

**APPLICATION FOR  
LANDUSE  
RESOURCE  
CONSENT**

(Section 88 of the Resource Management Act 1991)

Form 9

I, Max Martin (full name) being the applicant residing at the below address, apply to the Waitaki District Council for **Landuse Resource Consent**.

Address: 67 Gardiners Road, Awamoa  
 Phone: 021 340 740  
 Email address: max.helen.martin@zoho.com

The site details of the location at which the below described activity is to take place are:

Street address: 67 Gardiners Road  
 Rapid number: .....  
 Legal description: Lot 4 DP 356427  
 Parcel number: .....  
 District Plan zone: Rural Gr  
 District Plan rule breach:.....  
 Activity Status:

Controlled     
  Discretionary     
  Restricted Discretionary     
  Non-Complying

The names and addresses of the owner/occupier (other than the applicant) of any land to which this application relates are as follows:

Name: .....  
 Mailing address: .....  
 Contact phone: .....

**NOTE: The owners WRITTEN PERMISSION must accompany this application.**

First point of contact for correspondence: darryl sycamore, Terramark Limited, darryl@terramark.co.nz  
 First point of contact for billing: MAX c/- max.helen.martin@zoho.com  
 Email address (required for fast track application): .....

**FULL DESCRIPTION OF THE ACTIVITY & JUSTIFICATION OF NON-COMPLIANCE**  
 (Statement specifically explaining degree of non-compliance, including all details that clearly identify the proposal enabling the planning staff to fully determine the extent of the activity and its impacts. Scaled plan to be included where appropriate.)  
 We recommend you consult with a Planner prior to lodging the application.

See AEE

(any further information should be attached to your application)

**ASSESSMENT OF EFFECT ON THE ENVIRONMENT** You will need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. This includes effects on neighbours and the community. Effects on ecosystems, natural resources and any discharges (including noise and options for treatment) and any mitigating measures to reduce potential effects.

See AEE

(any further information should be attached to your application)

**ASSESSMENT AGAINST PART 2 OF THE RESOURCE MANAGEMENT ACT 1991**

(Provide a description of the how the proposal fits with the purpose of the Act which is to promote the sustainable management of natural and physical resources. The assessment must be made against Section 6 Matters of National Importance, Section 7 Other Matters and Section 8 the Treaty of Waitangi).

See AEE

(any further information should be attached to your application)

**INFORMATION REQUIRED IN THE ASSESSMENT OF ENVIRONMENTAL EFFECTS**

A description of alternative sites and locations for activities resulting in significant adverse effects, a description of the assessment of actual or potential effects. Include a description of alternative locations or methods if the activity has more than minor effects on a protected customary right.

See AEE

(any further information should be attached to your application)

Attach other information (if any) required by the District or Regional Plan or Regulations (e.g. written consents, location plan, scaled site plan, traffic assessment, building plans, noise assessment).

Does this Resource Consent relate to a building consent  Y  N

If yes, Building Consent number: .....

**MATTERS THAT MUST BE ADDRESSED BY THE ASSESSMENT OF ENVIRONMENTAL EFFECTS**

A description of effects on the neighbourhood and the wider community (including social economic and cultural effects.) A description of the physical effects on locality (including the landscape and visual effects.) A full description of the effects on the ecosystem (including effects on plants or animals and any physical disturbance of habitats).A description of any effects on the natural and physical resources (those with aesthetic, recreational, scientific, historical, spiritual, cultural or special value). A description of any discharge of contaminants (including noise, and options for treatment and disposal). A description of any risks through natural hazards.

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See AEE

**(any further information should be attached to your application)**

**HAZARDOUS ACTIVITIES AND INDUSTRIES LIST (HAIL)**

Is the site on which the land use activity relate to a HAIL site?

Yes  No

Please note that as well as industrial type activities this HAIL list also includes, but is not limited to, agricultural and horticultural activities.

If the answer is "Yes" you must provide an assessment of the proposal against the National Environmental Standard for Assessing and Managing Contaminants in Soils. Mitigation measures to reduce actual or potential effects.

The Ministry for the Environment have a number of publications for guidance on applications such as: "A Guide to Preparing a Basic Assessment of Environmental Effects", the Hazardous Activities and Industries List (HAIL) as well as the National Environmental Standard for Assessing and Managing Contaminants in Soils (NES) which can be found on their website at [www.mfe.govt.nz](http://www.mfe.govt.nz).

