

Sweep Consultancy Limited
PO Box 5724
Dunedin 9054
Phone: 0274 822214
Email: emma@sweepconsultancy.co.nz

1 March 2023

John Sule
Consultant Planner
Clutha District Council
P.O. Box 25
Balclutha 9240

Sent via email to:
johnsuledn@gmail.com
cc: planning@cluthadc.govt.nz

Hi John,

RM2893 – Toko Developments Limited – Coastal Resource Area Subdivision – Lot 9 DP416455, Coombe Hay Lane, Toko Mouth

In a letter dated 9 November 2022 and received via email that same day, Clutha District Council (**Council**) requested further information in relation to three items¹. This response deals with the first two: (1) consultation; and, (2) objectives and policies (residential activity) assessment.

Consultation

The further information request states:

1. Consultation

I acknowledge that the RMA does not require consultation be undertaken for resource consent applications but in this case Rule COA.2 of the Clutha District Plan requires consultation to be undertaken as follows:

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.

Please provide evidence of consultation undertaken with the parties specified in above Rule.

No consultation has been undertaken with the parties listed in Rule COA.2 being Runanga, Department of Conservation and the Regional Council.

As noted in the further information request, there is no statutory obligation to consult and the application was lodged on a limited notification basis with the full expectation that the above listed parties would be included in that notification.

¹ A copy of the request for further information is attached at Attachment 1.

Objectives & Policies (Residential Activity) Assessment

The further information request states:

2. Objectives and Policies Assessment (Residential Activity)

The application provides an objectives and policies assessment, but further information is sought on objectives and policies that relate to establishment of residential activity on land located within a Coastal Resource Area. I acknowledge that the Clutha District Plan is not particularly clear on an appropriate dwelling density within a Coastal Resource Area. The Plan suggests that the coastal resource area issues are similar to a rural resource area, and it requires compliance with rural density rules under Rule COA.1 (although this requirement may be overridden by rule COA.4). At the same time, it indicates that the subdivision assessment is subject to SUB.1(d) for rural settlements which specifies a minimum site size of 1600m². In that regard I note that some of the proposed sites are below 1600m² in area. An expanded objectives and policies assessment is sought that responds to the following questions.

- i. Why in your view is a large-lot residential development density appropriate in a Coastal Resource Area which has an objective that seeks to protect against development that could impact on character as follows:

COA.1 - To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development

- ii. Why has Coastal Resource Area Policy COA.8 (provided below), which seems to indicate that residential scale development should be confined to existing settlements, not been assessed under the application and why in your view would it not be a relevant consideration for this proposal? What in your view would "intensive residential development" comprise in respect of this policy? Is it a development density that is simply more intensive than a typical dwelling density in a rural environment or is it referring to the actual intensity of a residential development? For example, does it mean residential activity at the permitted level for rural settlements being 1600m² which is the minimum specified in subdivision rule SUB1(d)?

COA.8 To provide for intensive residential development in existing coastal settlements only, while recognising and providing for the adverse effects of dynamic coastal processes.

- iii. As the proposal is essentially an expansion of a rural assessment, please provide an assessment against Policy RST.1 and explain the circumstances that necessitate the expansion.

POLICY RST.1 To restrict rural settlement development to within the existing historical subdivision pattern unless unique circumstances or a change in circumstances necessitates otherwise.

Each of these requests is dealt with in turn below.

COA.1

In this particular case, the proposed development is not considered inappropriate in terms of preserving or protecting the natural character of the coastal environment. This is because the landscape architect, Mr Moore, has assessed that the inland extent of the coastal environment in

this location is the seaward side of the escarpment on which the previous subdivision and the proposed subdivision are located. Mr Moore states²:

“Although the Coastal Resource Area in the CDP extends inland as far as Wangaloa – Toko Mouth Road, it is my assessment that in terms of the guidance provided in Policy 1 of the New Zealand Coastal Policy Statement 2010 and as identified in Moore et al (2015), the top of the coastal escarpment provides appropriate definition of the inland extent of the coastal environment. The Toko Mouth settlement, being seaward of the escarpment, is within the coastal environment, but the site itself is on the boundary or just beyond. Given the CDP zoning, the location on or directly adjacent to the boundary, I consider that it the effects of the development on the natural character of the coastal environment are an important and relevant matter for assessment.”

