



CLUTHA DISTRICT COUNCIL

Address all correspondence to:
The Chief Executive

Our Reference RM3030
M-files ID

DECISIONS OF CLUTHA DISTRICT COUNCIL NOTIFICATION UNDER SECTION 95A AND SECTION 95B OF THE RMA 1991

Applicant:	Clark and Megan Campbell
RM Reference:	RM3030
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a subdivision and residential activity within the Coastal Resource Area of the Clutha District Plan.</p> <p>The subdivision will create 1 additional Lot for residential activity comprising approximately 9,720m² within the Coastal Resource Area, while the balance lot (Lot 2) will be 2ha and located within the Coastal Resource Area. Lot 2 will retain an existing dwelling.</p>
Location:	239D Moturata Road, Taieri Mouth
Legal Description:	Lot 9 DP 399272
Zoning:	Coastal Resource Area
Activity Status:	Discretionary
Decision Date:	April 2024

SUMMARY OF DECISIONS

- a) Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **limited notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Edita Babos, Head of Environmental Planning and Compliance on April 2024, under delegated authority pursuant to Section 34A of the RMA.

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1. PERSONS TO BE SERVED NOTICE

The following persons shall be served notice of the application:

1. Iwi – Ngai Tahu Ki Otago (who are represented by both Aukaha and Te Ao Marama)
2. 239F Moturata Road, Taieri Beach – S.S.J and A Tickle;
3. 239E Moturata Road, Taieri Beach – A.D.L Terry and D.S Hunter
4. 239C Moturata Road, Taieri Beach – R.M and M.S Morton
5. 239B Moturata Road, Taieri Beach – G.L and S Rowe
6. 229 Moturata Road, Taieri Beach – N.A and H.M Eason
7. 30 Otuarae Drive, Taieri Limited - Cathcart Limited
8. 29 Otuarae Drive, Taieri Limited - Cathcart Limited
9. Lot 9 DP 556422 – A.A Newall and SC Nominees 2019 Limited
10. Lot 8 DP 556422 – Downie Stewart Trustee 2013 and K.B Duggan



Figure 1: Existing environment of the proposed site

2. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Subdivision and land use resource consents are sought to undertake a two Lot subdivision with residential activity, a right of way (ROW) access within the Coastal Resource Area of the Clutha District Plan.

The subdivision will create 1 additional Lot (2) for residential activity comprising approximately 9,720m², while the balance Lot (1) will be 2ha and located within the Coastal Resource Area. Lot 1 will retain an existing Building Platform which has Building Consent, access gained to the site will be from the formed Right of Way from Moturata Road and then a further ROW over Lot 2.

Lot 1 has an existing Pedestrian ROW which bisects the southern boundary. This will not be affected as a result of this subdivision.

It is proposed that Lot 2 will be developed for residential dwelling (1 dwelling per site) and that the development site will be self sufficient in relation to the supply of potable water and the disposal of wastewater and stormwater. Water tanks will be used for the supply of potable water and firefighting purposes. Stormwater and Wastewater from each residential lot will be disposed of within the site, both Lots are of size and shape to adequately dispose onsite without any cross boundary contamination occurring. Electricity and telecommunications will be provided to the boundary of the proposed lots.

The proposed subdivision Scheme Plan shown in Figure 2 below:

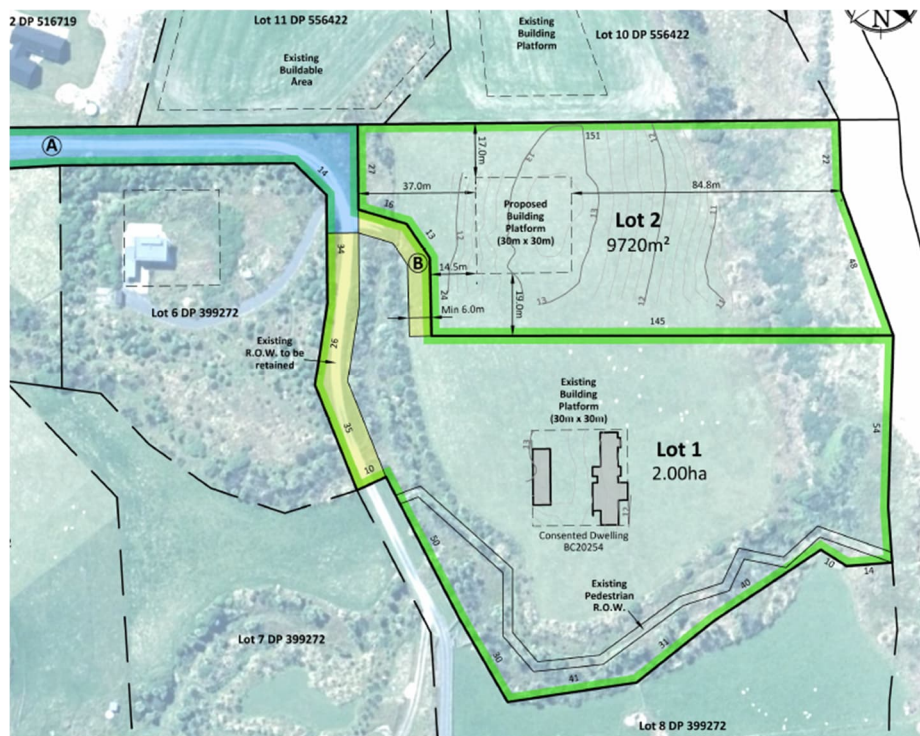


Figure 2: Excerpt of the proposed subdivision plan.

Site and Environment

The subject site where the subdivision is proposed is to be located south of the existing Taieri Mouth settlement. While immediately adjoining the more recently developed properties along Otuarae Drive and Moturata Road which were consequently developed through two large subdivision consents.

Figure 3 below is an excerpt from Google Maps which accurately illustrates the site and its context to the Taieri Mouth settlement.

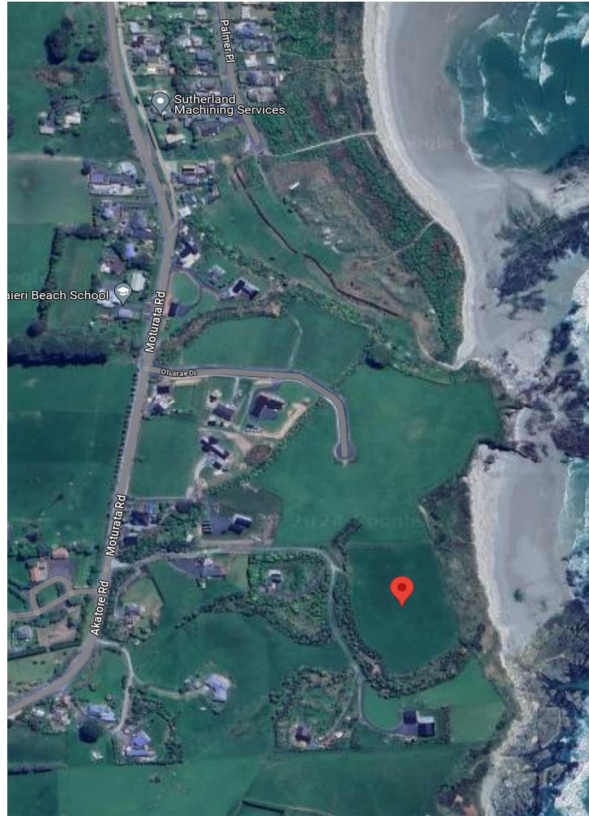


Figure 3: Existing site in relation to the Taieri Mouth Settlement and existing development

The site is currently vacant, vegetated in pastoral grasses and livestock are grazing the site. This will continue to be utilised for these purposes until the dwelling on proposed Lot 1 is built. Figure 2 above identifies the allotment shape and size of the two sites sought to be subdivided. Both Lots 1 and 2 are adjacent to the coast along the eastern boundary and access is gained through a Right of Way.

Relevant Site History

The subject site was created as a consequence of a previous subdivision of land, as well as being surrounded by land on the adjacent northern boundary which has been subject to further subdivision.

RM1411 – This subdivision created 8 residential allotments now legally described as Lots 2 to 9 DP 399272 and the shared access ROW. Figure 4 below illustrates these lots and the ROW created under this subdivision. The consent was granted on the 27 April 2006.

