolium</i>	Kohuhu	10	19
<i>Plagianthus regius</i>	Ribbonwood	5	10

Area F

- Total area : 450 m2
- Approx number of plants @ 1.75m centres : 150
- Species (marked *) are to be concentrated mainly along the lower damper edge

Botanical name	Common name	% of planting	Approx quantity
Carex secta*	Niggerhead	5	8
Coprosma propinqua*	Mingimingi	5	8
Cordyline australis	Cabbage tree	10	15
Cortaderia richardii*	Toe toe	5	8
Griselinia littoralis	Broadleaf	5	8
Kunzea ericoides	Kanuka	10	15
Leptospermum scoparium*	Manuka	5	8
Myoporum laetum	Ngaio	15	23
Myrsine australis	Mapou	5	8
Phormium tenax*	Flax	20	30
Pittosporum tenuifolium	Kohuhu	10	15
Plagianthus regius	Ribbonwood	5	8

Area G

- Total area : 800 m2
- Approx number of plants @ 1.75m centres : 260
- Species (marked *) are to be concentrated mainly along the lower damper edge

Botanical name	Common name	% of planting	Approx quantity
Carex secta*	Niggerhead	5	13
Coprosma propinqua*	Mingimingi	10	26
Cordyline australis	Cabbage tree	20	52
Cortaderia richardii*	Toe toe	10	26
Griselinia littoralis	Broadleaf	5	13
Kunzea ericoides	Kanuka	5	13
Leptospermum scoparium*	Manuka	5	13
Myoporum laetum	Ngaio	5	13
Myrsine australis	Mapou	5	13
Phormium tenax*	Flax	20	52
Pittosporum tenuifolium	Kohuhu	5	13
Plagianthus regius	Ribbonwood	5	13

Area H

- Total area : 3225 m2
- Approx number of plants @ 1.75m centres : 1050
- Species (marked *) are to be concentrated mainly along the lower damper edge

Botanical name	Common name	% of planting	Approx quantity
<i>Carex secta</i> *	Niggerhead	5	52
<i>Coprosma propinqua</i> *	Mingimingi	5	52
<i>Cordyline australis</i>	Cabbage tree	10	105
<i>Cortaderia richardii</i> *	Toe toe	2.5	26
<i>Griselinia littoralis</i>	Broadleaf	5	52
<i>Kunzea ericoides</i>	Kanuka	15	157
<i>Leptospermum scoparium</i> *	Manuka	2.5	26
<i>Melicytus ramiflorus</i>	Mahoe	5	52
<i>Myoporum laetum</i>	Ngaio	15	157
<i>Myrsine australis</i>	Mapou	5	52
<i>Phormium tenax</i> *	Flax	20	210
<i>Pittosporum tenuifolium</i>	Kohuhu	5	52
<i>Plagianthus regius</i>	Ribbonwood	5	52

Area I

- Total area : 2250 m2
- Approx number of plants @ 1.75m centres : 735
- Species (marked *) are to be concentrated mainly along the stream edge

Botanical name	Common name	% of planting	Approx quantity
<i>Coprosma propinqua</i> *	Mingimingi	5	37
<i>Cordyline australis</i>	Cabbage tree	20	147
<i>Cortaderia richardii</i> *	Toe toe	10	73
<i>Hebe elliptica</i>	Shore hebe	10	73
<i>Myoporum laetum</i>	Ngaio	20	147
<i>Myrsine australis</i>	Mapou	5	37
<i>Olearia avicenniaefolia</i>	Akeake	5	37
<i>Phormium tenax</i> *	Flax	25	184

Area J

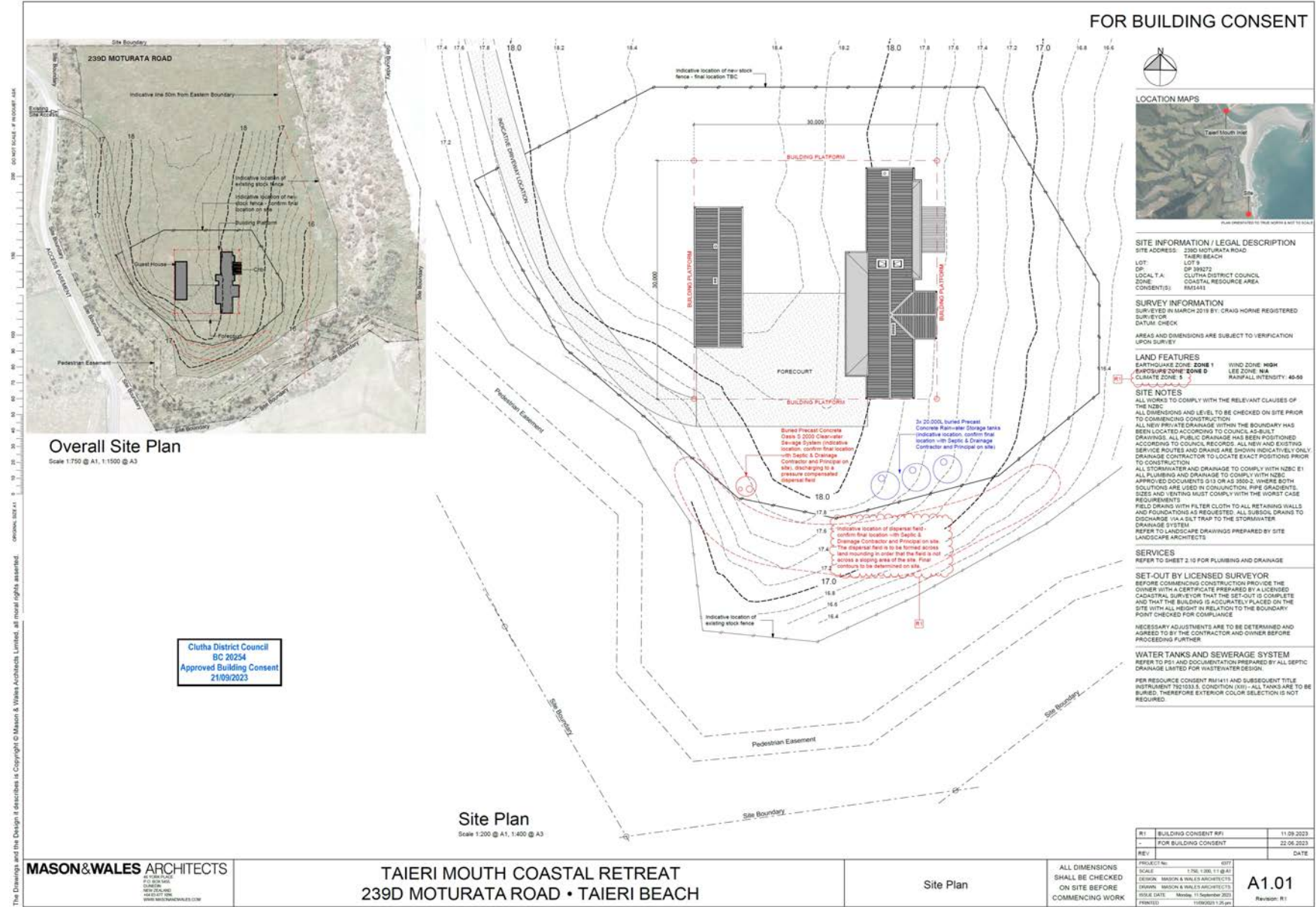
- Total area : 2280m2
- Approx number of plants @ 2.5m centres : 365
- Existing gorse to be sprayed and dead plants to be retained in the short – medium term as required to provide some shelter. Ensure that the spread of gorse and other weed species is controlled.

Botanical name	Common name	% of planting	Approx quantity
<i>Coprosma propinqua</i>	Mingimingi	5	20
<i>Cordyline australis</i>	Cabbage tree	20	75
<i>Cortaderia richardii</i>	Toe toe	10	40
<i>Hebe elliptica</i>	Shore hebe	10	40
<i>Myoporum laetum</i>	Ngaio	20	75
<i>Myrsine australis</i>	Mapou	5	20
<i>Olearia avicenniaefolia</i>	Akeake	5	20
<i>Phormium tenax</i>	Flax	25	90