Mr Moore goes on to assess the effect of the proposed development on the natural character of the coastal environment concluding:

“Overall, it is my assessment that the effects of the proposed development on natural character will be adverse / low. Whilst the township scale will expand, the existing natural character is already significantly modified by the existing township and the agricultural land use, and the proposed development controls will ensure the impact of additional built form is modest, especially when the proposed plantings mature. There will be no significant changes to any natural processes.”

COA.8

At paragraph 65 of the s42A report for the previous subdivision, the reporting planner stated:

“Toko Mouth Settlement is identified as being partially flood prone, particularly on the edge of the Tokomairiro River. Parts of Toko Mouth Domain road are identified as being in the I. A and IB Flood Prone Area. Given the site is located on an elevated terrace, approximately 16-20m above sea level, it is riot known by Council to have any risk of flooding hazard, nor be effected by generally accepted projections of the potential effects of sea level rise. If the consent were to be granted, the terrace may provide retreat options for the existing settlement, shall the settlement ever experience increased sea level rise, storm surges or flooding hazards.”

The location of the proposed development is on an elevated coastal terrace that is less likely to be adversely affected by dynamic coastal and river processes. The proposal immediately adjoins the previous subdivision and an existing coastal settlement and reflects a modest extension to it, but not in a location that has high natural coastal values. The development controls provided in the application will ensure that development is generally consistent with the existing character of the area and ensure any additional built form is integrated with the existing settlement (including the previous subdivision in this locale) rather than as a stand-alone development.

² See page 6 of Mr Moore's *Natural Character & Landscape Effects Assessment* Report dated 17 June 2021.

The boundaries of various lots have now been adjusted so that all lots are 1,600m² or greater in area thereby complying with Rule SUB.1(d) which is considered appropriate for this site in its planning and landscape context. A copy of the amended scheme plan is attached at Attachment 2.

Objective RST.1

The controls on built form and planting included as part of the current proposed activity will avoid, remedy or mitigate any adverse effects on the amenity values of the Toko Mouth Settlement. The change in elevation between the 'older' and 'newer' parts of the settlement will also mitigate any adverse effects on amenity values of this rural settlement.

In relation to Objective RST.1 (*To maintain the low density and quiet amenity values of rural settlements*) and related Policy RST.3 (*To avoid, remedy or mitigate the adverse effects that activities can have on the amenity values of rural settlements*), Mr Moore states³:

"Whilst the site is beyond the Rural Settlement Zone, the effect of the proposed development will be a modest extension to the Toko Mouth settlement. It is my assessment that the limited scale of the proposed subdivision and the development controls proposed will ensure that as far as landscape character and visual amenity matters are concerned at least, the extension to the township will integrate acceptably and without significant impact on the character of the settlement generally."

Further Information Request in Relation to Transport

As discussed with Mr Sule 23rd February 2023, the information to respond to the request in relation to Transport is still being prepared. The location of the access to the proposed subdivision from Wangaloa – Toko Mouth Road, as shown on the subdivision scheme plan, was determined as being satisfactory at the site meeting held with Council representatives on Friday 2nd December 2022.

On this basis, we do not consider that the further information response in relation to Transport is required in order for limited notification to occur. It is anticipated that the response to the further information request in relation to Transport will be available to Council for consideration when preparing the s42A report.

Please do not hesitate to call to discuss.

Yours sincerely,



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

³ Please refer to email dated 24/2/23 attached at Attachment 3.

Attachment 1: Further Information Request.



CLUTHA DISTRICT COUNCIL

Our Reference:
RM2893

9 November 2022

Toko Developments Limited
C/- Emma Peters
Sweep Consultancy Limited
P O Box 5724
Dunedin 9054

By email to: emma@sweepconsultancy.co.nz

Dear Toko Developments Limited

Consent Number: RM2893

Applicant: Toko Developments Limited

Proposed Activity: Coastal Resource Area Subdivision - Lot 9 DP416455, Coombe Hay Lane, Toko Mouth.