**DRAWINGS AND PLANS**

Drawings should show the location of the site with road name, property number, north point and any significant features. A site plan of the property, at a scale of not less than 1:200, would show:

- A side boundary lengths and other dimensions in metres.
- Distances to side boundaries of all existing and proposed buildings and structures on the site
- The proposed use of each building, position over any easement over the site, location of roads adjacent to the site and the formation status of the road and any footpaths.
- The location of all vehicle access points and driveways at the street boundary, position, location and dimensions of every parking and loading space.
- Description of kerb lines adjacent to the site and the position of any street trees, levels on the site boundaries; around any buildings the contours of the site (except where the site area is less than 100m<sup>2</sup> or has a uniform grade of less than 1:10).
- Any proposed retaining walls, excavations and landfill, existing trees and proposed landscaping and the dimensioned areas of the landscaping. Also, all existing and proposed sealed areas.
- Plans should also include indigenous vegetation areas, streams, wetlands and heritage items.
- Where relevant recession line diagrams or models, watercourses, drainage and sewerage pipes within and adjacent to the site.
- A description of the means proposed to deal with all storm water and sanitary drainage and to provide water supply.
- Any location of any water supply bores and effluent disposal areas on the site and on adjoining sites.

**ADDITIONAL PLANS AND DRAWINGS**

Floor plan of each proposed building at a scale of not less than 1:100 should show:  
Use of all parts of the building and the room layout of the building, if known and the use of the different rooms.  
A diagram of the elevations of each proposed building (at a scale of not less than 1:100) should show:  
The external appearance of the building including doors and windows, the number of floors and their proposed usage as well as the building height in relation to each boundary.

A deposit fee must accompany your application. If the costs incurred in processing this application exceed the deposit, the applicant will be invoiced for the balance.

I enclose the required **DEPOSIT FEE** of:

- \$300.00 deposit for **controlled activity fast track consent** application
- \$800.00 deposit for a **Non-Notified** application *please invoice Max via email.*
- \$3000.00 deposit for a **Limited Notified** application (likely to exceed \$3000.00 deposit)
- \$6000.00 deposit for a **Notified** application (likely to exceed \$6000.00 deposit)

**NOTE: PLEASE RESEARCH THE FULL EXPECTED COST OF YOUR APPLICATION PRIOR TO LODGEMENT. FAILURE TO APPRECIATE THE POTENTIAL COST LIABILITY BY AN APPLICANT PRIOR TO LODGEMENT OF AN APPLICATION WILL NOT BE A BASIS FOR LATER ARGUMENTS ABOUT COSTS.**

Signature of applicant(s) or person authorised to sign on their behalf

Sign:  .....

Date: *17.09.21* .....

**COUNCIL PLANNING OFFICER TO COMPLETE**

**Pre-application meeting** ..... Y / N (Circle one)  
*A phone call or front counter discussion is not considered a pre-application meeting*

**Date & Time for pre-application meeting:** .....  
*This is important information for MfE Report*

**Accepting Planner initials:** ..... **Date:** ..... **Time:** .....

- Internal Depts (circle as appropriate):
- Roading
  - Water and Sewage
  - Drainage
  - Building
  - Health

**INFORMATION REQUIRED FOR ALL APPLICATIONS IN RELATION TO ASSESSMENT OF ENVIRONMENTAL EFFECTS (AEE)**

<b>In the AEE you <u>NEED</u> to include</b>	The description of the activity or proposal	✓
	List any other consents that are required i.e. subdivision, Regional Council consents	✓
	Identify the relevant District plan rules	✓
	Discuss the relevant assessment of objectives and policies for the zone and activity	✓
	Discuss the relevant assessment against Part 2 of the Resource Management Act sections 5-8	✓
	Describe any National Environmental Standards that may be applicable such as contaminated soils	✓
	Illustrate whether there are any Regional Policy Statements, National Policy Statements or any other regulations/documents that need to be considered in the application	✓
<b>Information that <u>MUST</u> be addressed by the AEE</b>	Any effects that are identified on the neighbourhood and wider community this includes social, economic and cultural effects	✓
	Describe any physical effects on the locality including landscape and visual effects	✓
	Discuss any effects on ecosystems including the effects on plants or animals and any physical disturbance of habitats	✓
	Describe any effects on natural or physical resources, those with aesthetic, recreational, scientific, historical, spiritual, and cultural or any other special value.	✓
	Discuss whether there will be any discharge of contaminants such things as noise, and the options for treatment and disposal	✓
	Describe any risks created through natural	✓
<b>Information that is <u>REQUIRED</u> in the AEE</b>	Any alternative locations or methods that were considered for activities resulting in significant adverse effects	✓
	Discuss whether any assessment of actual or potential effects ensure that the details correspond with the scale and significance of effects	✓
	Identify any hazardous substances or installations that are likely to be a risk	✓
	Illustrate what the mitigation measures are to reduce actual or potential affects from the activity	✓
	Make sure to identify and consult with any affected person and information on the consultation and response to views of the persons consulted	✓
	Identify any monitoring requirements that may be required	✓
	Discuss any effects on a protected customary right including any possible alternative locations or methods	✓