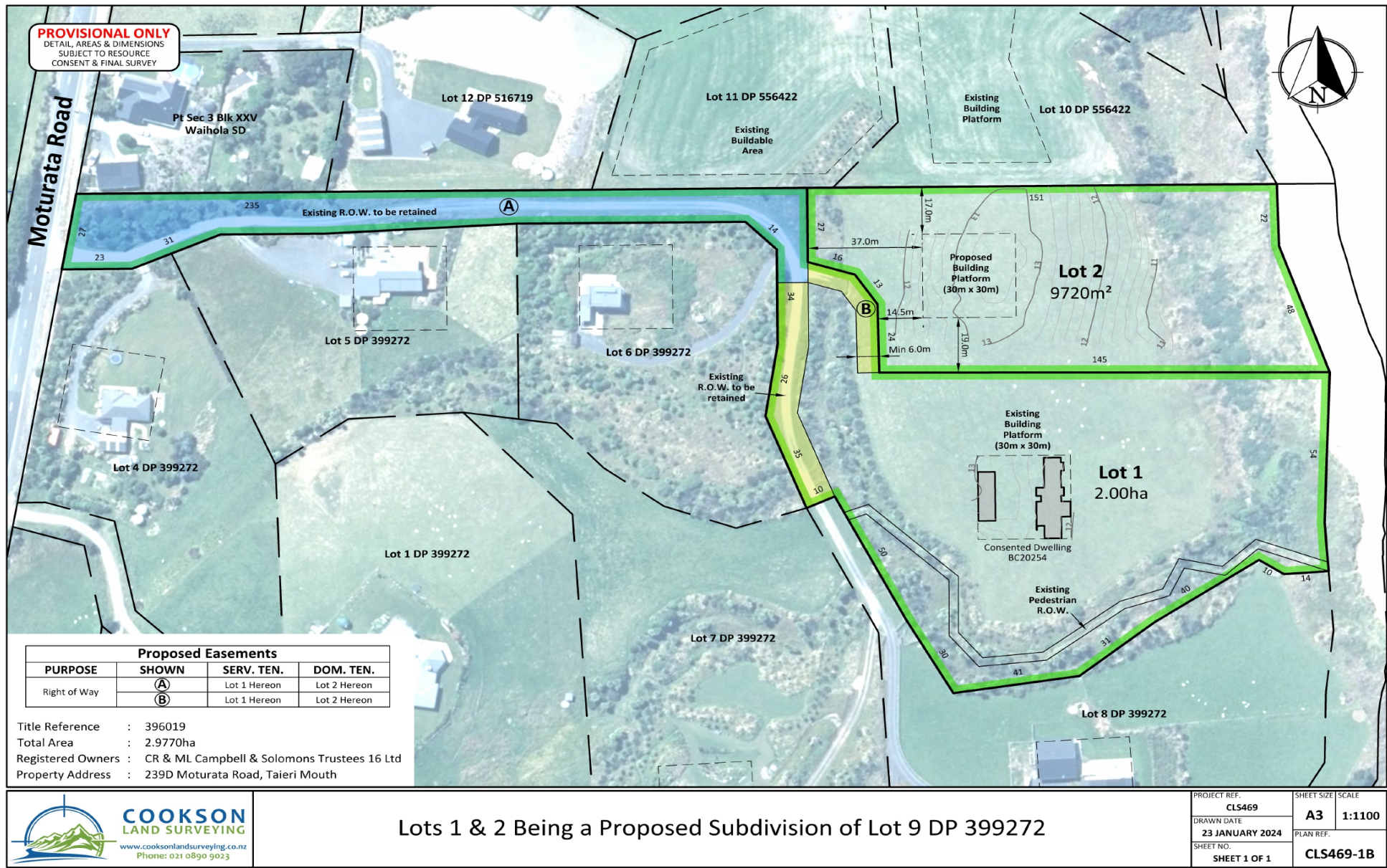
General schedule : Totals

Botanical name	Common name	Grade	Total quantity
Carex secta	Niggerhead	Pb3	114
Coprosma propinqua	Mingimingi	Pb3	196
Cordyline australis	Cabbage tree	Pb3	499
Cortaderia richardii	Toetoe	Pb3	186
Cupressus macrocarpa	Macrocarpa	Pb3	55
Eucalyptus cordata	Heart-leaved silver gum	Pb3	32
Fuchsia excorticata	Native fuchsia	Pb3	21
Griselinia littoralis	Broadleaf	Pb3	126
Hebe elliptica	Shore hebe	Pb5	113
Hebe salicifolia	Koromiko	Pb5	40
Kunzea ericoides	Kanuka	Pb3	408
Leptospermum scoparium	Manuka	Pb3	60
Melicytus ramiflorus	Mahoe	Pb3	133
Myoporum laetum	Ngaio	Pb5	560
Myrsine australis	Mapou	Pb3	183
Phormium tenax	Flax	Pb3	656
Olearia avicenniaefolia	Akeake	Pb3	70
Pittosporum tenuifolium	Kohuhu	Pb3	144
Plagianthus regius	Ribbonwood	Pb3	116
Psuedowintera colorata	Pepper tree	Pb3	21
Sophora microphylla	Kowhai	Pb3	21

Appendix 2: Copy of BC20254 Site Plan.



Appendix 3: Subdivision Scheme Plan.





239d Moturata Road, Subdivision Proposal
Taieri Mouth

ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

07 December 2023

1. Introduction

- 1.1 This landscape assessment has been commissioned by Emma Peters, Sweep Consultancy Ltd, on behalf of Clark and Megan Campbell, applicants for a proposed two lot subdivision at 239d Moturata Road, Taieri Mouth. The effect of the subdivision would be to create one additional Lot with a building platform.
- 1.2 This report follows the New Zealand Institute of Landscape Architects Te Pito Ora landscape assessment guidelines ('NZILA') (March 2021) and includes the 'biophysical, associative', and 'perceptual' factors are recommended as an assessment framework. It includes the following sections¹:
- Landscape context
 - Statutory context;
 - Proposal details;
 - Assessment of landscape and visual effects;
 - Assessment of statutory effects; and
 - Summary and conclusion.
- 1.3 The scale of effects applied refers to a seven-point scale of 'very low, low, low-moderate, moderate, moderate-high, high, very high'. Ratings of 'low' to 'low-moderate' are equivalent of an assessment of 'minor' on a technical planning scale ².
- 1.4 The proposed site is approximately (approx.) 2.9770 hectares ('ha') in area and located on a narrow coastal terrace above the South Taieri Mouth shoreline. The land is within the *Coastal Resource Area* under the Clutha District Plan (1998) ('District Plan'), under which subdivision is a discretionary activity. Potential adverse effects on coastal natural character are an important assessment factor within the Coastal Resource Area (CRA).
- 1.5 Site visits were made on the 7th and 13th of February 2023 and photographs were taken from adjacent public roads and within the site and surrounding area during these visits. A selection of these photographs and plans illustrating the proposal are included in a separate A3 attachment³. The applicants obtained building consent for a dwelling on the existing consented platform which is shown on the subdivision scheme plan – see proposed Lot 1.
- 1.6 The objectives, policies, and rules that apply to landscape and natural character issues are included in Appendix A of this report. Recommended landscape conditions are provided in Appendix B and non-binding planting recommendations are provided in Appendix C.

2. Landscape Context

- 2.1 The site was created by a prior 9-lot subdivision which is now fully developed with 8 built residential dwellings and 1 residential dwelling which has building consent. The area of development is located on gentle slopes that descend from Akatore Rd to a small coastal terrace

¹ Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, 5 May 2021, Section 6.36 (Dropbox link: <https://www.dropbox.com/sh/dgn6ur9dmxbqubr/AADZbAIVCafzNMjZGNAWNSkna?dl=0>)

² New Zealand Landscape Assessment Guidelines, Section 6.37, pg. 68

³ Attachment 1: Visual Evidence, 239d Moturata Road, Taieri Mouth, March 2023

that ends at the shoreline escarpment that marks this section of coastline⁴. The boundary between the terrace and the escarpment is marked by a fence line and a change from open pasture to a mix of native and exotic coastal vegetation⁵.

- 2.2 The lower tidal zone is marked by schist rock shelves that extend into the sea. Native planting was undertaken on this bank as part of the 2006 subdivision and a pedestrian ROW marks the southern end of the site and connects the end of the access lane with the shoreline⁶.
- 2.3 The terrace area is slightly elevated above the ROW and rises approximately 4m above at its highest point, and the location of proposed Lot 1 building platform⁷. The top of the terrace forms a small ridge that runs north/west to south/east and provides a foreshore focal point for houses above the site⁸.
- 2.4 Those on the northern boundary include 239b and 239c Moturata Rd. Dense native shelter belt planting marks the northern boundaries of both these properties in addition to the mitigation planting required by consent⁹. No.239c is located above the lower ROW and adjacent to proposed Lot 2. The lower floor level of the dwelling appears to be approximately 3m+ above the upper level of the terrace¹⁰.
- 2.5 A more recent 16-lot subdivision is under construction to the north of the main ROW. The consented platforms end approximately 20m from the northern site boundary on the coastal terrace but are likely to have the main aspect towards the north. A 6m wide strip of shelter planting is being established by the applicant as part of the original mitigation. This will prevent direct views into the site from these lower subdivision sites when it gains momentum. Additional planting in this strip is recommended in the planting conditions (Appendix B).
- 2.6 Biophysical factors
The subject site is part of the coastal terrace than extends for approximately 450m from the southern boundary of 239f Moturata Rd to a headland point approximately 250m north of the site boundary. The terrace edge then extends inland to the route of Moturata Rd with coastal flats continuing to the outfall of Akatore Creek¹¹.
- 2.7 Associative factors
The site and wider terrace area to the north are undeveloped and have a coastal rural character that reflects the farming land use that was predominant on this part of the coastline before residential subdivision began.
- 2.8 Perceptual factors
The regular topography and open pasture provide a visual boundary between the slopes and the shoreline and the change to the coastal landscape to the north and south.

⁴ Context & Viewpoints, Figure 1, Viewpoint 2 (Vpt.2), Figure 4 and Vpt.5, Figure 7, Attachment 1

⁵ Proposal and Mitigation, Figure 2 and Vpt.7, Figure 9

⁶ Figure 2

⁷ Vpt.3, Figure 5. Survey data derived from a concept housing plan provided by the applicant

⁸ Vpt.8, Figure 10

⁹ Vpt.6, Figure 8

¹⁰ Vpt.9, Figure 11

¹¹ Vpt.4, Figure 6

3 Statutory Context

- 3.1 The site is located within Clutha District and within the Coastal Resource Area (CRA) of the Clutha District Plan (District Plan). The CRA boundary is based on geomorphological, ecological and coastal processes and is a joint determination between Council, Otago Regional Council and the Department of Conservation and reflects the management requirements of the New Zealand Coastal Policy Statement (NZCPS) (2010).
- 3.2 NZCPS Objective 2 seeks to preserve the natural character of the coastal environment and protect natural features and landscape values by identifying those characteristics and qualities by geographical area which would be adversely affected by subdivision. Restoration of the coastal environment is sought when development does occur.
- 3.3 NZCPS Policy 1 and Policy 2 consider the extent of the coastal environment and seek consolidation of coastal development. Enhancing existing character and avoidance of adverse effects are set as goals for development proposals. The potential adverse visual effects of structures on headlands are specifically mentioned.
- 3.4 Policy 13 requires regional and territorial plans to respond to preserve coastal natural character and also describes attributes that may be included. These indicate that natural character is an experiential and perceptual value as well as a physical measure of biodiversity, geomorphology, and coastal processes. An assessment of the relative values of different coastal areas is required and the definition of the CRA in the District Plan and a recent coastal study reflect that objective.
- 3.5 The coastal environment study 'Coastal Environment of Otago, Natural Character and Outstanding Features and Landscapes Assessment' (2015) was commissioned by DoC, ORC and Clutha District Council (Council)¹². The shoreline adjacent to the proposed site falls in natural character unit CNC7 and was assessed as having a 'medium/high' level of natural character on a 5 point scale of 'high, medium - high, medium, medium – low, low'¹³.
- 3.6 The Otago Regional Policy Statement (RPS) incorporates the objectives and policy of the NZCPS. Objective 3.1 seeks to identify and maintain coastal values, 'including intrinsic values of ecosystems and natural resources'. The assessment of natural character is set out in RPS Policy 3.1.12 and 3.2.8, and restates NZCPS Objective 2, Policy 13.2, including:
- (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;

¹² 'Coastal Environment of Otago, Natural Character and Outstanding Features and Landscapes Assessment', https://www.cluthadc.govt.nz/repository/libraries/id:2c0gik8bh17q9s5atec4/hierarchy/Documents/Documents_Resource-consents-and-planning/Coastal%20Environment%20Study.pdf

¹³ IBID, pg.13 and pg.17,

- (f) places or areas that are wild or scenic;
 - (g) a range of natural character from pristine to modified; and
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.
- 3.7 The District Plan seeks to provide for a flexible approach to urban and rural subdivision (Objective 1). The District Plan does not address the landscape and natural character issues that might relate to coastal subdivision directly but does seek to avoid development that adversely affects coastal natural character (Policy SUB.10).
- 3.8 Subdivision in the CRA is a discretionary activity (Section 3.7, Rule SUB.2). Rules SUB1(d) and SUB.4 address performance aspects of subdivision and road design. Where wider coastal assessment is required the objectives, policies, and rules of the NZCPS, the RPS, and District Plan CRA apply.
- 3.9 District Plan Section 4.2 Coastal Resource Area, objective COA.1 seeks to 'preserve the natural character of the coastal environment and protect it from inappropriate subdivision and development'. Policy COA.1 expands on Objective 1. Those areas to be considered for protection include:
- the natural character of the coastal environment (including the coastal marine area); wetlands, lakes and rivers, and their margins;
 - outstanding natural features and landscapes;
 - areas of significant indigenous vegetation and significant habitats of indigenous fauna
- 3.10 Policy COA.2 and Policy COA.10 seek to avoid adverse development effects through mitigation and the design control of structures. The erection of a new dwelling is a restricted discretionary activity under Rule COA.4 (b) and 'the effect of the building and any associated signage on the natural character of the Coast, particularly in terms of visual impact' require consideration¹⁴.
- 3.11 Summary
- The assessment of the proposed subdivision includes two steps with the first being a consideration of the proposal against the natural character values of the coastline. The second step considers the potential effect of the residential dwelling on the building platform that would result. The emphasis of the second step is on visual effects.