Thank you for the above resource consent application seeking resource consent for a subdivision and residential activity on the lots to be created by subdivision, which was lodged with the Council on 17 October 2022,

Under Section 92 of the Resource Management Act 1991, the Clutha District Council formally requests that you provide the following additional information in relation to this application.

This information will help Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment can be avoided, remedied or mitigated.

It is important that when Council is processing resource consents it has sufficient information to meet the legal requirements of the Resource Management Act 1991, also to ensure that the Council and other parties can clearly understand the activity for which the resource consent is sought and the environmental effects of this activity.

Under the Resource Management (Simplifying and Streamlining) Amendment Act 2009, the Council can make multiple requests for additional information, but can only put an application on hold once, so it is important that when formulating such a request, Council staff seek all relevant information required to enable application to be effectively and efficiently processed.

This further information requested is as follows:

1. Consultation

I acknowledge that the RMA does not require consultation be undertaken for resource consent applications but in this case Rule COA.2 of the Clutha District Plan requires consultation to be undertaken as follows:

1 Rosebank Terrace
P O Box 25, Balclutha 9240, New Zealand
Telephone + 64 3 4190200 Fax + 64 3 4183185
Email help.desk@cluthadc.govt.nz
Website www.cluthadc.govt.nz



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.

Please provide evidence of consultation undertaken with the parties specified in above Rule.

2. Objectives and Policies Assessment (Residential Activity)

The application provides an objectives and policies assessment, but further information is sought on objectives and policies that relate to establishment of residential activity on land located within a Coastal Resource Area. I acknowledge that the Clutha District Plan is not particularly clear on an appropriate dwelling density within a Coastal Resource Area. The Plan suggests that the coastal resource area issues are similar to a rural resource area, and it requires compliance with rural density rules under Rule COA.1 (although this requirement may be overridden by rule COA.4). At the same time, it indicates that the subdivision assessment is subject to SUB.1(d) for rural settlements which specifies a minimum site size of 1600m². In that regard I note that some of the proposed sites are below 1600m² in area. An expanded objectives and policies assessment is sought that responds to the following questions.

- i. Why in your view is a large-lot residential development density appropriate in a Coastal Resource Area which has an objective that seeks to protect against development that could impact on character as follows:

COA.1 - To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development

- ii. Why has Coastal Resource Area Policy COA.8 (provided below), which seems to indicate that residential scale development should be confined to existing settlements, not been assessed under the application and why in your view would it not be a relevant consideration for this proposal? What in your view would “intensive residential development” comprise in respect of this policy? Is it a development density that is simply more intensive than a typical dwelling density in a rural environment or is it referring to the actual intensity of a residential development? For example, does it mean residential activity at the permitted level for rural settlements being 1600m² which is the minimum specified in subdivision rule SUB1(d)?

COA.8 To provide for intensive residential development in existing coastal settlements only, while recognising and providing for the adverse effects of dynamic coastal processes.

- iii. As the proposal is essentially an expansion of a rural assessment, please provide an assessment against Policy RST.1 and explain the circumstances that necessitate the expansion.

POLICY RST.1 To restrict rural settlement development to within the existing historical subdivision pattern unless unique circumstances or a change in circumstances necessitates otherwise.

3. Transport

A new road is to be vested and the main road access to the Toko Mouth settlement is via a gravel road. Transport will be a key issue for the community and further information is sought on transport issues below. Prior to providing a response to the following matters it is recommended you meet

with the Council's engineering team to discuss any technical concerns they may have. I will contact you about arranging a suitable meeting time.

- i. The prior subdivision RM2229 highlighted concerns from residents regarding transportation issues in relation to expansion of the settlement and the ability of the roading network to safely cope with a likely increase in usage. The report identifies that that the existing road network can readily accommodate additional users as follows:

'The roading network is well capable of absorbing the additional traffic movements associated with the proposed activity'

but it provides no evidence or analysis to support this claim. Please provide a more detailed assessment that assesses the ability of the existing roading network to safely and efficiently operate under the additional demand generated by this subdivision.