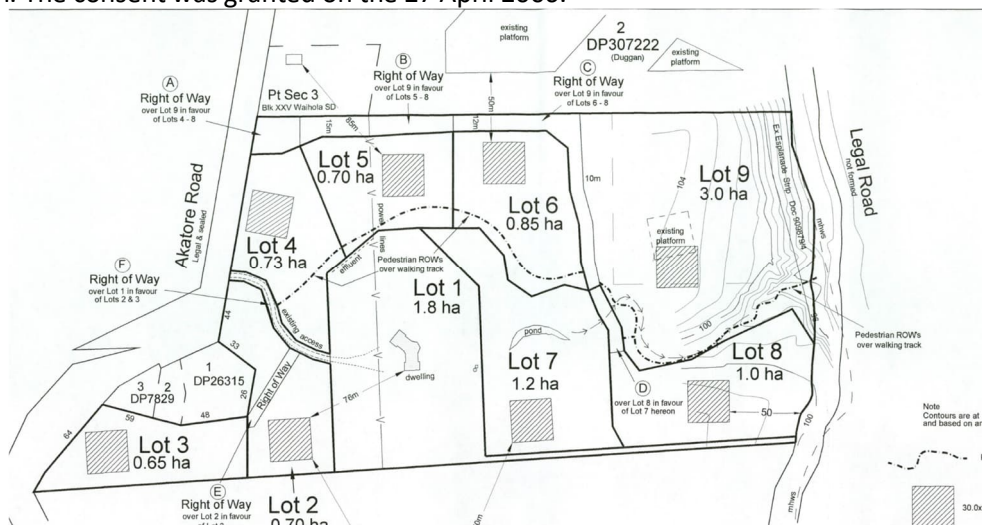


Figure 4: Scheme Plan from the previous subdivision RM1411 which created the 8 residential allotments and the ROW used to access the site.

The subdivision was subject to consent notices relating to mitigation measures relating to landscape,

planting and amenity. The subdivision was not subject to covenants.

RM1636 01 – This subdivision adjacent to the site created 23 allotments, 18 for residential purposes and the Otuarae Drive access way. Figure 5 below illustrates these lots and Otuarae Drive. The consent was granted on the 1 April 2010.

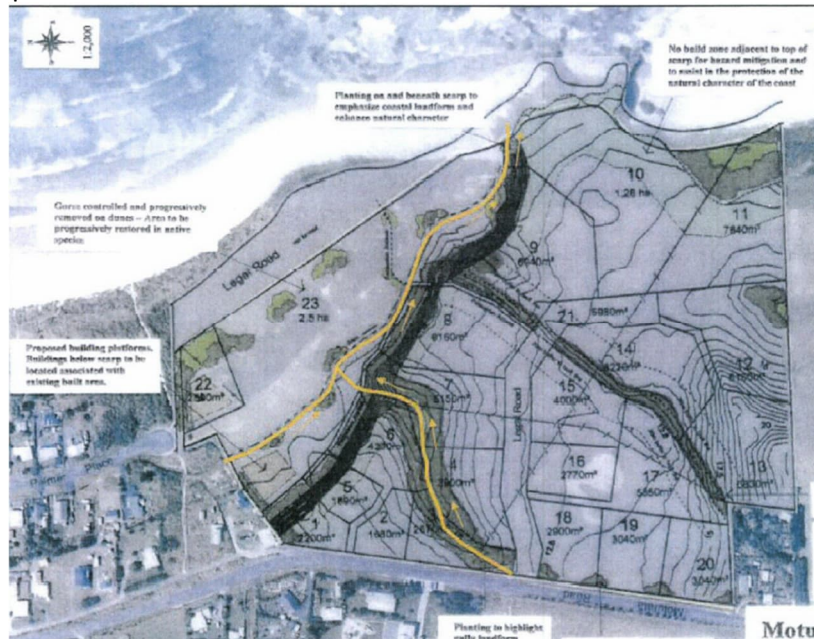


Figure 5: Scheme Plan from the adjacent subdivision RM1636 01

Application and Supporting Information

The Application was lodged on 29 January 2024, and is supported by the following information:

- Planning report and Assessment of Landscape and Visual Effects prepared by Sweep Consultancy.
- Planting Plan and Specification prepared by Mike Moore.
- Proposed Lot 2 subdivision, 239d Moturata Road, Taieri Mouth - Degree of potential effect prepared by Hugh Forsyth.
- 200 metre radius site plan from proposed Building Platform – Prepared by Scott Cookson.
- Memorandum of potential effects prepared by Hugh Forsyth – Site Environmental Consultants.

Applicant's Request for Limited Notification

The Applicant has requested that the application is processed on limited notified basis with notice served to on iwi, and the landowners/residents of the existing dwellings within 200m.

An applicant can only request public notification as provided for in s95(A)(3)(a) of the RMA, and s95B(8) requires a council to determine whether a person is an affected person (in accordance with section 95E) and whether to give limited notification of an application for a resource consent.

For the purposes of determining whether to publicly notify an application, s95D requires that the effects on persons who own or occupy the land in, on or over which the activity will occur, or any adjacent land to that land are disregarded. Section 95B(3) of the RMA then 're-engages' those persons on which the activity will occur or adjacent landowners, and requires an assessment of whether they are affected. However, there is no limit in terms of the breadth of persons who may be served for the purposes of giving limited notification.

Therefore, the Council is able to process the application on a limited notified basis and serve notice on a wider range of persons than only the site occupants or the adjoining landowners.

Application Processing

The application was lodged on 29 January 2024. Council requested further information under S92 on one occasion (9 February 2024) which has resulted in the aforementioned Memorandum of potential effects, 200 metre radius site plan from proposed Building Platform, and the Degree of potential effects.

At the same time Council requested a s95e which required the applicant to consult and provide written approval from Ngai Tahu Ki Otago who are represented by Aukaha and Te Ao Marama Inc, and the parties identified as being within 200 metres of the proposed Building Platform.

It is considered that notwithstanding the absence of the Applications consultation with the identified parties the s92 information provided sufficient information to make a determination for the purposes of s95 of the RMA.

District Plan Zoning and Framework

The Site is zoned Coastal Resource Area. Both of the proposed Lots 1 to 2 to be used for residential activity are located within the Coastal Resource Area.

As shown in Figure 6 below, the eastern boundary of the site is an existing Esplanade Reserve that is parallel to the Coastline.

The Taieri Mouth Urban Resource Area (Yellow) is located approximately 450 metres to the north of the subject site. The immediate surrounding area is all identified as the Coastal Resource Area (Blue).

It is noted that there are three Archaeological Sites on the immediate neighbouring property identified as I45 13-15 – Midden Sites, these features do not apply to the application site.