**Joint Applications for Resource Consent in  
accordance with Schedule 4 of the  
Resource Management Act 1991**

**by**

**Max & Helen Martin - 67 Gardiners Road  
Les Weir - 97 Gardiners Road  
Peter Chan - Lot 3 Deposited Plan 356427  
Nan Yang - Lot 5 Deposited Plan 356427**

**at**

**Gardiners Road  
Awamoa**



Surveying, Planning and Engineering Consultants

**DUNEDIN**

03 477 4783

dunedin@terramark.co.nz

**MOSGIEL**

03 489 7107

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**BALCLUTHA**

03 418 0470

balclutha@terramark.co.nz

MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

[Terramark.co.nz](http://Terramark.co.nz)

3 April 2023

Waitaki District Council  
20 Thames Street  
OAMARU 9004

EMAIL: [service@waitaki.govt.nz](mailto:service@waitaki.govt.nz)

ATTENTION: The Planning Manager

Dear Mr Campbell

**Re: Resource Consent Applications on Gardiners Road, Awamo**

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On behalf of the four applicants below, we submit for consideration by your Council an application for subdivision and land use consent at Lot 3 DP 356427, Gardiners Road, Awamo

Please find enclosed the following documents:

1. WDC Application for Subdivision Forms
2. Consent Applications - subdivision and land use
3. Terramark Plans D12823/1, D12826/1, D12555/1 and D12533/1
4. Landscape Assessment by Mike Moore
5. Records of Title

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited  
P O Box 235  
Dunedin 9054

Attention: Darryl Sycamore  
Phone: 03 477 4783  
Email: [darryl@terramark.co.nz](mailto:darryl@terramark.co.nz)

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully  
**Terramark Ltd**



Darryl Sycamore  
Resource Management Planner

## Subdivision and Land Use Consent Applications Gardiners Road, Awamoa

Consent is sought to subdivide four adjoining properties, each in two new sites with their own Record of Title. Previously resource consents have been lodged independently of the other. Based on feedback from Council's consulting planner, they sought all four sites to be lodged as a single application where each property would be assessed independently of the other.

For reference, the applicant's details are:

Applicant	Contact Address	Legal Description	Email	Phone
Les & Christine Weir	97 Gardiners Road Awamoa	Lot 6 Deposited Plan 356427, RoT 229964	lesandchrisweir@hotmail.com	03 4342367
Max & Helen Martin	67 Gardiners Road Awamoa	Lot 4 Deposited Plan 356427, RoT 229962	maxhelenmartin@zoho.com	020 40991230
Peter Chan	17 Nixon Street Hamilton East 3216	Lot 3 Deposited Plan 356427, RoT 229961	info@dstone.co.nz	022 652 8820
Nan Yang	183 HaYeung Village Clear Water Bay NT Hong Kong SAR	Lot 5 Deposited Plan 356427, RoT 229963	scottieyn@gmail.com	+85297688529

The sites and their relationship with the receiving environment are shown in Figure 1 below. In addition to the four subject sites, the 'Fatani site' is highlighted adjacent to the Chen property. The Fatani site comprised a little over 4ha and was the subject of a successful subdivision creating two new sites each in their own register. These applications are sought on the basis that the Fatani consent was assessed under the same planning provisions and considered to result in effects that were considered to be acceptable given the setting. We note the National Policy Statement for Highly Productive Land (NPSHPL) was not relevant to the Fatani site.