- ii. The proposed connection for the new road with Coast Road will require earthworks to be undertaken and obtaining safe sightlines may be difficult. Please provide a preliminary design for the road connection that demonstrates that safe sightlines can be achieved.
- iii. Providing a through connection from Coast Road may result in increased traffic by parties other than residents of Coombe Hay Lane which is to vest in the Council. The proposed unsealed 6m wide formation with soft edges for landscape reasons may not be appropriate for future usage levels and create maintenance issues for the Council if it does not meet acceptable roading standards (District Plan Standards and NZS4404). Please provide an assessment of the likely intensity of use of the proposed road at peak operating times and assess whether its proposed formation and design can safely and efficiently accommodate the predicted levels of use. Please reference appropriate technical standards in the assessment and consider road maintenance, stormwater management, lighting, tree planting and pedestrian safety (see iv below) in the assessment. I note that you may want to consider providing a concept road design that incorporates these elements and provides a visual representation of the design of the proposed road.
- iv. Future residents will potentially walk to the beach or other locations within the settlement from the proposed sites please identify how pedestrian use will be safely provided for in the design of the proposed road.

Responding to this Information Request:

You are required to respond to this information request within 15 working days. You have until 30 November 2022 to either:

- Provide the requested information; or
- Provide confirmation in writing that you will provide the requested information, but are unable to provide the requested information within the timeframe (Council will provide a revised timeframe for the information to be provided); or
- Provide written confirmation that you do not agree to provide the requested information.

Until this information is received and assessed by the processing Planner, Council is required to place the processing of your application on hold.

We are requesting this information in order to make a comprehensive assessment and recommendation on the activity proposed in your application.

If you have not provided the requested information within the agreed timeframes, or if you do not provide all of the requested information, the Council will publicly notify your application pursuant to section 95C of the Resource Management Act 1991.

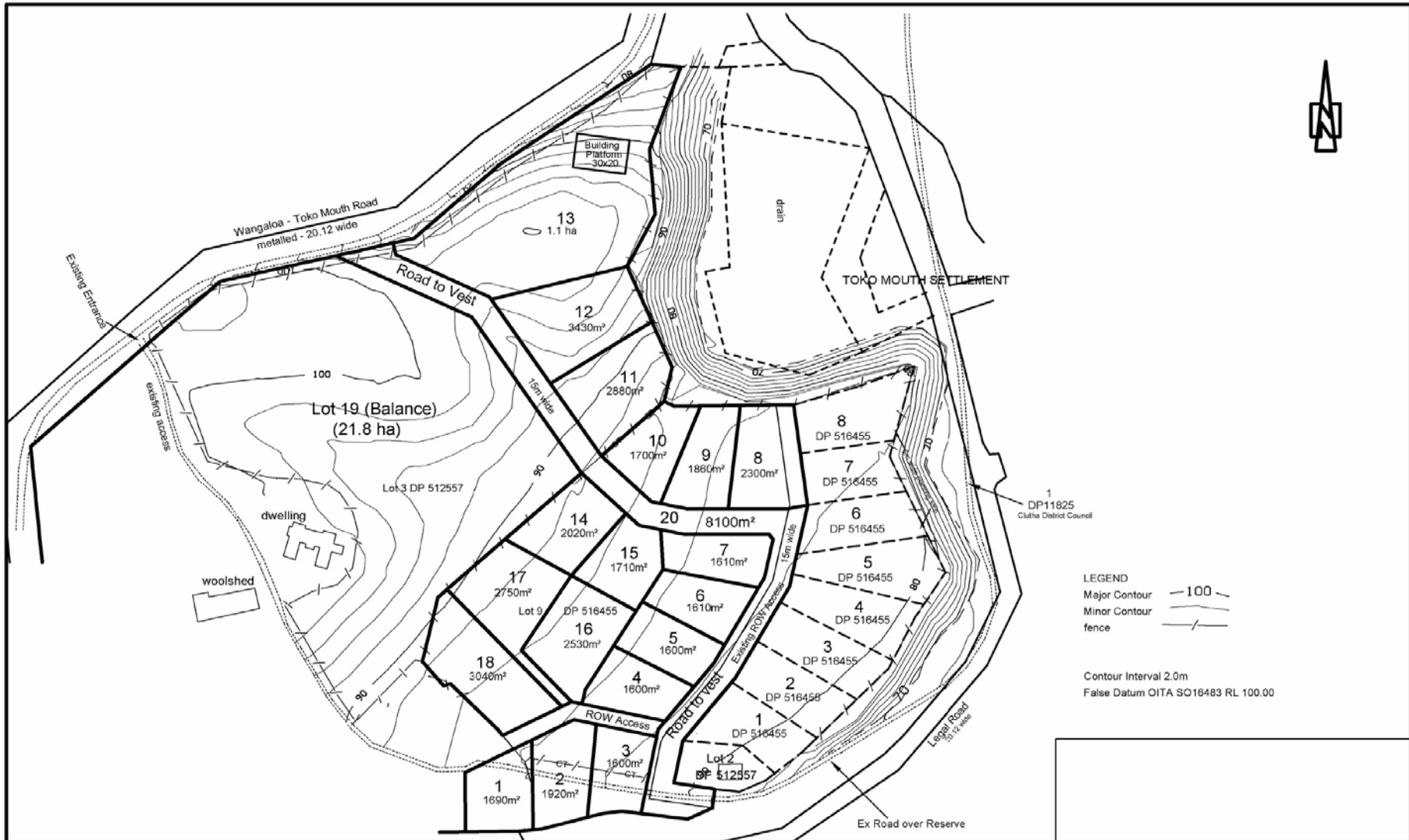
If you have any queries, please contact our consultant planner John Sule on johnsuledn@gmail.com using the RM2893 as reference.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Sule', written in a cursive style.