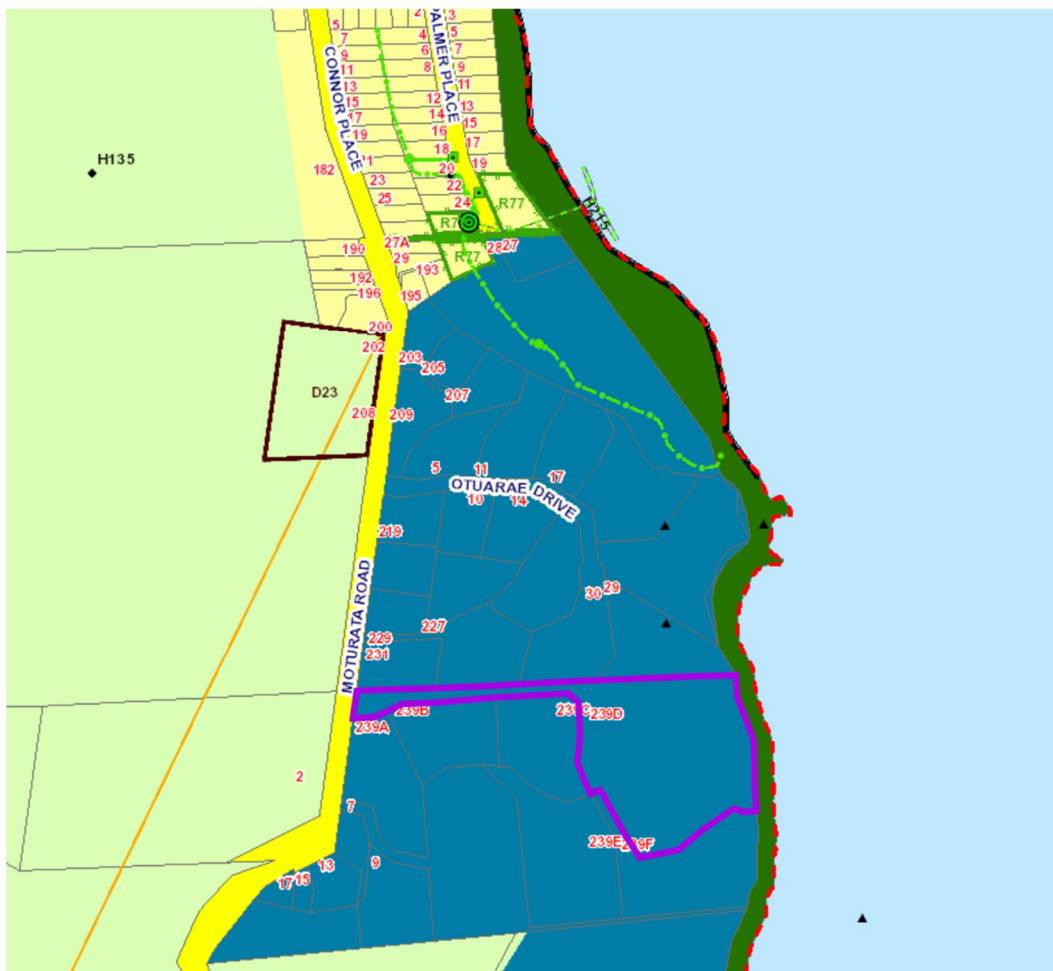


Figure 6: Excerpt of the District Plan Maps

3. ACTIVITY STATUS

3.1 DISTRICT PLAN

The activity requires a resource consent for the following:

Subdivision

Rule SUB.2 states that subdivision in the Coastal Resource Area is a **discretionary** activity.

Rule SUB.4 states that all subdivisions, excluding minor boundary adjustments and amendments to flats plans, shall be designed to comply with several standards. The Application has included an analysis of the activity against these standards in its Appendix 5a which identified that the activity complies with these standards. The assessment is accepted and adopted for the purpose of this application.

Coastal Resource Area

Rule COA.1 'Other Applicable Rules' states that any activity undertaken within the Coastal Resource Area shall take place in accordance with the Rules of both Section 3 General Section and the Section 4.1 Rural Resource Area of this Plan unless this section provides otherwise. The Application did not identify these rules as requiring resource consent, this information was requested and received as part of the s92 request.

The following identifies the relevant Rural Resource Area rules and General Rules of the District Plan.

- a) Section 3.3 Transportation Rule TRAN.1 Access and Legal Frontage for Developments.

Roads and Access Lots for the purpose of providing access and legal frontage to developments and subdivision are controlled activities provided:

1. There is no adverse effect on; any heritage site listed in Table 13.1 to Table 13.8, and
2. The location is not or is not likely to be subject to material damage by erosion, subsidence, slippage or inundation (including the possibility of sea level rise) and the proposed development is not likely to accelerate any of these processes, and
3. Roads in Rural Areas are constructed in accordance with the "Guide to Geometric Standards for Rural Roads", National Roads Board, New Zealand, 1985 and roads in Urban Areas are constructed in accordance with NZS 4404 1981 Urban Land Subdivision.

The activity can achieve standard 1-3 and is a **controlled** activity. The matters of control are listed in matters a-e of Rule TRAN.1.

- b) Section 4.1 Rural Resource Area

Rule RRA.3(I)(a).2 Residential Activities are permitted providing a dwelling is not closer than 200m to any existing or proposed dwelling, or the Urban, Transitional or Rural Settlement Resource Area. The proposed Building Platform on Lot 2 will be within 200m various dwellings and designated Building Platforms, all within 200m of each other. Rule RRA.3(IV) states that any residential activity which does not comply shall be a **discretionary** activity.

Rule COA.2 'Consultation' 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.

The applicant has stated in a response to further information dated 25 March 2023 '*The applicant has not undertaken any consultation with Ngai Tahu ki Otago. As stated in an email dated 20 February 2024, the applicant has requested that limited notification occur to Ngai Tahu ki Otago.*'

No consultation has been undertaken to date by the Applicant or the Council, however the recommendation is that the application is processed on a limited notified basis to iwi.

This rule nor the Coastal Resource Area chapter of the District Plan does not provide any corresponding class of activity where the rule is not complied with. Section 87B of the RMA provides for the activity as a **discretionary** activity where no class of resource consent is specified.

The activity seeks to establish residential activity on Lot 1 by way of Building Platforms subject to conditions. Residential activity in the *Coastal Resource Area* is a **restricted discretionary** activity pursuant to Rule COA.4(b) with the discretion of Council restricted to the following matters:

- 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.

Rule COA.5 states that subdivision in the Coastal Resource Area is a **discretionary** activity. While the rule refers to Rule SUB.2 and clearly duplicates that rule, it does not exempt Rule COA.5 and is considered applicable.

Financial Contributions

Section 3.8 Financial and Reserves Requirements – Financial Contributions

Rule FIN.9 applies to the connections of water and wastewater to the existing public systems. The activity is not creating any new connections to Council's Services and therefore is not applicable to the activity. Rule FIN.10 applies to financial contributions for roading, this is not applicable to this application.

Rule FIN.7 sets out the terms where the imposition of financial contributions associated with the subdivision. Rule FIN.7(b) states a financial contribution for the propose of acquiring, improving and/or developing reserves and recreational facilities throughout the district, may be imposed in the following circumstances:

- As a condition of a resource consent for any subdivision or development for residential, commercial or industrial purposes in the form of money except where the circumstances set out in (d) below apply, in which case land may be required. Such a charge shall be payable on –
 - Each allotment being created in the case of subdivision;
 - Each additional dwelling unit in the case of multi-unit development or for a cross lease or unit entitlement;
 - Each pan unit identified under Rule FIN.9(3) which is not covered by any of the circumstances above.

The applicant has advised none of the circumstances relevant to the imposition of a financial and reserve contribution are applicable. However, in review of FIN.7(b) a financial and reserve contribution is payable for this application for the creation of one Lot for residential purposes created in the case of subdivision.

3.1 NATIONAL ENVIRONMENTAL STANDARDS

NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO

PROTECT HUMAN HEALTH 2011 (NESCS)

The applicant has advised:

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 kilometer radius of the site as shown in Figure 5 below. There is a bore, 145/0004, 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.

Overall, it is considered:

- Council's database does not contain any records that show any HAIL sites at the property – nor does the Otago Regional Council HAIL register.
- The applicant has stated on the application form that there is no knowledge of any HAIL sites at the property.
- It can be considered that the NEC-CS does not apply to this application.

3.2 ACTIVITY STATUS SUMMARY

Overall, the application is being considered and processed as a **discretionary** activity.

**NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE
MANAGEMENT ACT**

4. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

4.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

4.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)). The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)).

4.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 4.3.1 - 4.3.4 below:

4.3.1 Effects that must / may be disregarded (s95D(a)-(e))

Effects that must be disregarded:

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- *Trade competition and the effects of trade competition (s95D(d)).*

Effects that may be disregarded:

- *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)) – referred to as the “permitted baseline”. The relevance of a permitted baseline to*

this application is provided in section 4.3.2 below.

4.3.2 Permitted Baseline (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

The District Plan does not permit any subdivisions and residential activity is a restricted discretionary activity within the Coastal Resource Area. There is no permitted baseline applicable to this activity.

4.3.3 Assessment: Effects On The Environment

Taking into account sections 4.3.1 and 4.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

As a discretionary activity the Council's discretion is not restricted and all relevant matters are able to be considered. The assessment is grouped by the following matters:

- Mitigation measures
- Density of dwellings in the locality and subdivision design
- Natural Character Effects and Landscape Effects
- Access
- Provision of network utility services
- Effects on indigenous flora and fauna
- Natural Hazards
- Earthworks
- Utilities
- Financial and Reserve Contributions

With assessing both a subdivision and a land use activity, some of the matters of discretion listed for each activity in the District Plan have themes which moderately duplicate each other. This is especially prevalent for the visual amenity theme – i.e., effects of subdivision design/ natural values/ density of dwellings in the locality/ visual effect of development' matters where the effect of the proposed development on the landscape need to be assessed. The visual amenity matters will be considered collectively for efficiency.