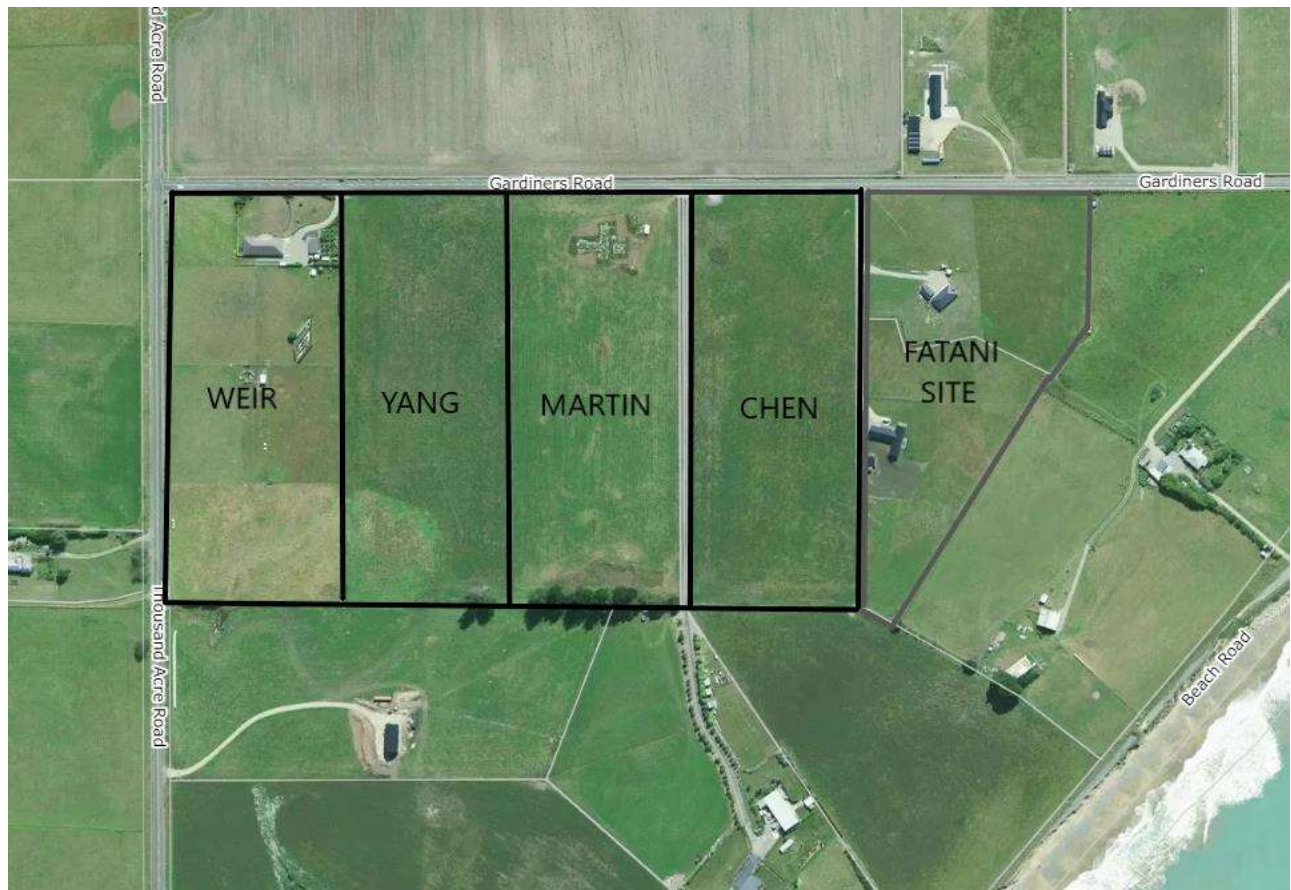


Figure 1 – The Subject Sites

## Existing Title Structures

### The Weir Property

The property at 97 Gardiners Road comprises a single title in the name of Leslie Herbert Weir, Christine Ann Weir and Banco Trustees Limited.

The site is legally described as Lot 6 Deposited Plan 356427, held in Computer Freehold Title 229964 and comprises 4.0081ha. The site has legal frontage and physical access to both Gardiners Road and Thousand Acre Road.

There are a number of easements appended to the Record of Title, being

- 6633652.5 which controls buildings, building design, services, construction and livestock. This also limits a single dwelling on a Lot.
- 663352.6 which provides the right to convey services on Lot 7 DP 356427 for the benefit of the subject site.

### The Yang Property

The property at Lot 5 Deposited Plan 356427 Gardiners Road comprises a single title in the name of Nan Yang, Jialei Zhu, Lining Liang, Yee Sang Lisa Wong and Kenneth Hiu Jan Ho each in 1/5<sup>th</sup> shares. Nan Yang is seeking consent on behalf of the family.

The site is legally described as Lot 5 Deposited Plan 356427, held in Computer Freehold Title 229963 and comprises 4.0012ha. The site has legal frontage and physical access to Gardiners Road.

There are a number of easements appended to the Record of Title, being

- 6633652.5 which controls buildings, building design, services, construction and livestock. This also limits a single dwelling on a Lot.
- 6633652.6 a Right to Convey services for the benefit of the site burdened against Lot 7.

### **The Martin Property**

The property at 67 Gardiners Road comprises a single title in the name of Max and Helen Martin.

The site is legally described as Lot 4 Deposited Plan 356427, held in Computer Freehold Title 229962 and comprises 4.0033ha. The site has legal frontage and physical access to Gardiners Road.

There are a number of easements appended to the Record of Title, being

- 6633652.5 which controls buildings, building design, services, construction and livestock. This also limits a single dwelling on a Lot.
- 663352.6 which provides the right to convey services on Lot 7 DP 356427 for the benefit of the subject site.
- Subject to a right to convey electricity to Network Waitaki Limited
- 633652.6 easement for the provision of services.