4 Proposal

- 4.1 It is proposed to subdivide the existing site, located at 239d Moturata Road, to create an additional Lot (Lot 2) with an identified building platform¹⁵. The new identified building platform is located to the north of the original consented building platform, which now has building consent for construction of a dwelling and opposite the present dwelling on 239c Moturata Road. The consented dwelling on Lot 1 is single level and has a maximum height of 5m above

¹⁴ Rule COA.4. (b), Section 4.2 Coastal Resource Area, Clutha District Plan

¹⁵ Proposal and Mitigation, Figure 2, Attachment 1

ground level. Likewise, it is proposed that the dwelling on Lot 2 will be single level and restricted to 5m above ground level.

- 4.2 Mitigation planting has been undertaken along the northern boundary but is at an early stage¹⁶. Additional planting is specified to encourage a dense and more rapid shelter belt to establish. This boundary planting will screen views back into the site from adjacent development and provide a similar level of shelter as exists on the northern boundary of no's 239b and 239c.
- 4.3 Mitigation planting is proposed along the western road boundary of both Lots. This will extend existing planting and provide a visual buffer to Lot 2 for vehicles on the shared ROW. The planting proposed for Lot 1 continues part way along the southern boundary and seeks to partially mitigate the visual change that will result for 239f as well as providing wind shelter. The building platform for Lot 1 has consent under the existing subdivision and building consent has recently been obtained for a dwelling on that building platform.
- 4.4 Recommended landscape conditions are included in Appendix B and C. These address building height, colour, external materials, and planting. The majority of these conditions repeat those included in the original subdivision landscape report and planting plan, as provided by Mike Moore. This reflects the success of planting and the opportunity to extend the existing subdivision character into the proposed subdivision.
- 4.5 Present boundary planting has reached 4 -5 m in parts and provides canopy cover, a mix of species and a context for the dwellings on the site. The species chosen are all hardy native coastal plants and are a good fit with the coastal climate.

5 Assessment of Landscape, Coastal Character and Visual Effects

- 5.1 Building consent has been obtained for a dwelling on the existing building platform on the site, which is to be contained in Lot 1. A housing concept for Lot 2 was supplied by the applicant and has been applied for the purpose of assessment to proposed Lot 2¹⁷. This drawing indicates a rise of approximately 3.5m from the northern boundary, 4m from the shared ROW, and approximately 5m to the lower south/east boundary. These rises are over a distance of 40 – 50m on all boundaries and are noticeable but not steep.
- 5.2 The vacant part of the site is used for pasture and sheep grazing. It is approximately 105m wide and 150m long, not including existing boundary planting. Presently, 239c and 239f have unencumbered views across the site, from west to east and south to north. Those using the ROW to access 239g and 239f Moturata Road gain a brief view of the coastal terrace at the entrance gate to the site but the majority of this boundary is screened by existing planting.
- 5.3 **Landscape Effects**
The potential adverse effects on the existing landscape pattern of the coastal resource area, that includes the site and the surrounding rural residential dwellings, that may arise from the proposal are assessed as:

¹⁶ Vpt.6, Figure 8

¹⁷ Proposal and Mitigation, Figure 2

- **Short term** landscape effects – 1 – 5 years: **low/medium**
- **Longer term** landscape effects – 5 - 15 years: **low**

5.4 Reasons

Remnants of the previous rural coastal landscape are reflected in the site and terrace land to the north. These include open pastureland, animals, clear views to the sea, and lack of vegetation cover and reflects pastoral use. Division of the previous large land areas into small parcels changed this character. The accompanying consent conditions also led to change in land cover as well as patterns of use that include access lanes, water tanks and residential housing and extensive boundary planting with indigenous species.

5.5 The proposed location of the identified building platform on Lot 2 and further substantial mitigation boundary planting on both lots will continue the pattern of the wider subdivision and will enhance it. The building platform on Lot 2 is separated by a minimum of 50m from the dwelling on Lot 1 for which building consent has been obtained. The large areas of mitigation planting provide a context to the identified building platform on Lot 2.

5.6 The site presently has amenity value by virtue of not being developed. However, but there is an existing permitted building platform for the site which permits a dwelling up to 6m in height. The applicants have recently obtained building consent for a dwelling with a maximum height of 5m on the permitted building platform for the site. The proposal mitigates the potential impact in terms of height and additional planting.

5.7 Natural Character Effects

The potential adverse effects on coastal natural character of the site and adjacent shoreline are assessed as:

- **Short term** adverse natural character effects – 1 – 5 years: **low**
- **Longer term** adverse natural character effects – 10+ years: **very low**

5.8 Reasons

The upper terrace is an open pastoral environment that is significantly modified and contains none of its original land cover apart from the mitigation planting on its boundaries resulting from the previous consent creating the site. It reflects few natural processes that are associated with the coastal environment apart from the uplift that created it and the continued formative process and the influence of climate.

5.9 The proposed development is not anticipated to have any adverse effect on existing natural character environment, which is expected to improve with additional mitigation planting. It is not considered that the site reflects coastal natural character, although it does lie within the coastal environment and is affected by its processes and attributes including erosion, storms, salt spray, marine birds, uncluttered views of the night sky and sound and presence of the tidal patterns.

5.10 Visual Effects

The potential adverse effects on the visual amenity of the site from the development of one additional dwelling on the proposed site is assessed as:

- **Short term** adverse visual effects – 1 – 5 years: **low/medium**
- **Longer term** adverse visual effects – 10+ years: **low**

5.11 Reasons

Lot 1 contains a consented building platform that includes a 6m high permitted roof line. This would be highly apparent to all dwellings to the west and uphill of this approved site and on the southern boundary. Draft consent conditions propose lowering the maximum height of both future structures from 6m to 5m above natural ground level.

- 5.12 The future dwelling on Lot 2 will remain prominent when first established, due to the magnitude of change, but is expected to blend in as mitigation vegetation establishes and existing vegetation continues to grow and gain height. Development is anticipated on this land due to the consented platform and dwelling. The additional dwelling on Lot 2 will increase the pattern of development but will not lead to a unique loss of visual amenity for those houses on the slopes above.

6 Assessment of Statutory Effects

6.1 Coastal Natural Character (CNC)

The potential adverse effects on coastal natural character of the site and adjacent shoreline are assessed as:

- **Short term** adverse CNC effects – 1 – 5 years: **low**
- **Longer term** adverse CNC effects – 10+ years: **very low**

6.2 Reasons

The upper terrace is an open pastoral environment that is significantly modified and contains none of its original land cover apart from the mitigation planting on its boundaries. It reflects few natural processes that are associated with the coastal environment apart from the uplift that created it and the continued formative process and the influence of climate.

- 6.3 The proposed development is not anticipated to have any adverse effect on existing natural character environment, which is expected to improve with additional mitigation planting. It is not considered that the site reflects coastal natural character, although it does lie within the coastal environment and is affected by its processes and attributes including erosion, storms, salt spray, marine birds, uncluttered views of the night sky and sound and presence of the tidal patterns.

6.4 Coastal Natural Character (CNC)

The potential adverse effects on the visual amenity of the site from the development of an additional dwelling on the proposed site is assessed as:

- **Short term** adverse effects on CNC – 1 – 5 years: **low**
- **Longer term** adverse effects on CNC – 10+ years: **very/low**

- 6.5 RPS Policy 3.1.12 sets out the elements that the NZCPS identifies as being possible components of natural character. These include:
- (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;
- 6.6 These components are present in open shoreline and escarpment to the east and below the upper terrace. The regional landscape and coastal character assessment assesses this section of coastline as having medium/high natural character (see 3.5 above).
- 6.7 The upper terrace does not reflect these attributes and is assessed as having a low level of coastal natural character, although within the coastal environment. The mitigation planting that has been undertaken, and is proposed, provides a character framework, and is considered successful in providing a high level of amenity for residents and the surrounding area but does not reflect the character of the shoreline. Similar development is expected to continue the existing land use pattern and character and not to affect coastal character.
- 6.8 Visual Effects – Structures
- Rule COA.4 requires assessment of proposed buildings for potential effects on the natural character of the Coast, particularly in terms of visual impact. Mitigation for these potential effects is provided by proposed location and recommended conditions of consent. These include external colour, height, materials, and planting.
- 6.9 The dwelling on Lot 2 well set back from the coastal boundary and will not be visible from the shoreline. There is no direct access from the shoreline to Lot 2. Access to the shoreline is provided via an existing pedestrian ROW, located adjacent to the southern boundary of Lot 1 amongst existing indigenous vegetation planted because of the previous consent. No disturbance of wildlife or coastal vegetation will occur from proposed subdivision.
- 6.10 The maximum height of any buildings erected on Lot 2 is 5m in keeping with the consented dwelling on Lot 1. The roofline is unlikely to be fully seen by those travelling in passing cars on the lower access way. The external materials and colour follow the constraints that apply to the consented dwelling on Lot 1.

7 Summary

- 7.1 The proposed two lot subdivision of 239d Moturata Rd including an identified building platform and mitigation measures is expected to continue the present pattern and character of development with the proposed conditions of consent ensuring this outcome.
- 7.2 The level of residual adverse effect is assessed as being:

▪ Landscape effects	10+ years	very/low
▪ Visual effects	10+ years	low

▪	Natural character effects	10+ years	very/low
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Hugh Forsyth
Registered landscape architect

07 December 2023

Appendix A Relevant Planning Documents, Objectives, Policies and Rules

1. New Zealand Coastal Policy Statement 2010

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Policy 1 Extent and characteristics of the coastal environment

(2) Recognise that the coastal environment includes:

- (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

- (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
- (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
- (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;

Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
- (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;
 - (f) places or areas that are wild or scenic;
 - (g) a range of natural character from pristine to modified; and
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

2. Proposed Otago Regional Policy Statement (2021)

Objective 3.1 The values (including intrinsic values of ecosystems and natural resources are recognised and maintained, or enhanced where degraded

Issue

Degradation of natural values and natural systems compromises the life-supporting capacity of the environment, the intrinsic values of ecosystems and the ecosystem services they provide.

Knowledge of these systems and their interdependencies is often imperfect.

Cumulative effects of human activities on the natural environment may be difficult to pinpoint initially but over time can result in serious damage.

Policy 3.1.12 Natural character in the coastal environment

Recognise the values of natural character in the coastal environment are derived from one or more of the following attributes:

- a) Natural elements, processes and patterns;
- b) Biophysical, ecological, geological and geomorphological aspects;
- c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;

- d) The natural movement of water and sediment;
- e) The natural darkness of the night sky;
- f) Places or areas that are wild or scenic;
- g) A range of natural character from pristine to modified;
- h) Experiential attributes, including the sounds and smell of the sea; and their context or setting.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced where degraded

Issue

Otago has significant and highly-valued natural resources. These include outstanding natural features, landscapes, seascapes, indigenous biological diversity, water bodies and soil, which all have intrinsic value and help to create the region's identity and support the region's wellbeing.