John Sule
Consultant Planner
Clutha District Council

Attachment 2: Amended Subdivision Scheme Plan.



CRAIG HORNE
Registered Surveyor

6 ELIZABETH AVENUE EAST TAIERI PH (03) 4847008
P.O. BOX 58 MOSGIEL FAX (03) 4847009

**Proposed Subdivision of
Lot 9 DP 516455 & Lot 3 DP 512557**









Ref: Davies P67


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Attachment 3: Email Dated 24/2/23 from Mike Moore, Registered Landscape Architect.

From: Mike Moore  Reply  Forward  Archive  Junk  Delete  More 

To: Me 7:57 am

Subject: **RE: RM2893 - Toko Developments Limited - Coombe Hay Lane.**

Hi Emma
That statement generally still applies in my assessment. I suggest the following tweak.
Regards, Mike

Whilst the site is beyond the Rural Settlement Zone, the effect of the proposed development will be a **modest** extension to the Toko Mouth settlement. It is my assessment that the limited scale of the proposed subdivision and the development controls proposed will ensure that as far as landscape character and visual amenity matters are concerned at least, the extension to the township will integrate acceptably and without significant impact on the character of the settlement generally.

From: Emma Peters <sweepconsultancy@gmail.com> **On Behalf Of** emma
Sent: Thursday, February 23, 2023 5:25 PM
To: Mike Moore <mike@mmla.co.nz>
Subject: RM2893 - Toko Developments Limited - Coombe Hay Lane.

Hi Mike,

Just putting the finishing touches on my part of the response to the RFI for this matter.

I have been asked to comment on Objective RST.1.

In your assessment report for the previous subdivision in this locality you made an assessment at page 11 in relation to Objective RST.1 and Policy RST.3 reproduced at Snip 1 below. Does this assessment still stand for the current application or would you need to amend it?

Let me know your thoughts please.

Cheers,

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

Snip 1:

PTO for Snip 1...

Section 4.6 Rural Settlements

Objective RST.1

To maintain the low density and quiet amenity values of rural settlements

Policy RST.3

To avoid, remedy or mitigate the adverse effects that activities can have on the amenity values of rural settlements.

Comment

Whilst the site is beyond the Rural Settlement Zone, the effect of the proposed development will be a minor extension to the Toko Mouth settlement. It is my assessment that the limited scale of the proposed subdivision and the development controls proposed will ensure that as far as landscape character and visual amenity matters are concerned at least, the extension to the township will integrate acceptably and without significant impact on the character of the settlement generally.