### **The Chen Property**

The property at Lot 3 Deposited Plan 356427 Gardiners Road comprises a single title in the name of Ching Tao (Peter Chen).

The site is legally described as Lot 3 Deposited Plan 356427, held in Computer Freehold Title 229961 and comprises 4.0008ha. The site has legal frontage and physical access to Gardiners Road.

There are a number of easements appended to the Record of Title, being

- 6633652.5 which controls buildings, building design, services, construction and livestock. This also limits a single dwelling on a Lot.
- 6633652.6 a Right to Convey services for the benefit of several adjoining properties.
- 6633652.7 a Right to Convey water in gross to the Council.

### **Site Description**

The sites are each rural lifestyle properties generally oriented north-south and located to the east of State Highway 1, less than one kilometre from the coast. They enjoys formed and legal frontage to Gardiners Road, although the Weir family property also has access via Thousand Acre Road. The site is gently undulating and sloping towards the coast, although the site is not considered part of the coastal environment.

Both the Weir and Martin properties comprise a single residential unit. For the Yang and Chen properties, they are vacant and used for pastoral grazing or dry-feed production.

The wider landscape context retains an open, mainly pastoral character reflecting large rural properties that are larger than the 4.0 ha minimum lot size. Near the subject site is a cluster of smaller sites of around 4ha, with some having been subdivided to 2ha such as the Fatani site being the adjoining property directly to the east of Lot 3.

The Land Use Capability system categorises land into eight classes according to its long-term capability to sustain productive use. The Weir property is identified as LUC5 within the remaining three properties classified as LUC3. The Operative District Plan has mapped High Class Soils which is shown below, and on that basis it is also reasonable to rely on the District Plan maps. In that mapping, the predominant portion of the land within the subdivision are not High Class Soils.



Figure 2 – High Class Soil Mapping in Operative District Plan

A 90mm foul sewer line sits within the road reserve of both Gardiners Road and Thousand Acre Road. A 150mm water line runs within the road reserve of Gardiners Road. A low-pressure 63mm line runs off the 150mm pipe within Thousand Acre Road, which then runs along the southern extent of the site.

### **Proposal**

Terramark Plans D12823/1, D12826/1, D12555/1 and D12533/1 each detail the proposal to subdivide the property into two resultant sites of a similar dimension.

### **The Weir Property**

New Lot 1 will comprise 2.0059ha and include the existing dwelling and out-buildings. This parcel will retain frontage to both Gardiners and Thousand Acre Road.

New Lot 2 will comprise 2.005ha and will be a vacant site making up the balance of the property with legal frontage to Thousand Acre Road. An existing vehicle crossing will be upgraded to create a suitable access, given the current transition from the carriageway into the subject property consistent with the requirements of Rule 14.4.2.4.8(b).

A 1,500m<sup>2</sup> specified building platform has been identified which respects the setbacks and character of the area. The proposed specified building platform for Lot 2 will be 12.61m from the boundary with Lot 5. Water will also be sourced from the low-pressure rural scheme.



Figure 3 – Proposed layout for the Weir property

New easements will be required for the subdivision. Easement 'A' will respect the existing easements for the provision of the rural water scheme. New easement 'B' over proposed Lot 2 will be required for the existing water line to the dwelling on proposed Lot 1.

### **The Yang Property**

New Lot 1 will comprise 2.0006ha enjoy a 128.1m formed and legal frontage against Gardiners Road. A proposed 50x30m building platform has been identified towards the rear of the site. A 4m wide access formation will run along the western boundary to proposed Lot 2. This will be designed to an all-weather standard with the first 5.5m formed and sealed with a Grade 4 chip.

New Lot 2 will comprise 2.006ha and will be a vacant site making up the balance of the property with legal frontage to Gardiners Road via Easement 'B' burdened against proposed Lot 1. An existing vehicle crossing will be retained and serve both proposed Lots 1 and 2.

A 1,500m<sup>2</sup> specified building platform has been identified towards Gardiners Road. Water will be sourced from the low-pressure rural scheme which runs along the rear of the site if required, or via the 150mm line in Gardiners Road.