These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development, and so deserve a greater degree of recognition.

Resource degradation can adversely affect the social, cultural and economic wellbeing of people and communities.

Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Policy 3.2.10 Managing the high natural character of the coastal environment

- a) Natural elements, processes and patterns;
- b) Biophysical, ecological, geological and geomorphological aspects;
- c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;
- d) The natural movement of water and sediment;
- e) The natural darkness of the night sky;
- f) Places or areas that are wild or scenic;
- g) A range of natural character from pristine to modified;
- h) Experiential attributes, including the sounds and smell of the sea; and their context or setting.

3. Clutha District Plan (Operative 1998)

3.7 Subdivision

Objective 1. To provide a flexible approach to both urban and rural subdivision that allows, in the majority of circumstances, the market to dictate allotment size, while ensuring adverse effects are avoided, remedied or mitigated.

Policy SUB 10 To ensure that subdivision does not facilitate development that may adversely affect:

- the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers, and their margins
- outstanding natural features and landscapes
- areas of significant indigenous vegetation and significant habitats of indigenous fauna

Explanation

Throughout the District there are areas that are significant because their natural qualities, including the visual diversity of their scenic attractions. Areas in this category, amongst others, include the Catlins locality and the Coastal Resource Area. Subdivision in these areas will be subject to a more rigorous test in respect of the effect on natural values.

RULE SUB.2 DISCRETIONARY ACTIVITIES

- (a) Subdivision in the Coastal Resource Area is a discretionary activity. Council shall consider the standards and criteria contained in Rule SUB.1(d) and SUB.4, the Objectives and Policies of the Coastal Resource Area, the Regional Policy Statement, Regional Coast Plan, and the New Zealand Coastal Policy Statement.

REASON

The Act stipulates that the preservation of the natural character of the Coast is a matter of national importance. Intensive development, of which subdivision is generally the forerunner, has the ability to compromise this character.

Note. 1d deals with infrastructure, Sub4 is functional – not coastal character

4.2 Coastal Resource Area

Objective COA.1

To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

POLICY COA.1

To ensure the subdivision, use and development of the coast and in particular, buildings and structures avoids, remedies, or mitigates any adverse effects on: structures avoids, remedies, or mitigates any adverse effects on:

- natural character values
- outstanding natural features and landscapes
- amenity values of the coast
- the safety of the public
- the enjoyment of the coast by the public

POLICY COA.2

To manage the subdivision, use and development of the Coastal Resource Area to ensure adverse effects are avoided as far as practicable and that where complete avoidance is not practicable, that adverse effects are mitigated or provision is made for remedying those effects.

POLICY COA.10

To control the erection of buildings in the coastal area to ensure adverse effects on natural character are avoided, remedied or mitigated.

RULE COA.4 BUILDINGS AND STRUCTURES

(b) Except as otherwise provided for in (a) above and Rule COA.3, any activity that has the effect of erecting a building or structure shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the following aspects:

- the ability of the site to dispose of wastes adequately
- the effects of sea level rise or coastal erosion
- the effect of the building and any associated signage on the natural character of the Coast particularly in terms of visual impact
- the effect of the proposal on the intensity of development in the area
- the effect of the building or structure on indigenous flora and fauna
- the effect on cultural values
- height, yard and open space requirements.

Appendix B: Landscape Conditions

Subdivision Consent RM1411 includes conditions that remain relevant to the proposed Lot 2 with minor amendments. In respect to amenity and coastal natural character conditions (vi) – (xix), excluding condition (xv) the following amendments have been made for Lot 2;

- (vi) That the dwelling and ancillary buildings shall not exceed a single story and a maximum of **5m** in height;
- (vii) The dwelling and any ancillary buildings shall be located within the identified building platforms;
- (viii) Water tanks and other accessory structures are to be sited in association with the residential building and shall be finished in colours to match the residential dwelling;
- (ix) Material for roofing shall be restricted to steel corrugated or iron tray roofing or timber shingles (unpainted);
- (x) Materials for walls to be restricted to timber (natural finish or appropriately coloured) or plaster (appropriately painted) or locally sourced rock or corrugated iron (appropriately coloured).
- (xi) Roof colour shall have a reflectivity value of 10% or less;
- (xii) Wall colour shall have a reflectivity of 30% or less except where unstained natural timber is used for cladding or detailing;
- (xiii) The exterior design and colouration of the dwelling, ancillary buildings and water tanks shall be submitted for Council's approval prior to, or together with, the application for building consent;
- (xiv) New fencing shall be constructed from post and wire or traditional drystone walls using local rocks only;
- (xvi) No monumental gates or lighting shall be associated with driveways or accessways.
- (xvii) Any plantings further than 15m from the dwelling are to be native species *
- (xviii) No pre-existing dwellings shall be established on the identified building platform
- (xix) Woodlots and / or plantations of exotic trees shall not be established.

** see Appendix C*

Appendix C Planting: Conditions and Guidelines

Planting Conditions

1. The planting areas identified on Figure 2, 'Proposal and Mitigation', Attachment 1, 239d Moturata Road are to be planted prior to issue of a 224c certificate for proposed Lot 1;
2. Plants are to be a minimum at PB3 and planted at a rate of 1.2m centres and to be protected with paper or bamboo eco planting guards;
3. Planting is to be undertaken with native species listed below, or other species capable of forming a canopy cover in the coastal environment of at least 4m, excluding *Coprosma repens* (taupata);
4. All new planting areas are to be protected for two years with a horticultural windbreak mesh to a height of 1.2m+ or similar method that achieves protection from on shore wind for this period;
5. Planting is to maintain an 80% success rate at the end of two years.

Planting Guidelines

The following native species are recommended for dry conditions in the original subdivision planting prepared by landscape architect Mike Moore and have proved successful on the wider subdivision. Other species may be added with interplanting of more sensitive coastal trees undertaken when the initial canopy reaches 3m; e.g. kowhai.

Recommended Species *

- *Griselinia littoralis* (Broadleaf)
- *Hebe salicifolia* (Koromiko)
- *Melicytus ramiflorus* (Mahoe)
- *Myoporum laetum* (Ngaio)
- *Myrsine australis* (Matipo)
- *Pittosporum tenuifolium* (Kohuhu)
- *Cordyline australis* (Ti kouka / Cabbage tree)

Control for rabbits and hares is recommended to be undertaken six weeks prior to planting, if these pest species are present. A watering regime of at least 1 litre of water per plant per week for the summer period of the first growing season is recommended, i.e. November to the end of February, or after the first two week dry period following the start of November.

Weeding with the planting guards will improve plant viability in early life. Allowing grass growth between the plants will provide additional wind shelter while maintaining a clear radius of 300mm from the plant stem free from competing plants. The wind screening will encourage canopy development and spread until the 1.2m point, when native regeneration planting species begin to thicken up and develop a more robust form, often at 2 – 3 years.

ATTACHMENT 1 : Figures

239d Moturata Road, Taieri Mouth





Legend



Viewpoints: Vpt.s 1 - 8 - refer figs 3 - 10

Vpt.s 9 - 12 - refer figs 11 - 14



Visual catchment (adjacent) - by property boundary



Recent residential development (indicative position)



Consented residential sites - potential dwellings



Building platform - proposed 239d / lot 2



Consented dwelling - proposed 239d / lot 1

Adjacent Properties

a.	7 Akatore Rd	1.8ha
b.	239b Motourata Rd	0.6861ha
c.	239c Motourata Rd	0.7830ha
d.	239d Motourata Rd	2.9720ha
	• Proposed Lot 1 - 2.0ha	
	• Proposed Lot 2 - 0.9720ha	
e.	239e Motourata Rd	1.2732ha
f.	239f Motourata Rd	1.339ha
g.	229 Motourata Rd	





Legend



Viewpoints:
Vpt.s 9 - 12 - refer figs 11 - 14



Proposed subdivision outline



Building platform - 30 x 30m



Outline house - pavillion cluster

- Lot 1 platform and dwelling (consented)
- Lot 2 platform (proposed)
- Existing coastal planting - to be increased to 1 plant per 1.2m
- Proposed Lot 1 disposal field planting (see Appendix A). Fencing required if stock present
- Proposed Lot 2 disposal field planting (see Appendix A). Fencing required if stock present.



0 50m



229 Moturata Rd

View south/east, adjacent to 208 Moturata Rd - 354m approx.to north/west site boundary - 50mm lens aperture -15.15hrs - 13 February 2023



View east, adjacent to 13 Akatore Rd - 345m approx.to mid site site - 50mm lens aperture -15.24hrs - 13 February 2023





View North over recent subdivision to the coast, adjacent to 229 Moturata Rd - 50mm lens aperture -15.29hrs - 13 February 2023



View East, down ROW to boundary of 239d Moturata Rd. Existing boundary planting is fenced off on northern site boundary - 50mm lens aperture -15.31hrs - 13 February 2023



View West, down the 6m wide planting strip adjacent to northern site boundary of 239d Moturata Rd - 50mm lens aperture -15.38hrs - 13 February 2023



View South/West to shoreline from north/east site corner of 239d Moturata Rd - 50mm lens aperture -15.41hrs - 13 February 2023

229 Moturata Rd

239c Moturata Rd

239c Moturata Rd

239c Moturata Rd



Wide angle site panorama from West to South from north/east site corner of 239d Moturata Rd, including all immediate neighbours - Approx. 24mm lens aperture -15.41hrs - 13 February 2023





View West from approx. mid east boundary of proposed Lot 1, 239d Moturata Rd towards 7 Akatore Rd - 50mm lens aperture -15.16hrs - 13 February 2023



View South towards 239f Moturata Rd from approx. mid south boundary of proposed Lot 1 - 50mm lens aperture -16.15hrs - 13 February 2023




View South towards 239e Moturata Rd from approx. mid south boundary of proposed Lot 1 - 50mm lens aperture -16.15hrs - 13 February 2023

Appendix 5a: Analysis of Proposed Subdivision Activity Against Relevant Performance Standards in Rule SUB.1(d)¹⁷.