Mitigation measures

Paragraphs 11 and 12 of the Application prepared by Ms Peters at Sweep Consultancy identifies various mitigation which are volunteered as part of the activity to avoid or mitigate adverse effects on the environment. Most of the proposed mitigation measures are related to landscape, planting and amenity and are:

- a) All buildings shall have a maximum height of 5m above existing ground level.
- b) All buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 30% whilst the roof colour shall have a reflectivity rating of no more than 10%.
- c) All services are to be located below ground.
- d) No pre-existing dwellings shall be established on the identified building platform. For the purpose of this

analysis, pre-existing dwellings mean a previously used building intended for use as a dwelling to the site. This does not include prefabricated dwellings erected off-site.

- e) On going maintenance of the mitigation planting.
- f) 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.
- g) Outdoor lighting shall be:
 - a. Shielded from above in 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.

The assessment of the Mitigation Planting and Conditions will be continued in the below sections where relevant.

Density of dwellings in the locality, subdivision design, effects on amenity and cumulative effects

Design of the site

The assessment of effects describes the subdivision has been designed taking into account the physical limitations of the land with respect to terrain and natural hazards. The site is located on an old marine terrace with the identified building platform on Lot 2 setback 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 applications analysis of the proposed subdivision design prepared by Ms Peters has considered the facilitation of safe and easy access by both people and vehicles. Access to the site is gained 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, it is noted that the Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

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.

Ms Peters has identified that the existing pedestrian access over the site to the coast will be retained and is located within Lot 1 as shown on Figure 7 below:

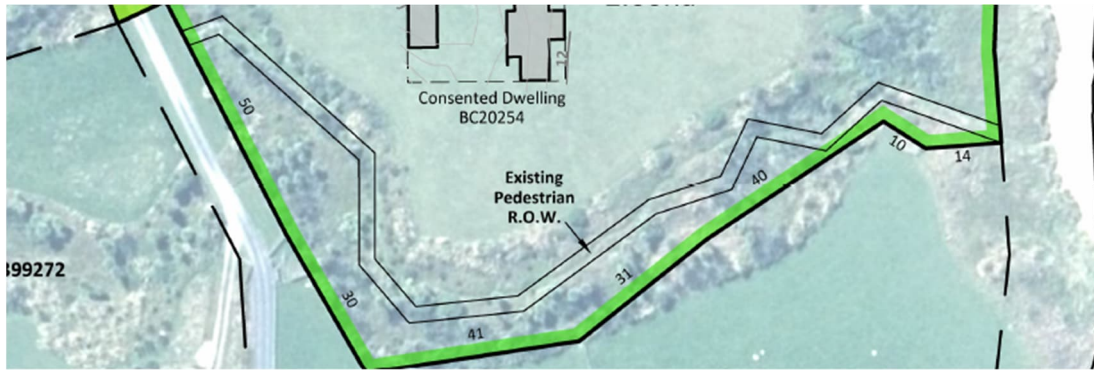


Figure 7: Existing Pedestrian ROW over proposed Lot 1

With respect to the subdivision design, Ms Peters advises the layout 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.

Both proposed Lots 1 and 2 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.

The proposed Lot sizes well exceed the minimum 0.4 hectare size stated in the Plan and are of sufficient size to comply with the servicing and bulk and location requirements for residential activities.

Density of dwellings in the locality and effects on amenity

The character and amenity of the area as a whole is influenced by various aspects, including the density of dwellings, access to the existing Lots utilising the ROW, visual amenity, and the scale of the activity.

As defined in the RMA, Section 2(1) Amenity Values: means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Ms Peters provides a detailed assessment of proposed visual mitigation measures as outlined further below. This area is characterised by residential dwellings, mature landscaping and open space. Ms Peters describes the proposed subdivision as relating well to the adjoining development and is in keeping with the character of surrounding development. The site was created by a prior 9-lot subdivision which is now fully developed with 8 built residential dwellings and 1 residential dwelling on Lot 1 has building consent.

A site visit undertaken by the processing planner on the 27 March 2024, determined that the platform for Lot 2 is within 200 metres of approximately 5 established dwellings and 5 building platforms. With respect to the existing residential dwellings the established vegetation which was required as a condition of consent under RM1411 helps mitigate the view of future residential activities on proposed Lot 1. The proposed planting which has been developed for the site was created with regard to the landscape and planting plan provided by Mr Moore for the original 9-lot subdivision. It is considered the existing planting has provided sufficient internal screening of the existing dwellings.

As shown below in Figure 8, the boundary planting screen views back into the site from adjacent development and provide a similar level of shelter as exists on the boundaries of 239C and 239E. Additional planting is specified to encourage a dense and more rapid shelter belt to be established on the northern and western boundaries of Lot 1.



Figure 8: existing boundary planting

While it is considered the proposed activity will change the character and amenity of the existing lot it is not considered to be adverse in the context of the current development which has been undertaken along Moturata Road. The subject site adjoins and has been created from previous coastal residential development with a combination of established and new developments.

The site as described by Ms Peters is considered to be in keeping with existing development. It is considered the proposed subdivision and location of the building platform has taken into consideration the existing topography of the site with respect to the existing dwellings, and existing privacy screening. Mr Cookson of Cookson Land Surveying Limited has prepared a plan showing existing dwellings and consented building platforms within 200m of the building platform on Lot 2, this Plan has been prepared and attached to this report as Appendix 1.

The proposed subdivision design reflects current lot sizes within the area. The existing Lot as a whole is approximately 29,000 square metres in size, whilst the other lots created under RM1411 range in size from 6000 square metres to 18000 square metres. Proposed Lot 1 shall be approximately 20000 and Lot 2 shall be approximately 9720 square metres, the size of both lots are considered consistent with the existing range of Lot sizes. The mitigation planting provided with the Application can mitigate to a degree this has been discussed more in depth in **Natural Character Effects and Landscape Effects**. The landscape report provided by Mr Forsyth assessing the seven point scale devised by New Zealand Institute of Landscape Architects (NZLIA), has in summary described the effects on all of the existing residential surrounding proposed Lot 2 is 'low' to 'very low'. Mr Forsyth advised on a technical planning scale this determination equates to a less than minor effect.

The subject site is not located within a landscape identified by the District Plan as 'outstanding' (as per Section 6(b) of the Resource Management Act 1991). Considering the sensitivity nature of the Coastal Resource Area conditions to mitigate effects on amenity of coastal development will be included in the consent conditions as a consideration of Section 104. Paragraphs 11 and 12 of the Application prepared by Ms Peters identifies various mitigation which are volunteered as part of the activity to avoid or mitigate adverse effects on the amenity of the surrounding environment. Most of the proposed mitigation measures are related to landscape, planting and amenity these include the following:

- a) All buildings shall have a maximum height of 5m above existing ground level.
- b) All buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces

will have light reflectivity ratings of no more than 30% whilst the roof colour shall have a reflectivity rating of no more than 10%.

- c) All services are to be located below ground.
- h) No pre-existing dwellings shall be established on the identified building platform. For the purpose of this analysis, pre-existing dwellings mean a previously used building intended for use as a dwelling to the site. This does not include prefabricated dwellings erected off-site.
- d) On going maintenance of the mitigation planting.
- e) 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.

The site as described by Ms Peters is considered to be in keeping with existing development. Considering the existing density patterns, it could be viewed as an extension to the existing development area and consequently the existing environment is already at a density greater than normally encountered in the coastal environment of the District, or other smaller subdivision developments in the District. route to another location such as Moturata Road). As outlined above the proposed mitigation planting provided with the Application can mitigate the effects of the development on amenity to a degree, but this does not fully address the full scope of the character and amenity values of the area as a whole which is influenced by various aspects, including the density of dwellings, access to the existing Lots utilising the ROW, visual amenity, and the scale of the activity

It is noted that the application has not considered additional traffic movements nor noise which may increase with a new dwelling (accommodating a number of people). The subject site is located in the middle of existing subdivision pattern with access gained via a private right of way. Public interaction with the development would only be by those users actively visiting the subdivision (compared to passively going past the development on Whilst undertaking this assessment as above, the cumulative effects of the development at 239d Moturata Road have been considered in relation to access.