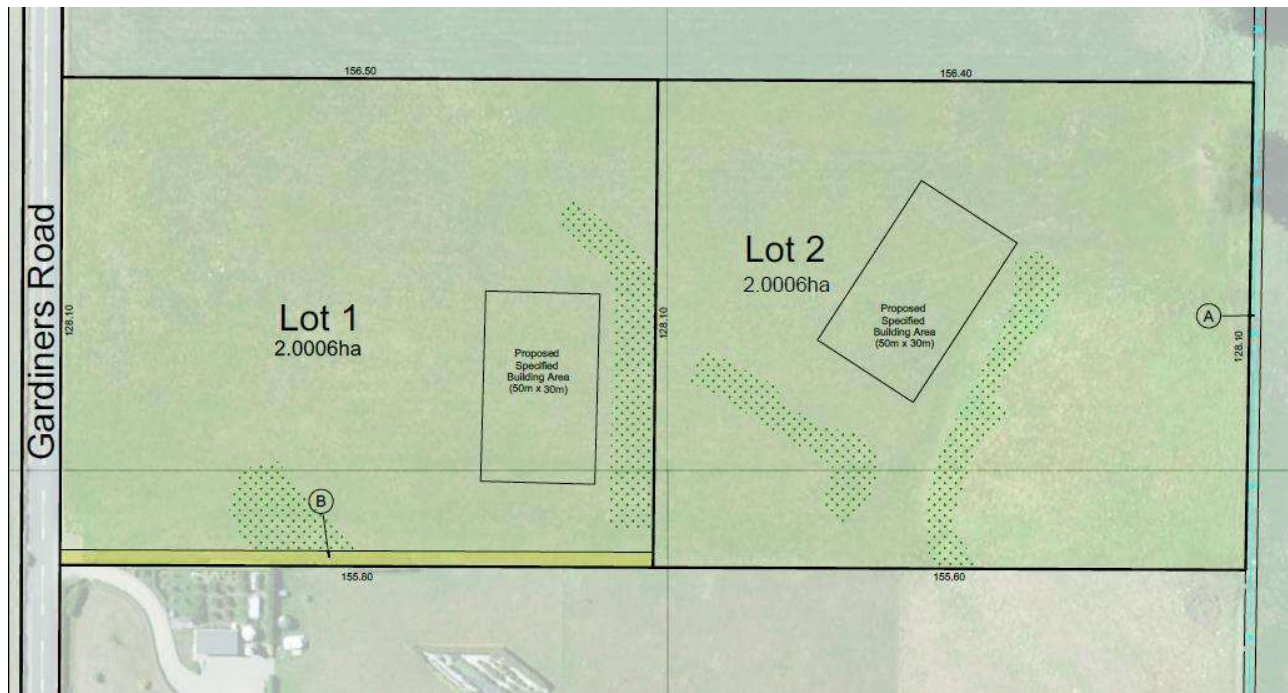


Figure 4 – Proposed layout for the Yang property

For both Lot 1 and 2, the building platforms have been defined by landscape architect Mike Moore who considers there is benefit in grouping of new dwellings. Both sites also have areas of plantings suggested by Mr Moore. These will comprise indigenous plant species from locally sourced cultivars will be defined by way of a consent notice and maintained in perpetuity. The landscape assessment is appended to this application.

### The Martin Property

New Lot 1 will comprise 2.0018ha and include the existing dwelling. This parcel will retain frontage to Gardiners Road. A number of existing easements relevant to proposed Lot 1 will carry over onto the new title.

New Lot 2 will comprise 2.0015ha and will be a vacant site making up the balance of the property with legal access over the existing driveway formation. A specified building platform has been identified by the landscape architect to enable a single story dwelling to sit into the site. This platform will be skewed relative to the rear boundary with the corner being 14.54m from the boundary to the rear. An existing shelter belt along the infringing boundary will be retained, or if removed will be replaced with native species to create a similar degree of privacy. In any respect, there properties to the rear will not be affected by the yard breach given the siting of their dwellings.

A 1,500m<sup>2</sup> specified building platform has been identified which respects the setbacks and character of the area. Water will be sourced from the low-pressure rural scheme and wastewater will ideally be via the municipal network if possible otherwise will be via a new onsite system. Existing and relevant easements will carry over onto the new title. New easement 'A' will be created burdened against proposed Lot 2 for the benefit of proposed Lot 1 in relation to protecting the existing water line from the 63mm low pressure network.