A. THE EFFECTS OF SUBDIVISION DESIGN	
Performance Standard	Analysis of Proposed Subdivision Activity
<p>1. THE ABILITY OF THE SUBDIVISIONS DESIGN TO:</p> <ul style="list-style-type: none"> facilitate convenient, safe and easy access by both people and vehicles, to a public road. facilitate and provide for convenient and easy public access to the coast, any river, stream or lake, or any public reserve. facilitate the provision and operation of essential services. facilitate access to passive solar energy sources. relate to adjoining development. connect to appropriate network utility services particularly sewerage, water, stormwater, electricity and telephone reticulation. to facilitate any foreseeable subsequent resubdivision or redevelopment having regard to: <ul style="list-style-type: none"> (i) the provision of road access. (ii) the economic provision of network utility services securing an appropriate and coordinated ultimate pattern of development. 	<p>Access to the site is from Moturata Road via an existing right of way which is shown as Easement A on the subdivision scheme plan. This easement will be retained albeit updated to include proposed Lot 2. A new right of way, shown as B on the subdivision scheme plan, will provide access over proposed Lot 1 to proposed Lot 2. The access is of suitable width and formation to provide for the operation of emergency services.</p> <p>The existing pedestrian access over the site to the coast will be retained and is located within Lot 1 as shown on the subdivision scheme plan.</p> <p>The subdivision design provides good orientation to the north to provide access to passive solar energy sources if landowners want to incorporate these into their dwelling build design.</p> <p>The proposed subdivision relates well to adjoining development and is in keeping with the character of surrounding development.</p> <p>Both lots will be self-serviced for potable water, wastewater and stormwater. Connections to electricity and telecommunications will be supplied by the developer at the time of subdivision works.</p> <p>The proposed subdivision complies with this performance standard.</p>
<p>2. THE SUBDIVISIONS EFFECT ON NATURAL AND SIGNIFICANT FEATURES INCLUDING:</p> <ul style="list-style-type: none"> registered historic places archaeological sites and waahi tapu significant trees and significant stands of indigenous vegetation the habitats of indigenous fauna and valued non-indigenous fauna waterways, lakes, wetlands and their margins ridgelines and hills contributing to the character of the rural and urban areas. areas of outstanding landscape character. outstanding natural features The efficient functioning of natural drainage systems 	<p>The site is not a registered historic place, archeological site or waahi tapu. There are no outstanding natural features on the site and the site is not included in an area of outstanding landscape character.</p> <p>The existing indigenous vegetation on the site, which was planted as part of the original subdivision creating the site, is protected via consent notice on the title. Additional planting supporting the existing indigenous vegetation is proposed and likewise will be protected via consent notice on the resulting titles.</p> <p>The building platform on Lot 1 has consent and, therefore, forms part of the existing environment as does the dwelling on that building platform which has building consent. The building platform on Lot 2 has been located in a manner which is sympathetic to the site and the receiving environment including dwellings on adjoining properties. The building platform on Lot 2 is set back further from the marine environment than adjacent consented building platforms on sites adjoining the marine environment. The</p>

¹⁷ Performance standard G. *Electricity Transmission Line Corridor* is not relevant to the subject application and site.

	building platform on Lot 2 does not interfere with the efficient functioning of natural drainage systems within the site. The proposed subdivision complies with this performance standard.
B. THE EFFECTS OF NATURAL HAZARDS	
Performance Standard	Analysis of Proposed Subdivision Activity
<ol style="list-style-type: none"> 1. The effects of natural hazard on the site, and the subdivisions potential in causing natural hazard events to adjoining land. 2. The extent of earthworks necessary. 	<p>The site is located on an old marine terrace with the identified building platform on Lot 2 set back approximately 84.8m from the eastern boundary of the site and located at an elevation of between approximately 12.3m and 13.2m. As such, the identified building platform on Lot 2 is not at risk of sea level rise. The rocky headland to the south of the site and the smaller one to the north, as shown in Figure 6 below, appears to largely protect the shoreline adjacent to the site.</p>  <p>Figure 6: Rocky Promontories in Vicinity of the Site.</p> <p>The proposed subdivision will not interfere with the natural drainage systems on or adjacent to the site.</p> <p>The only earthworks related to the subdivision activity is formation of ROW B which will be fairly minimal. Although expected to be fairly minimal, the extent of the earthworks associated with any buildings on the identified building platform are dependent on the precise location and design of any building within the identified building platform.</p> <p>The proposed activity complies with this performance standard.</p>
C. NATURAL VALUES	
Performance Standard	Analysis of Proposed Subdivision Activity

<p>The effects the subdivision may have on the following areas;</p> <ul style="list-style-type: none"> (i) the margins of wetlands, lakes and rivers or any area that may impact on wetlands, lakes and rivers, (ii) areas considered to be outstanding natural features and/or landscapes (see Table 13.3A and B) (iii) areas of significant indigenous vegetation and significant habitats of indigenous fauna. (iv) areas of high visual amenity, 	<p>The subdivision will have no effect on wetlands, lakes or rivers including their margins.</p> <p>The site does not include an outstanding natural features nor does it form part of an outstanding natural landscape.</p> <p>Potentially the site falls within an area of high visual amenity. However, the landscape assessment report notes that the site is 'significantly modified'¹⁸ and states at paragraph 5.10: <i>"The potential adverse effects on the visual amenity of the site from the development of one additional dwelling on the proposed site is assessed as: Short term adverse visual effects – 1 – 5 years: low/medium. Longer term adverse visual effects – 10+ years: low."</i></p> <p>The proposed activity complies with this performance standard.</p>
D. PROVISION OF NETWORK UTILITY SERVICES	
Performance Standard	Analysis of Proposed Subdivision Activity
<p>1. GENERAL:</p> <p>Council shall exercise its discretion in respect of the provision and construction standards of network utility services, including roads to and within any subdivision. The subdivider or developer shall be responsible for meeting the full costs of making such provisions (including where the work is carried out by Council) unless otherwise provided by section 3.8 Financial and Reserve Requirements or any assessment carried out under SUB.1(d)D.4(ii)-(v). Any road shall vest in Council or the NZ Transport Agency, as appropriate, on deposit of the survey plan. Any other works, services or facilities, except works of network utility operators other than the Council which are located within a street or reserve, or the circumstances are such that public control is warranted, shall vest in Council on deposit of the survey plan.</p>	<p>The proposed subdivision does not include the development of any roads. A short extension to the right of way, being the area identified as ROW B, will be required into the site.</p> <p>The consent holder will extend power and telecommunications services into the site.</p> <p>The proposed activity complies with this performance standard.</p>
<p>2. STORMWATER AND SEWERAGE DISPOSAL:</p> <p>For subdivision in unreticulated areas, see Rule SUB.4.C(4).</p>	<p>The proposed activity complies with this performance standard.</p> <p>Please refer to Appendix 5b, analysis of SUB.4.C(4), for further detail.</p>
<p>3. WATER SUPPLY:</p> <p>For subdivision in unreticulated areas, see Rule SUB.4.C(4).</p>	<p>The proposed activity complies with this performance standard.</p> <p>Please refer to Appendix 5b, analysis of SUB.4.C(4), for further detail.</p>
<p>4. ROADING:</p>	<p>The proposed subdivision does not require the upgrade or formation of any existing</p>

¹⁸ See, for example, *Assessment of Landscape & Visual Effects*, paragraph 5.8.

<p>(a) Where any subdivision results in additional allotments and provision for new roads and/or accessways, or the upgrading of existing roads, is required, then except as provided in the following subclauses, all such roads and facilities shall be constructed by the subdivider and vested in Council or the NZ Transport Agency as appropriate.</p> <p>(b) Where a subdivision of land within any part of the District results in additional allotments and the subdivision fronts an existing road then</p> <ul style="list-style-type: none"> • where the road is unformed or is only a road reserve, or is existing but is not of adequate standard then the road shall be constructed as part of the subdivision by the subdivider; • where road widening or a segregation strip is required as a consequence of the subdivision then such land shall vest as part of the subdivision. <p>Note: Also refer to Rule TRAN.1.</p>	<p>road. As stated above, the existing right of way will be extended into the site in the area shown as ROW B on the subdivision scheme plan.</p> <p>The proposed activity complies with this performance standard.</p>
<p>5. TELECOMMUNICATIONS AND ELECTRICITY:</p> <p>Telecommunications, electricity reticulation and street lighting shall be provided at the time of land subdivision and shall be in accordance with the requirements of the relevant supply authority and with the NZS 4404 1981 Urban Land Subdivision unless Council determines otherwise in any particular case. Electricity and Telecommunication reticulation shall generally be installed in a manner which minimises potential hazards, and shall be provided underground and within road berms.</p>	<p>The only reticulated services to be provided are electrivity and telecommunications which the consent holder will complete when undertaking subdivisional works prior to receiving s224 certification from Council.</p> <p>The proposed activity complies with this performance standard.</p>
<p>6. ENGINEERING ASPECTS</p> <p>Where any subdivision or development involves any engineering aspect, certified design plans from a suitably qualified person shall be submitted with any application.</p>	<p>Not applicable.</p> <p>It is anticipated that Council may impose as a condition of subdivision consent that plans prepared by a suitably qualified person for the formation of ROW B must be submitted to Council for approval prior to commencement of earthworks.</p>
<p>E. FINANCIAL AND RESERVE REQUIREMENTS</p>	
<p>Performance Standard</p>	<p>Analysis of Proposed Subdivision Activity</p>

Council shall, where considered appropriate, impose conditions requiring financial and reserve contributions in accordance with the provisions of Section 3.8 Financial and Reserve Requirements.	Not applicable. None of the circumstances relevant to the imposition of a financial and reserve contribution are applicable.
F. PUBLIC INTEREST	
Performance Standard	Analysis of Proposed Subdivision Activity
<p>The effect the subdivision has on the general public particularly in respect of:</p> <ul style="list-style-type: none"> • expenditure of ratepayers money, either as part of supplying services to the subdivision or as on-going maintenance of services supplied to the subdivision that has no benefit to the general ratepayer of the District. • any restriction of public access rights to and/or along the coast, lakes and rivers, and other recreational, historical, or culturally important sites or resources. 	Not applicable. Any infrastructure extensions (electricity, telecommunications, ROW B) will be financed by the consent holder. Access from the existing ROW to the shoreline via the existing pedestiran right of way over the site will be retained.

Appendix 5b: Analysis of Proposed Subdivision Activity Against Relevant Performance Standards in Rule SUB.4¹⁹.

Land Suitability Rule SUB.4.A	
Performance Standard	Analysis of Proposed Subdivision Activity
<p>Land Suitability</p> <p>A.1 ...the land to be subdivided must provide a sufficient area of land capable of accommodating any foreseeable building and associated development which:</p> <ul style="list-style-type: none"> • is above the 50 year flood level... • does not contain uncontrolled fill, peat soils or other unconsolidated material • is not closer than 20 metres [in any Urban, Transitional or Rural Settlement Area or within 50 metres in any Rural or Coastal Resource Area] to any: <ul style="list-style-type: none"> - stream or 3 metres in width or greater; - any wetland or lake...; - any water body within those water supply catchments identified on the Planning Maps...[or] Schedule 6.6. 	<p>The building platform on Lot 1 is consented via RM 1411 and BC20254. The building platform on Lot 2 is located at contour levels between approximately 12.3m and 13.2m and is located on an old marine terrace approximately 84m from the eastern boundary of the site which adjoins legal road and the marine environment.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
A.2 Where the subdivision involves the creation of allotments for separate parts of a building or involves a building adjoining an allotment boundary, the structural integrity and fire safety of that building shall comply with the Building Act 1991.	Not applicable.
A.3 Drainage systems – Where significant drainage systems are located within the land to be subdivided, or the site is located within the area provided for by the “Milton 2060 strategy: A Flood Risk Management Strategy for Milton and the Tokomairiro Plain”), a structure plan shall be prepared that sets out...	Not applicable.
Minimum Frontage and Provision of Vehicular Access Rule SUB.4.B	
Performance Standard	Analysis of Proposed Subdivision Activity
B.1 The minimum frontage for any allotment of any subdivision shall be 3.5 metres...	<p>Both lots have frontage to Moturata Road via rights of way.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
B.2 Where any subdivision involves the division of any land and buildings into separate allotments for the individual occupancies to be held under freehold title, cross lease, company lease or unit titles, then the size, shape and arrangement of such allotments shall make provision for access...that:	<p>The subdivision design provides for access which meets these requirements.</p> <p>Proposed subdivision activity complies with this performance standard.</p>

¹⁹ Performance standards contained in Rule SUB.4.D (matters to specific the industrial resource area – Toko Plains) are not relevant to the current application.