Cumulative effects

Other recent subdivisions on Moturata Road have set a precedent within the area, Cumulative effects are included in the definition of 'effect in section 3 of the RMA which is defined as follows: In this Act, unless the context otherwise requires, the term effect includes— (a) any positive or adverse effect; and (b) any temporary or permanent effect; and (c) any past, present, or future effect; and (d) any cumulative effect which arises over time or in combination with other effects— regardless of the scale, intensity, duration, or frequency of the effect, and also includes— (e) any potential effect of high probability; and (f) any potential effect of low probability which has a high potential impact. The term 'cumulative effect' is not defined under the RMA.

Cumulative effects are typically interpreted as a consideration of adverse effects in an area that would cumulatively amount to this application being unacceptable through collective degradation of environmental quality.

Aforementioned the proposed subdivision design reflects the current density patterns in the area and creates an additional coastal lifestyle block in the middle of an existing subdivision pattern. Regardless of the scale and intensity Council has considered the additional traffic to the private Right of Way which provides access to Lots 4-8 DP 399272.

The Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

Natural Character Effects and Landscape Effects

The application is supported by a Planting Plan and Specification assessment prepared by Mike Moore Landscape Architect. The report was prepared for the original subdivision consent RM1411. A site specific planting plan and assessment has been included for Lots 1 and 2 as shown in green in figure 9 below. This is a comprehensive report while key points and suggested conditions will be included in this AEE from the report, for the sake of brevity, only parts of the analysis from the report will be included in this AEE.



Figure 9: Proposed planting plan and existing planting

The application is further supported by a memorandum prepared by Hugh Forsyth from Site Environmental Consultants.

Mr Forsyth's report describes the landscape character and values of the site, the Coastal Resource Area that has seen recent trend to rural residential development which has implemented planting of native vegetation recommended by Mr Moore's Planting Plan and Specification.

Recent development of the Taieri Mouth Coastal Area has seen open rolling coastal farmland being replaced by a low density housing, open lawn/pasture areas and extensive planting of native shrub species. The recently developed area has a distinct character. Mr Forsyth describes the adjacent lots as having similar levels of planting, and which is now a significant landscape feature and character element in this part of the coastline.

Mr Forsyth's assessment discusses the existing dwellings above, to the south and southwest of the proposed Lot will be able to view all of this development. However, the proposed Lot 2, and consented Lot 1, have extensive mitigation planting proposed along their western boundaries and will be single level and set back towards the western part of their respective sites. This provision will limit the visual impact and add to the already extensive addition to the biodiversity of the area that on site ROW planting.

Development located on Otuarae Road also includes mitigation planting, with a broad swathe marking the boundaries of Lot 13, Lot 8 and the three lots located along the northern boundary of this development.

The range of coastal residential dwellings are accessed by two main ROW's and the through route of Moturata Road. Those on higher land and close to the shore are orientated towards the coast. Those within the subdivision

that includes the subject site are often located on outer lot boundaries which results in larger open space between residences. Boundary planting is a condition of consent which has been thoroughly adopted and is now a defining landscape characteristic.

Ms Peters has detailed that mitigation planting has been undertaken along the northern boundary but is at an early stage. 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 properties 239b and 239c Moturata Road.

Mitigation planting is proposed along the western road boundary of both Lots. This will extend existing planting and provide privacy screening 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 Moturata Road 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.

Recommended landscape conditions have been volunteered by the applicant, 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 Mr Moore. It describes the success of planting and the opportunity to extend the existing subdivision character into the proposed subdivision.

Ms Peters advises present boundary planting has reached approximately 4-5 metres in heights, 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.

Overall, Mr Forsyth considers the adverse effects of landscape character, values and existing residential properties will be low.

The assessments by Mr Moore, Mr Forsyth and Ms Peter are accepted, it is also accepted that the proposed planting mitigation strategy will contribute towards mitigating effects and will help soften and integrate the development into the existing subdivision pattern. While the development will be visible from public places including the coastal environment and the adjoining neighbouring properties, for the above reasons the adverse effects can be avoided and mitigated to the extent that they are not likely to be more than minor.

Traffic and roading

Traffic to the site will be gained from Moturata Road, via an existing formed Right of Way (ROW) created under the Subdivision Consent RM1411 shown as Easement A on the scheme plan. A new ROW, shown as B on the subdivision scheme plan, will provide access to proposed Lot 1 over proposed Lot 2 as shown in Figure 10 below.

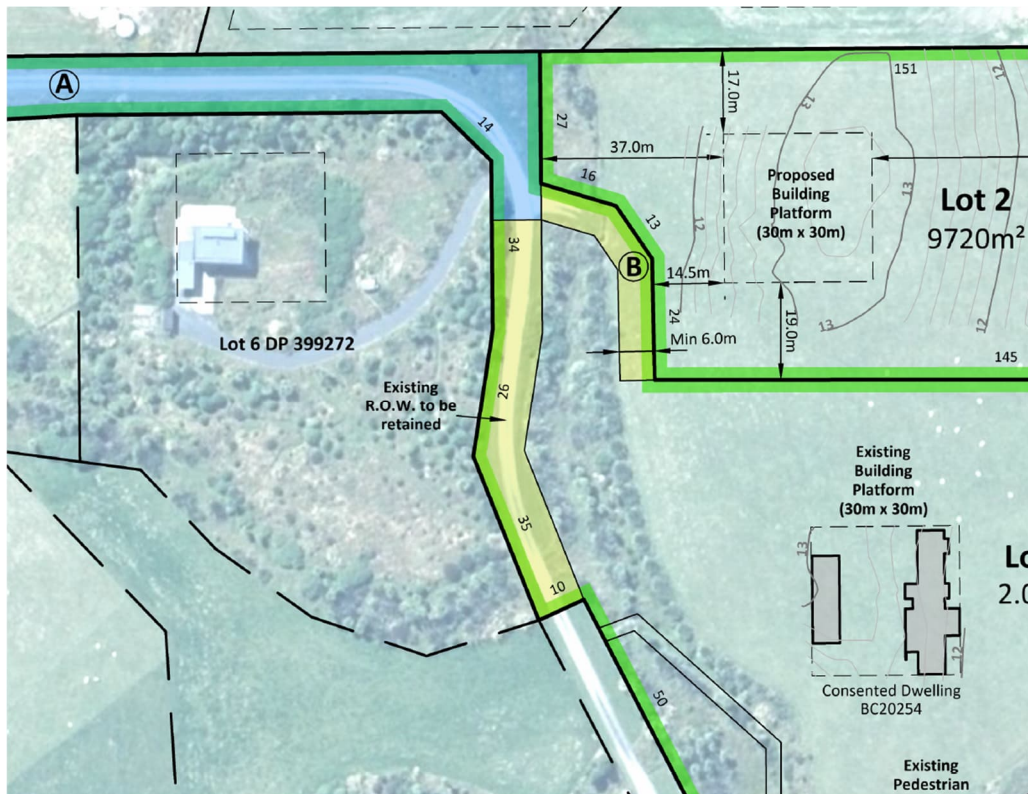


Figure 10: Existing ROW and Proposed ROW

Council's Service Delivery Roads Team have reviewed the application and suggested that the existing access which previously served 5 Lots, now 6 creates a noncompliance with Council's Roading Bylaw. The current access is a metalled surface, Council's Senior Development Engineer supports the sealing of the current vehicular crossing in accordance with rule TRAN.4 (IV) (a) and diagram 11 (b), sealed for a distance of 10 meters from the edge of seal in Moturata Road. The seal is recommended to be 5.7m wide with gates (if any) set back 10 meters from the edge of seal in Moturata Road. This matter can be determined as part of the Section 104 consideration.

Council's Senior Development Engineer has also identified that a turnaround area is required to be formed in ROW A in accordance with NZS4404-2010 section 3.3.16.1 and figure 3.4. Right of way B shall have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404 section 3.3.16. Again, this matter can be determined as part of the Section 104 consideration.

Access will be gained through the same ROW, there is no new proposed access ways, access to both Lots 1 and 2 will be gained through the existing access to the subject site. An internal ROW has been created allowing Lot 1 to gain access over Lot 2, this will not affect any of the other property owners.

5 of these lots are affected parties as maintenance will now be shared with an additional Lot. As a requirement of NZS4404-2010 section 3.4.3 requires sealing of the ROW A. In this case the level of service required is raised by vehicles from 5 Lots by only 1 lot to a new total of 6 Lots. Regardless of the scale and intensity Council has considered the additional traffic to the private Right of Way which provides access to Lots 4-8 DP 399272 may have effects on the property owners who share the ROW.

The Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

The matters above are able to be accommodated through conditions of consent and design at the subdivision and

development works stage, these works are not currently resolved, they affect the application site itself and the access do have a fundamental bearing in terms of Section 95a of the Resource Management Act with respect to Lots 4-8 DP 399272.

Provision of network utility services

There are no Council reticulated services in this location, as is common for new developments in the Rural/Coastal Resource Areas. This assessment will consider services including electricity/internet; water (sewerage, stormwater and potable water). Access and roading have been considered above.

Ms Peters advises that there existing electricity services available at the boundary to each Lot and that the applicant will extend electricity and telecommunication services into the site. Consideration for an alternative electricity supply by way of solar. The subdivision design provides orientation to the north to provide access to passive solar energy sources if the property owners want to incorporate these into their dwelling build design. These matters can be determined at the time of the Section 104 consideration.

There are no Council reticulated services in this location, sewerage, stormwater and potable water will be provided for onsite. The processing planner concedes this is the standard approach to water in the Rural/Coastal Resource Area.

Ms Peters has advised that the wastewater 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. It is considered the Lots are of size and shape to allow for onsite wastewater disposal without any cross boundary contamination occurring, the minimum size being 4000 square metres.

It is considered that Potable Water shall be serviced via collection of rainwater from non-toxic roof surfaces to storage in tanks of a suitable size.

It is advised 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. This matter can be determined as part of the Section 104 consideration.

In considering Onsite Firefighting Tanks the applicant has indicated that the Lots will provide 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.

The matter of water being sourced from rainwater collected to tanks, stormwater and wastewater being disposed of onsite, provisions of electricity and the telecommunications being available through a wired connection to the boundary or via remote wireless technology are accepted and considered that the effects of the network utility services are less than minor.

The matters above are able to be accommodated through conditions of consent and design at the subdivision and development works stage, while these works are not currently resolved, they affect the application site itself and do not have a fundamental bearing in terms of Section 95a of the Resource Management Act and whether or not the application ought to be notified.

Effects on indigenous flora and fauna

The site is vegetated in exotic pasture grasses and has been farmed. There was no indigenous vegetation observed

as present on site other than those established as a part of the Subdivision Planting Plan. Current site pastoral grazing and indigenous planting is proposed as part of this application as recommended by Mr Moore report.

It is not known whether the site provides habitat to any indigenous fauna including nesting for birds.

For the reasons identified above in '**Natural Character Effects and Landscape Effects**' in relation to indigenous flora and fauna, the activity is not likely to have adverse effects on the environment that are more than minor.

Natural Hazards

The site is not subject to any known natural hazards located on or near the development site and the processing planner's check of Council's GIS and Otago Regional Council's Hazard Register, does not shown any known hazards either.

The applicant does note the site is located on an old marine terrace with the identified building platform on Lot 2 setback approximately 84.8 metres from the eastern boundary of the site and located at an elevation of between approximately 12.3-13.2 metres. As such, the identified building platform on Lot 2 is not at risk of sea level rise.

There is not considered to be any potential for the proposed subdivision to exacerbate the effects of natural hazards on any adjoining land. The effects of natural hazards are considered to be less than minor.

Financial and Reserve Contributions

There are no financial contributions to be made for this subdivision as there are no new connections being made to Council's infrastructure.

Rule FIN.7 is therefore applicable, and the applicant will need to pay reserves contributions for Lot 2 as the new allotments is going to be used for residential purposes and have identified building platforms.

4.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity will not or is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

4.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

5. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

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

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

Determination under s95B(3)

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory

acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

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

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

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

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the ‘any other activity’ category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

5.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). There is no permitted baseline in this instance.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

5.3.2 Assessment: Effects on Persons

Ngai Tahu Ki Otago

The proposed activity is being undertaken within the Coastal Resource Area of the Clutha District Plan. It is a requirement of rule COA.2 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.

It is also understood that the site is adjacent to a Statutory Acknowledgement Area under Section 6.10.5.1. of the District Plan, being Kuramea (Catlins Lake). Which under S95B(3)(a) requires Council to determine if the activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and whether the person to whom the statutory acknowledgement is made is an affected person under section 95E – which has been determined under COA.2.

In terms of cultural values (if any) from manawhenua are not know at this point with the Applicant electing to have notice served on iwi rather than any consultation prior to lodgement of the application or during

processing. Therefore, there may be adverse effects on Manawhenua that are at least minor. Council shall notify the consent on a **Limited Notification** basis to Ngai Tahu Ki Otago who are represented by Aukaha and Te Ao Marama Inc.

Properties identified as being within 200 metres

Residential Activities in the Coastal Resource Area are controlled activities providing compliance with rule RRA.3. The proposed dwellings on Lot 2 will be within 200m of established and proposed dwellings on the north and eastern side of the site Rule RRA.3(IV) states that any residential activity which does not comply shall be a discretionary activity. The following properties have been identified as being approximately within 200 metres of the proposed building platform.

- 239F Moturata Road, Taieri Beach – S.S.J and A Tickle;
- 239E Moturata Road, Taieri Beach
- Akatore Road, Taieri Beach – A.J.C and G.B Taylor
- 239C Moturata Road, Taieri Beach – R.M and M.S Morton
- 239B Moturata Road, Taieri Beach – G.L and S Rowe
- 229 Moturata Road, Taieri Beach – N.A and H.M Eason
- 227 Moturata Road, Taieri Beach – J. A Saunders and T.G McNeill
- 30 Otuarae Drive, Taieri Limited - Cathcart Limited
- 29 Otuarae Drive, Taieri Limited - Cathcart Limited
- Lot 9 DP 556422 – A.A Newall and SC Nominees 2019 Limited
- Lot 8 DP 556422 – Downie Stewart Trustee 2013 and K.B Duggan

These persons have been identified at the time the application was received to Council, as the application provided minimal analysis of the effects of residential activity existing and proposed (approved building platforms) within 200m of the proposed building platform.

A Section 92 request was sent by the processing planner on the 9th of February 2024 requesting the applicant provide the following information to Council;

- Provide a scheme plan/to scale plan that shows the separation distances to existing or proposed dwellings within 200 m of the proposed building platforms.
- Please provide an analysis of any effects that may occur because of the proposed building platform being within 200 m of existing and proposed dwellings.

On the 25th of February 2024, the applicant's agent Emma Peters, provided the further analysis as requested in relation the properties identified above to Council. The processing planner has determined the identified parties are not affected parties to this application for the following reasons:

239F Moturata Road, Taieri Beach – S.S.J and A Tickle

The proposed building platform is approximately 185 metres from 239F Moturata Road. Figure 11 below shows the proposed building platform location situated towards the existing dwelling. A site visit performed by the processing planner on the 28th of March 2024, determined that whilst the proposed mitigation planting has been provided to provide privacy between the Building Platform for Lot 2 which is approximately 185 metres from the existing dwelling Council deem the owners of 239F Moturata Road to be an affected party to this application.



Figure 11: Building Platform towards existing dwelling

The living area of the dwelling at 239F is situated towards the proposed Building Platform on Lot 2. The proposed dwelling on Lot 1 has been consented, whilst the dwelling has not been erected once it has been built it will help obstruct any view of the proposed dwelling on Lot 2. Proposed Lot 2 will be partially screened from this dwelling by the southern boundary planting and the consented dwelling.

Ms Peters provided the following analysis of the proposed building platform in relation to 239F Moturata Road:

Paragraph 4.3: "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."

Appendix 4B: Landscape Figures – Attachment 2 of Ms Peters consent application contains a proposal and mitigation plan illustrating the planting buffer and building platform in relation to the existing dwellings, this is shown below in Figure 12.



Figure 12: Proposed Planting Buffer

It is considered that the proposed additional dwelling and subdivision design with the proposed mitigation measures provided by the applicant the effects of visual amenity from an addition dwelling will be less than minor. Access will be gained through the existing ROW A. 5 of these lots are affected parties as maintenance will now be shared with an additional Lot. As a requirement of NZS4404-2010 section 3.4.3 requires sealing of the ROW A. In this case the level of service required is raised by vehicles from 5 Lots by only 1 lot to a new total of 6 Lots. Regardless of the scale and intensity Council has considered the additional traffic to the private Right of Way which provides access to Lots 4-8 DP 399272 may have effects on the property owners who share the ROW.

The Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

Council has deemed the owners of 239F Moturata Road to be an affected party to this application

239C Moturata Road, Taieri Beach – R.M and M.S Morton

The proposed building platform is approximately 82 metres from 239C Moturata Road. Figure 13 below shows the proposed building platform location situated towards the existing dwelling. A site visit performed by the processing planner on the 28th of March 2024, determined that whilst the proposed Building Platform for Lot 2 is approximately 82m from the existing dwelling at 239c Moturata Road, the dwelling is separated by established vegetation which helps mitigate the view of any future residential activities undertaken on proposed Lot 2.



Figure 13: Building Platform towards 239C Moturata Road

The applicant's Section 92 for further information provides the following analysis of the proposed building platform in relation to 239C Moturata Road. For the purposes of this report Council has adopted the analysis prepared below by Ms Peters:

Paragraph 2.4: Those on the northern boundary include 239b and 239c Moturata Road. Dense native shelter belt planting marks and the northern boundaries of both these properties in addition to the mitigation planting required by consent. Number 239c is located above the lower Right of Way and adjacent to proposed Lot 2. The lower floor level of the dwelling appears to be approximately 3+ metres above the upper level of the terrace.

239c Moturata Road will have views over the roof line of a residence on Lot 1 and at a viewing distance of approximately 95 metres. This view will be over the existing vegetation that is established along the lower boundary of this property and ROW boundary, and which continues to grow.

Further planting is proposed on the road boundary of Lot 1 and 2 and will eventually screen views to the walls of a future structure, with the roof line and chimneys remaining visible. There are unlikely to be the main focal point due to wider coastal vista that is available to 239c.

Paragraphs 11 and 12 of the Application prepared by Sweep Consultancy identifies various mitigation which are volunteered as part of the activity to avoid or mitigate adverse effects on the environment. Most of the proposed mitigation measures are related to landscape, planting and amenity. This mitigation measures include the maximum height of all buildings shall be 5m above existing ground level, and all buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 30% whilst the roof colour shall have a reflectivity rating of no more than 10%, to name a few.

The mitigation measures volunteered by the applicant were subject to the original application RM1411. All of the surrounding dwellings have been subject to the same consent notices for erecting a dwelling to mitigate any effects on amenity and the surrounding environment. Further to the building mitigation measures, the applicant has further volunteered to provide dense native shelter belt planting and as well on the northern boundaries of both these properties in addition to the mitigation planting.

Appendix 4B: Landscape Figures – Attachment 2 of Ms Peters consent application contains a proposal and mitigation plan illustrating the planting buffer and building platform in relation to the existing dwellings, this is shown below in Figure 14.



Figure 14: Proposed Planting Buffer

It is considered that the proposed additional dwelling and subdivision design with the proposed mitigation measures provided by the applicant the effects of visual amenity from an addition dwelling will be less than minor. Access will be gained through the existing ROW A. 5 of these lots are affected parties as maintenance will now be shared with an additional Lot. As a requirement of NZS4404-2010 section 3.4.3 requires sealing of the ROW A. In this case the level of service required is raised by vehicles from 5 Lots by only 1 lot to a new total of 6 Lots. Regardless of the scale and intensity Council has considered the additional traffic to the private Right of Way which provides access to Lots 4-8 DP 399272 may have effects on the property owners who share the ROW.

The Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

Council has deemed the owners of 239C Moturata Road to be an affected party to this application. **239E Moturata Road, Taieri Beach**

The proposed building platform is within 185 metres from the 239E Moturata Road Building Platform, the dwelling is not within 200 metres as it is situated at the rear of the consented Building Platform. Figure 15 below shows the proposed building platform location situated towards the existing dwelling. A site visit performed by the processing planner on the 28th of March 2024, determined that whilst the proposed Building Platform for Lot 2 is approximately 185m from the Building Platform at 239E Moturata Road, the dwelling is separated by established vegetation which helps mitigate the view of any future residential activities undertaken on proposed Lot 2.



Figure 15: Building Platform site towards 239E Moturata Road

Further to this the contour of the land slightly slopes upwards towards the existing boundary line and then downwards towards the building platforms as shown in Figure 15 above which provides visual mitigation, then further mitigated by existing vegetation.

The applicant's Section 92 for further information provides the following analysis of the proposed building platform in relation to 239e Moturata Road:

The upper windows of 239e Moturata look north/east and towards the coastline. The intermediate view includes the native planting that has been established within this lot and will include consented residential unit on lot 1. The distance of this views will be approx. 112m. Proposed Lot 2 will also be visible, at approx. 185m, and adjacent lot 10 and Lot 9 DP 556442 will be visible to the north of the site boundary.

Appendix 4B: Landscape Figures – Attachment 2 of Ms Peters consent application contains a proposal and mitigation plan illustrating the planting buffer and building platform in relation to the existing dwellings, this is shown below in Figure 16.



Figure 16: Proposed Planting Buffer

It is considered that the proposed additional dwelling and subdivision design with the proposed mitigation

measures provided by the applicant the effects of visual amenity from an addition dwelling will be less than minor. Access will be gained through the existing ROW A. 5 of these lots are affected parties as maintenance will now be shared with an additional Lot. As a requirement of NZS4404-2010 section 3.4.3 requires sealing of the ROW A. In this case the level of service required is raised by vehicles from 5 Lots by only 1 lot to a new total of 6 Lots. Regardless of the scale and intensity Council has considered the additional traffic to the private Right of Way which provides access to Lots 4-8 DP 399272 may have effects on the property owners who share the ROW.

The Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

Council has deemed the owners of 239E Moturata Road to be an affected party to this application. **7 Akatore Road, Taieri Beach – A.J.C and G.B Taylor**

The proposed Building Platform is visible from the existing dwelling. Council has determined the owners of the property are not an affected party to this application. This is on the basis that the proposed Building Platform is not within 200 metres of the existing dwelling as shown on Figure 17.

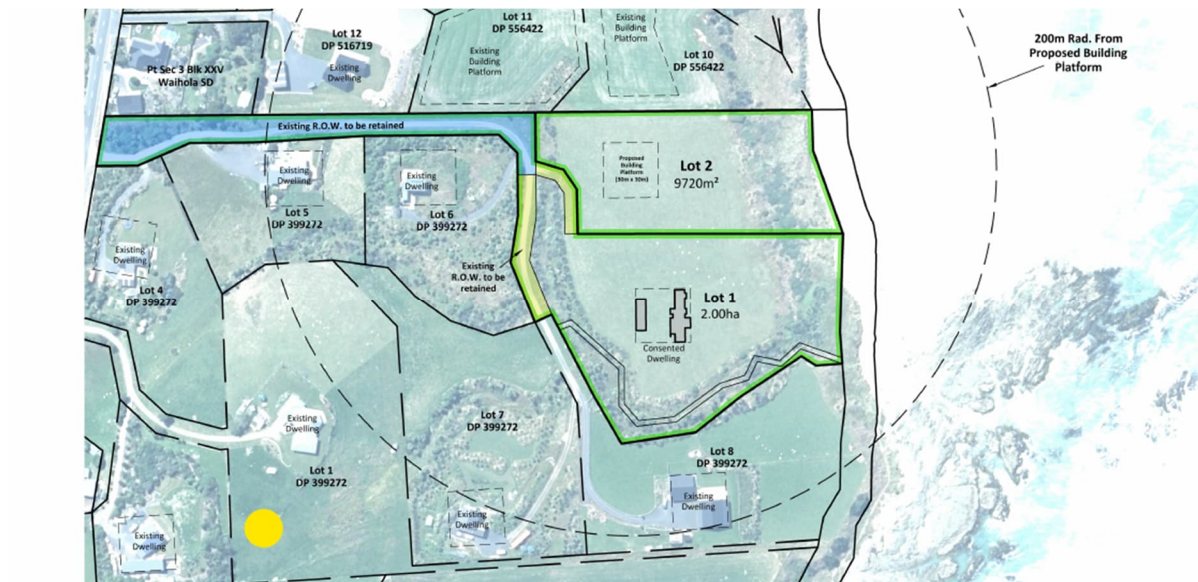


Figure 17: 7 Akatore Road in relation to the proposed building platform

There are no other rules applicable to this application that would deem the property owners and an affected party.

239B Moturata Road, Taieri Beach – G.L and S Rowe

The proposed Building Platform is approximately 170 metres away from the existing dwelling at 239B Moturata Road. As per Figure 18 below, the existing dwelling is separated by an existing dwelling, dense native shelter belt planting, in addition to the mitigation planting which will be required by the consent which will further screen the proposed dwelling on Lot 2.