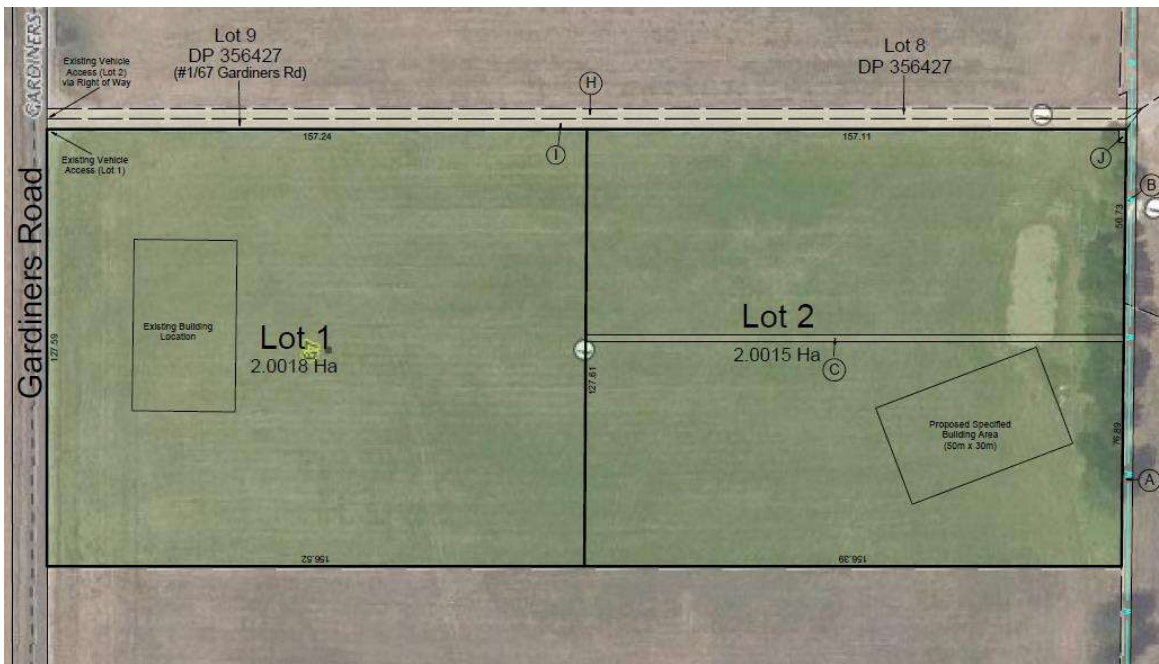


Figure 5 – Proposed layout for the Martin property

Existing easements will carry over into the new record. New easements will be required for the subdivision. Easement 'C' over proposed Lot 2 will be required for the existing water line to the dwelling on proposed Lot 1.

### The Chen Property

New Lot 1 will comprise 2.1072ha enjoy a 127.3m formed and legal frontage against Gardiners Road. A proposed 50x30m building platform has been identified towards the rear of the site. Access will be via the Rights of Way marked 'H' and 'I' in the scheme plan. New Lot 2 will comprise 1.8928ha and will be a vacant site making up the balance of the property with legal frontage to Gardiners Road via Rights of Way 'H' and 'I' created by easement instrument EI6633652.7.

The proposed new internal boundary will adopt a different form to the other sites. This form follows from the advice of the landscape architect Mike Moore which better suits the topography and will ensure any landscape effects are less than minor over the four-property development.

A 1,500m<sup>2</sup> specified building platform has been identified towards the rear of each proposed site. Water will be sourced from the low-pressure rural scheme which runs along the rear of the site if required, or via the 150mm line in Gardiners Road.

For both Lot 1 and 2, the building platforms have been defined by landscape architect Mike Moore who considered the platform against the topography to minimise effects on rural character. Both sites also have areas of plantings suggested by Mr Moore. These will comprise indigenous plant species from locally sourced cultivars will be defined by way of a consent notice and maintained in perpetuity. The landscape assessment is appended to this application.