<ul style="list-style-type: none"> • ensures the convenience of the occupants; • facilitates service deliveries; • avoids nuisances to neighbours; • maintains public amenities... 	
B.3 All weather vehicular access shall be provided to any subdivision....	<p>All weather surface will be provided for each of the vehicle accesses servicing the building platforms.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
B.4 The location and design of all points of access from a legal road within the District shall comply with...Rule TRAN 4.	<p>Rule TRAN.4 details the performance standards for access.</p> <p>Proposed subdivision activity complies with relevant performance standards in Rule TRAN.4.</p>
B.5 The width of such access....	<p>Moturata Road is classified as a collector road pursuant to the district plan.</p> <p>The site is accessed via an existing, formed right of way identified on the subdivision scheme plan as 'A'. Right of way 'B' provides access within the site to each proposed lots and will have a minimum legal width of 6m and a minimum formed width of 2.5m with metalled shoulders in accordance with NZS4404.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
Design Factors	Rule SUB.4.C continued...
Performance Standard	Analysis of Proposed Subdivision Activity
<p>C.1 The subdivision shall be planned, designed, constructed and maintained so as to:</p> <ul style="list-style-type: none"> • protect and preserve the coast, or any river, stream, lake, wetland and their margins, or public drain • provide a system by which water within the subdivision will be removed without causing damage or harm to the natural environment or to property of persons... • ensure that waters drained from the subdivision are substantially free of adverse contaminants... • ensure that waters are drained from the subdivision in a manner that does not cause erosion or flooding... • avoid flooding of the land in the subdivision or in other areas... • ensure that there is no significant adverse effect on natural river or stream beds or aquatic ecosystems by the construction of bridges or culverts • ensure that it is possible to dispose of sewage and waste water effluent...in a manner which does not decrease existing water quality of any receiving water. 	<p>Stormwater from roof surfaces on Lot 2 will, in the first instance, be conserved to tanks for potable water and firefighting purposes (static reserve) with excess being directed to sump or, with scour protection if required, to existing stormwater systems within the site.</p> <p>Stormwater from other hard surfaces will be directed either to sump or, with scour protection if required, to existing stormwater systems including drainage areas and channels which will filter the stormwater and do not have associated erosion or flooding issues.</p> <p>The residential unit on Lot 2 will be serviced via on-site, at minimum, secondary wastewater treatment with dispersal to designed field. The location of the wastewater treatment plant and dispersal field, or other technical solution, will be identified and designed by a suitably qualified person as part of the building consent application for the residential unit.</p> <p>Proposed subdivision activity complies with this performance standard.</p>

<p>C.2 Where a site is intended to accommodate a building the site shall contain adequate buildable area free of impediments such as drainage lines....</p>	<p>Lot 2 has an identified 30m by 30m building platform located on a suitable buildable area free of impediments. A condition of consent will ensure that the residential unit must be erected within the identified building platform on Lot 2.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
<p>C.3 Where a site is intended to be used for multi-unit residential development...</p>	<p>Not applicable.</p>
<p>C.4 Where the allotment is in a non-serviced area the minimum area shall be determined in each case by the method adopted to:</p> <ul style="list-style-type: none"> dispose of stormwater and sewage effluent in a manner that avoids contamination of water resources including any cumulative adverse effects on ground water. <p>Provided that with respect to the disposal of sewage effluent:</p> <ul style="list-style-type: none"> Any site created less than 4000m² or where ...quantities of effluent generated is in excess of three household units...shall be certified by Council's Environmental Health Officer... 	<p>None of the lots on which residential activity is to be established are less than 4,000m².</p> <p>Lot 2 is of a size sufficient for the safe disposal of both stormwater and wastewater.</p> <p>Proposed subdivision activity complies with this performance standard.</p>

Appendix 6: Analysis of Requirements of Rule 12.A.1.4 Otago Regional Water Plan.

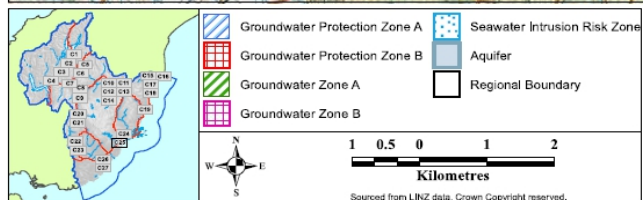
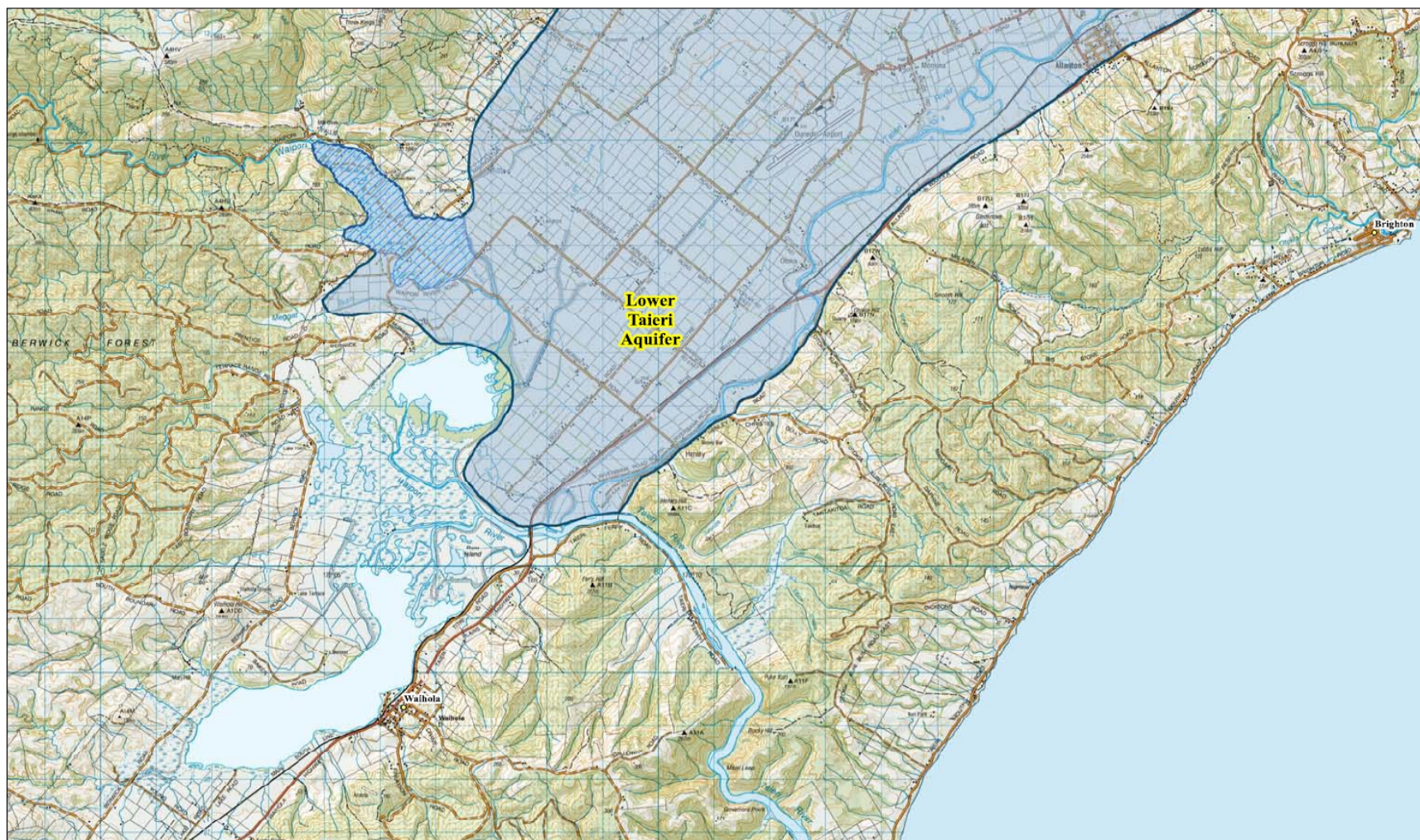
Rule 12.A.1.4	Analysis of Proposed Activity
<p>12.A.1.4(a):</p> <p>The discharge does not exceed 2000 litres per day (calculated as a weekly average).</p>	<p>Lot 1 has received building consent from Clutha District Council (see BC20254). The discharge from the wastewater system on proposed Lot 2 will be within this limit.</p> <p>Proposed activity complies with this performance standard.</p>
<p>12.A.1.4(b):</p> <p>The discharge does not occur within the A zone of any Groundwater Protection Zone, as identified on the C-series maps...</p>	<p>The discharge from the Lot 2 wastewater system will not occur within the A zone of any Groundwater Protection Zone as the site is not located within such a zone²⁰.</p> <p>Proposed activity complies with this performance standard.</p>
<p>12.A.1.4(c):</p> <p>The system's disposal field is sited more than 50 metres from any surface water body or mean high water springs.</p>	<p>'Surface water body' is not defined in the plan; however, 'water body' has the same meaning as that in the RMA being: "...fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area."</p> <p>The plan also uses the same definition for 'river' as the RMA being "...a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)."</p> <p>Lot 2 is not within 50m of any surface water body.</p> <p>Given that the identified building platform for Lot 2 is located approximately 84.8m from the eastern boundary, there is sufficient space within Lot 2 for the dispersal field to be located more than 50m from the mean high water springs.</p> <p>Proposed activity complies with this performance standard.</p>
<p>12.A.1.4(d):</p> <p>The system's disposal field is sited more than 50 metres from any bore which:</p> <ul style="list-style-type: none"> i. Existed before the commencement of the discharge activity; and ii. Is used to supply water for domestic needs or drinking water for livestock. 	<p>There are no bores shown on the Otago Regional Council Mapping Resource within 50m of the site²¹ and the bores known to the applicant are not within 50m of the site.</p> <p>Proposed activity complies with this performance standard.</p>
<p>12.A.1.4(e):</p> <p>There is no direct discharge of human sewage, or effluent derived from it, to water in any drain or water race, or to groundwater.</p>	<p>The wastewater dispersal field for Lot 2 will be designed and located by a suitably qualified person in such a way that compliance with this performance standard is achieved. This can also be checked at the time of application for building consent when the specific details of the disposal field including location are known.</p> <p>Proposed activity complies with this performance standard.</p>
<p>12.A.1.4(f):</p>	<p>The wastewater dispersal field for Lot 2 will be designed and located by a suitably qualified person in such a way</p>

²⁰ See Appendix 6a overleaf for copy of the Otago Regional Council c-series map 25.

²¹ See Figure 5 of the Assessment of Environmental Effects.