Figure 18: Building Platform site towards 239B Moturata Road

Paragraphs 11 and 12 of the Application prepared by Sweep Consultancy identifies various mitigation which are volunteered as part of the activity to avoid or mitigate adverse effects on the environment. Most of the proposed mitigation measures are related to landscape, planting and amenity. This mitigation measures include the maximum height of all buildings shall be 5m above existing ground level, and all buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 30% whilst the roof colour shall have a reflectivity rating of no more than 10%, to name a few.

The mitigation measures volunteered by the applicant were subject to the original application RM1411. All of the surrounding dwellings have been subject to the same consent notices for erecting a dwelling to mitigate any effects on amenity and the surrounding environment. Further to the building mitigation measures, the applicant has further volunteered to provide dense native shelter belt planting and as well on the northern boundaries of both these properties in addition to the mitigation planting.

Appendix 4B: Landscape Figures – Attachment 2 of Ms Peters consent application contains a proposal and mitigation plan illustrating the planting buffer and building platform in relation to the existing dwellings, this is shown below in Figure 19.



Figure 19: Proposed Planting Buffer

It is considered that the proposed additional dwelling and subdivision design with the proposed mitigation measures provided by the applicant the effects of visual amenity from an addition dwelling will be less than minor. Access will be gained through the existing ROW A. 5 of these lots are affected parties as maintenance will now be shared with an additional Lot. As a requirement of NZS4404-2010 section 3.4.3 requires sealing of the ROW A. In this case the level of service required is raised by vehicles from 5 Lots by only 1 lot to a new total of 6 Lots. Regardless of the scale and intensity Council has considered the additional traffic to the private Right of Way which provides access to Lots 4-8 DP 399272 may have effects on the property owners who share the ROW.

The Right of Way is contained within the Record of Title for the subject site (existing Lot 9) which is in favour of Lots 4-8 DP 399272 Council's Senior Development Engineer has determined the additional dwelling will create a non-compliance for private access ways under the District Plan and NZS4404, whilst these non-compliances will be dealt with under Section 104. The non-compliances that are being created and additional traffic which may occur as a result of the additional dwelling may have adverse effects on the owners and occupiers of Lots 4-8 DP 399272 that are at least minor.

Council has deemed the owners of 239B Moturata Road to be an affected party to this application. **229 Moturata Road, Taieri Beach – N.A and H.M Eason**

The dwelling at 229 Moturata Road is located within approximately 160 metres of the proposed building platform on Lot 2. The dwelling is part of a more recent 16-lot subdivision RM1636 to the north of the ROW. Ms Peters advises, that a 6 metre wide strip of shelter planting is being established by the applicant as part of the original mitigation plan for RM1636. This strip of planting will prevent direct views into the site from the lower subdivision sites when residential activity occurs. Additional planting is recommended in the planting conditions 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 properties 239b and 239c Moturata Road.

The views from the dwelling will be partially screened by the shelter planting and additional planting that is being established along the northern boundary of the subdivision.



Figure 20: Existing Planting along the Lot boundaries

The mitigation measures volunteered by the applicant were subject to the original application RM1411. All of the surrounding dwellings have been subject to the same consent notices for erecting a dwelling to mitigate any effects on amenity and the surrounding environment. Planting has been undertaken between the boundaries of proposed Lot 2 and the five identified building platforms as shown below in Figure 21:



Figure 21: Boundary Planting between proposed Lot 2 and Otuarae Drive

Further to the building mitigation measures, the applicant has further volunteered to provide dense native shelter belt planting and as well on the northern boundaries of both these properties in addition to the mitigation planting.

Appendix 4B: Landscape Figures – Attachment 2 of Ms Peters consent application contains a proposal and mitigation plan illustrating the planting buffer and building platform in relation to the existing dwellings, this is shown below in Figure 22.



Figure 22: Proposed Planting Buffer

Despite visual mitigation measures such as shelter planting being undertaken, it's important to consider the other potential impact on the amenity of neighbouring dwellings not just visual. While the shelter planting may partially screen the views from the existing dwelling, the proximity of the proposed building platform means that there could still be visual intrusion, especially considering the elevation and positioning of the proposed dwelling and accessory buildings. Even with additional planting, the effectiveness of the screening should be considered particularly in relation to the specific views and sightlines from neighbouring properties which can include privacy.

Even with planting buffers, residents may feel their privacy is compromised if the new building overlooks their properties as well as the relatively quiet, open-space amenity values of the rural/coastal environment which may have at least a minor effect on the identified property.

Council has deemed the owners of 239B Moturata Road to be an affected party to this application.

227 Moturata Road, Taieri Beach – J. A Saunders and T.G McNeill

The proposed Building Platform is visible from the existing dwelling. Council has determined the owners of the property are not an affected party to this application. This is on the basis that the proposed Building Platform is not within 200 metres of the existing dwelling as shown on Figure 23.



Figure 23: 227 Moturata Road in relation to the proposed building platform

There are no other rules applicable to this application that would deem the property owners and an affected party.

5 Building Platforms

The following properties are being assessed together, on the basis they are all within proximity to each other as well as the consented building platforms do not have existing dwellings on the sites, at the time of Subdivision, there are building consents for dwellings for these 5 Lots:

- Lot 13 DP 556422 – Cathcart Limited
- Lot 11 DP 556422 - 30 Otuarae Drive, Taieri Limited - Cathcart Limited
- Lot 10 DP 556422 - 29 Otuarae Drive, Taieri Limited - Cathcart Limited
- Lot 9 DP 556422 – A.A Newall and SC Nominees 2019 Limited
- Lot 8 DP 556422 – Downie Stewart Trustee 2013 and K.B Duggan

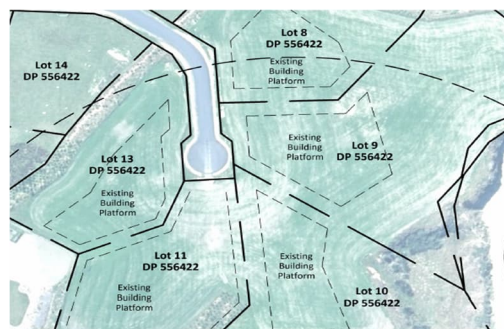


Figure 24: Existing Building Platforms identified above



Figure 25: Proposed Building Platform towards the existing Building Platform

The potential effects from the proposed building platform that is within 200 meters of existing building platforms can vary depending on several factors:

At the time of subdivision consent, the creation of an additional building platform for residential purposes, will reflect and result in a continuation of the current land use, as per Figure 25 above the proposed building platform will introduce elements which will alter the character of the area. The proposed building platform will result in a loss of open space, despite residential activities have already been anticipated on the adjacent lots. Within the previous 15 years approximately 25 new residential lots have been granted consent on the adjacent or current site, the owners of the adjacent lots still enjoy an open space amenity.

The implementation of height/colour controls and positioning of the proposed building platform has been implemented to consider the properties within 200 metres. The residential unit shall be in a palette consistent with the existing environment which shall be to be finished in recessive colours and non-reflective materials that do not significantly contrast with the surrounding landscape. Building cladding materials are to be restricted to naturally finished timber, natural stone or appropriately coloured profiled metal or plaster.

Even with planting buffers and the implementation of height/colour controls, residents may feel their privacy is compromised if the new building overlooks their properties as well as the relatively quiet, open-space amenity values of the rural/coastal environment which may have at least a minor effect on the identified properties.

Council has deemed the owners of the below properties to be an affected party to this application:

- Lot 13 DP 556422 – Cathcart Limited
- Lot 11 DP 556422 - 30 Otuarae Drive, Taieri Limited - Cathcart Limited
- Lot 10 DP 556422 - 29 Otuarae Drive, Taieri Limited - Cathcart Limited
- Lot 9 DP 556422 – A.A Newall and SC Nominees 2019 Limited

Lot 8 DP 556422 – Downie Stewart Trustee 2013 and K.B Duggan

5.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, the persons identified in Section 1 are considered to be adversely affected.

Therefore, limited notification is required under Step 3.

5.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

6. NOTIFICATION DETERMINATION

For the reasons set out in this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a limited-notified basis.

Prepared by:

Decision made by:



Michaela Groenewegen
Planner



Edita Babos
Manager, Environmental Planning and Compliance

Dated: 18 April 2024