<p>Effluent from the system does not run off to any other person's property.</p>	<p>that compliance with this performance standard is achieved. This can also be checked at the time of application for building consent when the specific details of the disposal field including location are known.</p> <p>Proposed activity complies with this performance standard.</p>
<p>12.A1.4(g):</p> <p>The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage.</p>	<p>The wastewater dispersal field for Lot 2 will be designed and located by a suitably qualified person in such a way that compliance with this performance standard is achieved. This can also be checked at the time of application for building consent when the specific details of the disposal field including location are known.</p> <p>Proposed activity complies with this performance standard.</p>

Appendix 6a: Otago Regional Council – C-Series Map 25.



Map C25
Aquifers, Groundwater Zones, Groundwater Protection Zones,
and Seawater Intrusion Risk Zones
Refer to:
 - Schedules 2C and 3A
 - Rules in 12.2, 12.A and 14.2
 - Policies 6.4.1A, 6.4.10A, 6.4.10A1, 8.6.5, 9.4.1 and 9.4.18 – 20

Basemap: Land Information New Zealand Topo50 Maps
 1 June 2015



Appendix 7: Analysis of Proposed Residential Activity on Lots 2 Against Relevant Restricted Discretionary Site Assessment Criteria Contained in Rule COA.4(b).

Assessment Matter	Analysis of Proposed Residential Activity on Lot 2
The ability of the site to dispose of wastes adequately	<p>The dwelling on Lot 2 will be serviced for wastewater by its own onsite secondary treatment system with dispersal to field designed and located by a suitably qualified person. The specific wastewater system design for the dwelling on Lot 2 will be provided at the time of building consent application.</p> <p>The discharge of the treated wastewater to land is a permitted activity pursuant to Rule 12.1.A.4 of the <i>Otago Regional Water Plan</i> provided that certain conditions are met. Analysis of the proposed activity against those conditions is undertaken at Appendix 6 and demonstrates that the proposed treated wastewater discharge to land from a dwelling on Lot 2, provided it is suitably designed and located, complies with each condition.</p> <p>Stormwater from roof surfaces will be conserved in the first instance for potable water supply and firefighting static reserve with overflow going to sump and/or natural drainage within Lot 2 as will water from any hard surfaced areas. The applicants request that as a condition of land use consent for Lot 2, that a drainage plan, demonstrating that post development flows are no more than pre-development flows and that the existing stormwater flow paths through Lot 2 remain viable post development, is submitted for approval by Council at the time of or prior to application for building consent.</p> <p>The proposed residential activity on Lot 2 complies with this assessment matter.</p>
The effects of sea level rise or coastal erosion	<p>Lot 2 is situated on an old marine terrace elevated above the marine environment. There are two rocky promintories protecting the beach immediately adjacent to the dune area adjoining the site. The identified building platform on Lot 2 is set well back, at least approximately 84m, from the marine environment. As such, there should be little to no effects arising from sea level rise or coastal erosion on Lot 2 and the identified building platform therein.</p>
The effect of the building and any associated signage on the natural character of the Coast particularly in terms of visual impact	<p>Mr Forsyth, Registered Landscape Architect, has undertaken a landscape assessment report and has assessed the adverse effects of buildings and structures on the identified building platform for Lot 2 as 'low' in the short term and 'very low' in the long term²². Mr Forsyth reasoning, provided at paragraphs 5.8 and 5.9, is that although the site is contained within the coastal environment it is '<i>significantly modified</i>', '<i>containing none of its original landcover</i>' and '<i>reflects few natural processes that are associated with the coastal environment apart from the uplift that created it and the continued formative process and the influence of climate</i>'; and as such, the proposed development of Lot 2 is '<i>not anticipated to have any adverse effect on existing natural character environment, which is expected to improve with additional mitigation planting</i>'.</p> <p>The proposed development of Lot 2 is anticipated to have a beneficial effect on natural character due to the proposed mitigation planting.</p>
The effect of the proposal on the intensity of development in the area	<p>The immediate locale has been almost fully developed. The site originates from a 9 lot subdivision, RM 1411, and a more recent 16 lot subdivision north of right of way 'A' to the site has recently been completed. The proposed residential activity on Lot 2 is in keeping with surrounding residential development.</p> <p>The effects of the proposed residential activity on Lot 2 will be in the range negligible to less than minor with respect to this assessment matter.</p>

²² See Appendix 4a, *Assessment of Landscape & Visual Effects*, paragraph 5.7.

The effect of the building or structure on indigenous flora and fauna	<p>The site is highly modified containing none of its original landcover²³. Mitigation planting with indigenous species was undertaken as part of the original subdivision creating the site and this planting is now well established. Figure 2 of the landscape figures prepared by Mr Forsyth details the additional mitigation planting to be undertaken on Lot 2 in relation to the identified building platform. This planting will increase the extent of indigenous cover on the site.</p> <p>The effects of the proposed residential activity on Lot 2 will be positive with respect to this assessment matter.</p>
The effect on cultural values	<p>The proposed residential activity on the identified building platform on Lot 2 will have a less than minor effect on cultural values. This is because:</p> <ul style="list-style-type: none"> • The site is highly modified containing none of its original land cover. • The mitigation planting with indigenous species will add to the existing indigenous vegetation on Lot 2 that was planted as a result of RM 1411. • The existing pedestrian access from the right of way through the site to the foreshore will be retained. • The identified building platform on Lot 2 is located further from the foreshore than existing building platforms on adjacent sites adjoining the marine environment. • The proposed residential activity is in keeping with existing residential activity in the immediate locale and the applicants have proposed various controls on built form²⁴. • Wastewater will be treated to, at minimum, secondary level with dispersal to field in a location and designed by a suitably qualified person with the dispersal to field meeting the criteria to be a permitted activity pursuant to Rule 12.A.1.4 Otago Regional Water Plan. <p>The effect of the proposed residential activity on the identified building platform on Lot 2 will be less than minor.</p>
Height, yard and open space requirements	<p>The Coastal Resource Area section of the district plan does not specify requirements in relation to height, yard and open space for residential buildings. Rule COA.4(a), which governs buildings and structures with a controlled activity status, refers the reader to Rule RRA.12. Rule RRA.12 governs the effects of building and structures and storage of materials in the Rural Resource Area. Rule RRA.12(i) acts to refer the reader to the bulk and location requirements specified in Rules URB.4.1 – 3 where the site of a building or structure adjoins the site of a residential activity.</p> <p>Given the site of the proposed residential activity on the identified building platform on Lot 2 adjoins sites with existing residential activity, Rules URB.4.1 – 3 provide a useful guide with respect to bulk and location.</p> <p>Rule URB.4.1 details yard requirements specifying a minimum front yard of 3m²⁵ and minimum side and rear yards of 1.5m²⁶. The proposed residential activity on the identified building platform on Lot 2 will exceed these requirements given there is, <u>at minimum</u>, a front yard of approximately 14.5m, and a side yard of 17m.</p> <p>Rule URB.4.2 details the maximum height and recession planes (height in relation to boundary) with Rule URB.4.2(a) governing 'level sites' which are defined as being: “... <i>the ground slope within the buildable areas varies from level to 6° (approx. 1 in 10).</i>” Given the exceedance of</p>

²³ See *Assessment of Landscape & Visual Effects*, paragraph 5.8.

²⁴ See paragraphs 6 – 15 above.

²⁶ Rule URB.4.1(b).

²⁵ Rule URB.4.1(a).

the yard requirements, the recession plane is not relevant in the current circumstances. The maximum height specified by Rule URB.4.2(a) is 9m. The applicants have proffered a condition of consent lowering the maximum height of any building on the identified building platform for Lot 2 to 5m. We note that Rule RRA.12(i) states: *"For the purpose of this rule chimneys and stacks with a diameter of 2.5 metres or less are exempt from this height restriction."* The applicants request that this is also included in the consent condition for Lot 2 governing maximum height of buildings on the identified building platform.

Rule URB.4.3 govern outdoor living and privacy requirements. Rule URB.4.3.B applies to detached dwellings and requires that: *"1. minimum area of 100m² with a minimum dimension of 5.0m by 10m orientated east, north or west. 2. shall be free of driveways, parking spaces and garages but may include an accessory building of no more than 10m². 3. Not less than 60% of the minimum area shall be in permeable surface (i.e. lawn, trees, shrubs, etc.)..."*

The identified building platform on Lot 2 is of sufficient size and shape to accommodate these requirements. Compliance with these requirements can also be checked at the time of building consent.

The proposed residential activity on Lot 2 **complies** with this assessment matter.

Appendix 8: Consideration of Policy Framework.

Clutha District Plan	
Subdivision Objective / Policy	Analysis of Proposed Subdivision Activity
<p>Objective SUB.1</p> <p>To provide a flexible approach to both urban and rural subdivision that allows, in the majority of circumstances, the market to dictate allotment size, while ensuring adverse effects are avoided, remedied or mitigated.</p>	<p>There is strong market demand for rural residential sized titles in reasonably close proximity to Dunedin City. The suite of mitigation measures proffered mitigates any adverse effects arising from the proposed subdivision of the site into two allotments and subsequent residential activity on the identified building platform on Lot 2.</p> <p>The proposed subdivision is consistent with this objective and these policies.</p>
<p>Policy SUB.2</p> <p>To avoid, remedy or mitigate the adverse effects on the District's natural and physical resources that subdivision may have, including public access to these resources.</p>	
<p>Policy SUB.3</p> <p>To provide for the majority of subdivisions as restricted discretionary activities.</p>	
<p>Policy SUB.5</p> <p>To ensure the adverse effects of servicing both existing and proposed subdivisions of land and buildings are avoided, remedied or mitigated by providing engineering, design and other site performance standards.</p>	
<p>Objective SUB.2</p> <p>To ensure that subdivision and development promotes sustainable management of the districts natural and physical resources.</p>	<p>It is anticipated that some open space will be retained within the lots. Accesses and rights of way will be constructed in accordance with relevant standards. There are no public utility services which the proposed subdivision or subsequent residential activity will access.</p> <p>The proposed subdivision activity is consistent with this objective and these policies.</p>
<p>Policy SUB.6</p> <p>To ensure the adverse effects of providing roading and physical access to both existing and proposed subdivisions of land and buildings are avoided, remedied or mitigated.</p>	
<p>Policy SUB.7</p> <p>To avoid the adverse effects that subdivision can have on public utility services.</p>	
<p>Policy SUB.10</p> <p>To ensure that subdivision does not facilitate development that may adversely affect:</p> <ul style="list-style-type: none"> the natural character of...wetlands, lakes...and their margins ... areas of significant indigenous vegetation and significant habitats of indigenous 	

fauna	
Objective SUB.4 Subdivisions take into account the physical limitations of the land and are designed to ensure risk from any such limitations is appropriately avoided or mitigated.	<p>The subdivision has been designed taking into account the physical limitations of the land with respect to terrain and natural hazards.</p> <p>A 30m by 30m building platform has been identified for Lot 2 on the subdivision scheme plan which is hazard free to the best of the applicants' knowledge. There is sufficient area within Lot 2 for the safe disposal of wastewater treated to a secondary level (at minimum) in an area at least 50m from the mean high water spring in compliance with Rule 12.A.1.4(c) of the Otago Regional Water Plan.</p> <p>The proposed activity is consistent with this objective and these policies.</p>
Policy SUB.8 To ensure that allotments created for residential purpose can safely and adequately dispose of domestic effluent without contaminating any waterbodies.	
Policy SUB.9 To ensure that allotments for residential purposes contain a hazard free building site.	
Coastal Resource Area Objective or Policy	Analysis of Proposed Residential Activity
<p>Objective COA.1 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.</p> <p>Policy COA.1 To ensure the subdivision, use and development of the coast and in particular, buildings and structures avoids, remedies, or mitigates any adverse effects on:</p> <ul style="list-style-type: none"> • natural character values • outstanding natural features and landscapes • amenity values of the coast • the safety of the public • the enjoyment of the coast by the public. <p>Policy COA.2 To manage the subdivision, use and development of the Coastal Resource Area to ensure adverse effects are avoided as far as practicable and that where complete avoidance is not practicable, that adverse effects are mitigated or provision is made for remedying those effects.</p> <p>Policy COA.10 To control the erection of buildings in the coastal area to ensure adverse effects on natural character are avoided, remedied or mitigated.</p>	<p>The site is highly modified with none of its original landcover remaining and demonstrating little of the coastal processes which formed the marine terrace on which it sits.</p> <p>The proposed activity is in keeping with existing development in the locale with the identified building platform on Lot 2 situated further from the marine environment than those in the adjoining completed 16 lot subdivision to the north of the site.</p> <p>Mr Forsyth has assessed any adverse effects of the proposed activity on the natural character of the coast as 'low' in the short term and 'very low' in the long term, stating at paragraphs 5.8 and 5.9 of his report:</p> <p><i>"58. The upper terrace is an open pastoral environment that is significantly modified and contains none of its original land cover apart from the mitigation planting on its boundaries resulting from the previous consent creating the site. It reflects few natural processes that are associated with the coastal environment apart from the uplift that created it and the continued formative process and the influence of climate. 5.9 The proposed development is not anticipated to have any adverse effect on existing natural character environment, which is expected to improve with additional mitigation planting. It is not considered that the site reflects coastal natural character, although it does lie within the coastal environment and is affected by its processes and attributes including erosion, storms, salt spray, marine birds, uncluttered views of the night sky and sound and presence of the tidal patterns."</i></p> <p>The proposed residential activity on the identified building platform on Lot 2 is consistent with this objective and these policies.</p>

<p>Policy COA.11</p> <p>To preserve the areas of the Coastal Resource Area where natural character is largely uncompromised through restricting, to the extent practicable, subdivision, use and development to areas where natural character is already compromised.</p>	
<p>Objective COA.2</p> <p>To recognise the importance of coastal resources to Maori.</p> <p>Policy COA.5</p> <p>To consult and work with</p> <ul style="list-style-type: none"> the Department of Conservation the Otago Regional Council manawhenua affected landowners <p>in resource management issues of the Coastal Resource Area.</p>	<p>Rule COA.2 states: <i>“Any person making an application for a Resource Consent and Council, in considering any Resource Consent application, shall consult with the Runanga that has kaitiaki in that particular area, and where relevant, the Department of Conservation and the Regional Council.”</i></p> <p>For the reasons set out in paragraphs 25 and 33 the applicants do not consider it is relevant to consult with either the Department of Conservation or Otago Regional Council.</p> <p>Care has been taken to ensure that the effect on cultural values is less than minor and as such no consultation has been undertaken with Runanga. Council may determine that Runanga meet the statutory criteria for being an affected party, and if so, the applicants request that Council processes the application on a limited notified basis.</p> <p>The proposed activity is not contrary to this objective and this policy.</p>
<p>Objective COA.3</p> <p>To avoid or mitigate the adverse effects that natural hazards and in particular sea level rise may have on the natural and physical resources of the District.</p> <p>Policy COA.4</p> <p>To ensure that the subdivision, use and development of the Coastal Resource Area avoids, as far as practicable, the adverse effects of sea level rise by adopting the best available international estimate of sea level rise.</p>	<p>The identified building platform on Lot 2 is located on an old marine terrace located approximately 11 – 12m above sea level which is well above expected sea level rise in this area.</p> <p>The proposed activity is consistent with this objective and this policy.</p>
<p>Partially Operative Otago Regional Policy Statement 2019</p>	
<p>Policy</p>	<p>Consideration</p>
<p>Policy 3.1.5 Coastal Water</p> <p>Manage coastal water to:</p> <ol style="list-style-type: none"> Maintain coastal water quality or enhance it where it has been degraded; Maintain healthy coastal ecosystems, the range of indigenous habitats provided by the coastal marine area, and the migratory patterns of indigenous coastal water species or enhance these values where they have been degraded; Maintain or enhance important recreation values; 	<p>Waste water will be dealt with via onsite treatment to at least a secondary standard with dispersal to field. The particular details of the secondary treatment system and dispersal field for Lot 2 will be dealt with at the time of application for building consent when design of the dwelling and sizing and location of treatment plant and dispersal field are known.</p> <p>The proposed activity includes mitigation planting with indigenous species that will add to the existing maturing indigenous plantings planted as a consequence of RM 1411 which created the site. A consent notice on the title will protect these plantings in</p>

<p>d) Maintain or enhance, as far as practicable: i. Coastal values; and ii. The habitats provided by the coastal marine area for trout and salmon unless detrimental to indigenous biological diversity.</p> <p>e) Control the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	<p>perpetuity and will also require control of plant and animal pest species.</p> <p>The pedestrian access through the site will be retained.</p> <p>Proposed activity is consistent with this policy.</p>
<p>Policy 3.1.10 Biodiversity in the Coastal Environment</p> <p>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <ul style="list-style-type: none"> a) Areas of predominantly indigenous vegetation in the coastal environment; b) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; c) Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; d) Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; e) Habitats, including areas and routes, important to migratory species; and f) Ecological corridors, and areas important for linking or maintaining biological values identified under this policy. 	<p>The site is highly modified containing none of its original landcover. The proposed activity includes mitigation planting of indigenous species on both lots adding to existing plantings planted as a result of the subdivision, RM 1411, that created the site.</p> <p>The plantings will be protected in perpetuity via consent notice on the titles for each lot. The consent notice will also require control of plant and animal pests.</p> <p>Proposed activity is consistent with this policy.</p>
<p>Policy 3.1.12 Natural Character in the Coastal Environment</p> <p>Recognise the values of natural character in the coastal environment are derived from one or more of the following attributes:</p> <ul style="list-style-type: none"> a) Natural elements, processes and patterns; b) Biophysical, ecological, geological and geomorphological aspects; c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks; d) The natural movement of water and sediment; e) The natural darkness of the night sky; f) Places or areas that are wild or scenic; g) A range of natural character from pristine to modified; h) Experiential attributes, including the sounds and smell of the sea; and their context or setting. 	<p>Mr Forsyth has assessed any adverse effects of the proposed activity on the natural character of the coast as 'low' in the short term and 'very low' in the long term, stating at paragraphs 5.8 and 5.9 of his report:</p> <p><i>"58. The upper terrace is an open pastoral environment that is significantly modified and contains none of its original land cover apart from the mitigation planting on its boundaries resulting from the previous consent creating the site. It reflects few natural processes that are associated with the coastal environment apart from the uplift that created it and the continued formative process and the influence of climate. 5.9 The proposed development is not anticipated to have any adverse effect on existing natural character environment, which is expected to improve with additional mitigation planting. It is not considered that the site reflects coastal natural character, although it does lie within the coastal environment and is affected by its processes and attributes including erosion, storms, salt spray, marine birds, uncluttered views of the night sky and sound and presence of the tidal patterns."</i></p> <p>The proposed activity is consistent with this policy.</p>

<p>Policy 4.2.1 Sea Level Rise</p> <p>Ensure Otago's people and communities are able to adapt to, or mitigate the effects of sea level rise, over no less than 100 years, by using:</p> <ul style="list-style-type: none"> a) A sea level rise of at least 1 metre by 2115, relative to 1990 mean sea level (Otago Metric Datum); and b) Adding an additional 10mm per year beyond 2115, or the most up-to date national or regional guidance on likely sea level rise. 	<p>The identified building platform on Lot 2 is located on an old marine terrace located approximately 11 – 12m above sea level which is well above expected sea level rise in this area.</p> <p>The proposed activity is consistent with this policy.</p>
<p>Policy 4.5.1 Providing for Urban Growth & Development</p> <p>Provide for urban growth and development in a strategic and co-ordinated way, including by...</p> <p>f) Having particular regard to:</p> <ul style="list-style-type: none"> i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production; ii. Minimising competing demands for natural resources; iii. Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna; iv. Maintaining important cultural or historic heritage values; v. Avoiding land with significant risk from natural hazards... <p>j) Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth.</p>	<p>The proposed subdivision of the site into two lots is in keeping with the intensity of development in the surrounding locale and works to consolidate the rural residential living in this locale.</p> <p>The site is located on LUC 4 soil and, therefore, the NPS-HPL does not apply to the site or application. The site is not within a high or outstanding natural character or coastal area. The site is at relatively low risk from natural hazards.</p> <p>The proposed activity is consistent with this policy.</p>
<p>New Zealand Coastal Policy Statement 2010</p>	
<p>Policy</p>	<p>Consideration</p>
<p>Policy 6 Activities in the Coastal Environment...</p> <p>1.b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</p> <p>1.c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;...</p> <p>1.i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access</p>	<p>The proposed subdivision of the site into two lots is in keeping with the rural residential living in the locale including the recently completed subdivision to immediately adjacent to the site on its northern boundary. The identified building platform on Lot 2 is set back further from the marine environment than identified building platforms on adjoining sites. The pedestrian access through the site will be retained.</p> <p>Mr Forsyth has assessed any adverse effects from the proposed activity on natural character of the coastal environment as 'low' in the short term and 'very low' in the long term.</p> <p>The proposed activity is consistent with this policy.</p>

and amenity values of the coastal environment;...	
<p>Policy 13 Preservation of Natural Character</p> <p>To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character... <p>Recognise that natural character is not the same as natural features and landscapes or amenity values...</p>	<p>Mr Forsyth states in his report at paragraphs 6.5 – 6.7:</p> <p><i>“6.5 RPS Policy 3.1.12 sets out the elements that the NZCPS identifies as being possible components of natural character. These include: (a) natural elements, processes and patterns; (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and sediment; (e) the natural darkness of the night sky.</i></p> <p><i>6.6 These components are present in open shoreline and escarpment to the east and below the upper terrace. The regional landscape and coastal character assessment assesses this section of coastline as having medium/high natural character (see 3.5 above).</i></p> <p><i>6.7 The upper terrace does not reflect these attributes and is assessed as having a low level of coastal natural character, although within the coastal environment. The mitigation planting that has been undertaken, and is proposed, provides a character framework, and is considered successful in providing a high level of amenity for residents and the surrounding area but does not reflect the character of the shoreline. Similar development is expected to continue the existing land use pattern and character and not to affect coastal character.”</i></p> <p>The proposed activity is consistent with this policy.</p>