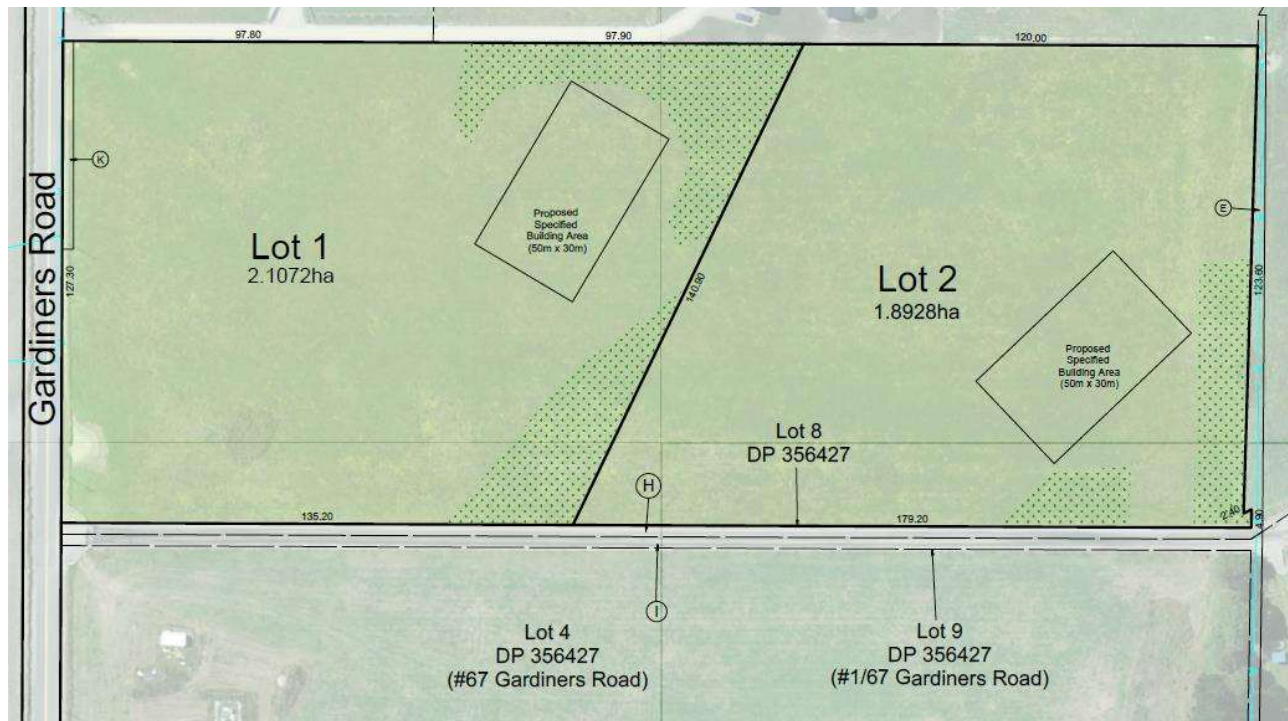


Figure 6 – Proposed layout for the Chen property

A new access formation will be constructed onto the Right of Way burdened against Lot 9 DP 356427.

The existing encumbrances will carry into the new Records. It is noted that whilst the encumbrance states only one dwelling is permitted per lot, once subdivision is approved there will be two lots each capable of accommodating a dwelling and complying with the covenant. In any regard, the grantor being Sarb Investments is supportive of the proposal.

#### Easement Instrument 6633652.5

Each site includes a land covenant restricting to any further development of the site. Easement instrument 6633652.5 (a) states that no building other than a new dwelling with a closed in floor area of not less than 200m<sup>2</sup>. A single dwelling that meets this specification is already established on the site as well as a number of rural sheds and stock pens. Once subdivided, it is intended the new site will construct a new dwelling and outbuildings consistent with this easement instrument.

In addition, Condition (b) of the covenant states the lot owner may not establish more than one dwelling per lot. There is no mention of restricting subdivision establishing additional lots, and once subdivided it is expected that only one dwelling per lot will be established.

This approach is consistent with a relatively recent subdivision on the Fatani site. In that subdivision, being #53 Gardiners Road (Lot 1 DP 497510 held in RoT 744114 and comprising 2.0022ha) and #55 Gardiners Road (Lot 2 DP 497510 held in RoT 744115 and comprising 2.02ha) were created. The underlying parcel included EI6633652.5. That covenant has since carried down into the Record for both #53 and #55 Gardiners Road. Consent is now sought consistent with that previous subdivision given each subject site is of the same size and have the same encumbrance.

If Council does not elect to adopt the same process that was afforded to #53 and #55 Gardiners Road, we could secure the written approval of the underlying signatory to the easement instrument, being the director of Sarb Investments Limited.

## Landscape Considerations

The applications over all four sites were assessed by landscape architect Mike Moore, and his report is appended to the application.

Based on his advice, the subdivision scheme plans were redesigned to manage the effects of bulk whilst respecting the topography and public view points. He found *"the sites are within a wider working rural landscape context that has no particularly recognized landscape significance. In the particular vicinity of the sites, previous subdivision reflecting the permitted WDP Rural General zone standards, has provided for the progressive intensification of built density and reduction in landscape scale that is now occurring. This is giving rise to a landscape with a 'rural living' character rather than a larger scale working rural character"*.

The proposed subdivision over all four sites seeks to create a greater built density than that permitted in the Rural General zone, and as a result *"a comprehensive mitigation plan is proposed that seeks to minimise the additional built impact and maximize its integration with the landscape"*. Considering the permitted baseline and the proposed mitigation, I have assessed the effects of the proposed development on landscape values and rural amenity as adverse (as opposed to positive) and low (minor).

It was the assessment of Mr Moore that the subdivision over the four sites as proposed *"will integrate acceptably with the 'rural lifestyle' landscape character of its immediate setting and will not have adverse rural character or amenity effects that are more than minor"*.

Mr Moore in his assessment recommends a suite of consent conditions, applying to all four properties. These are shown below. I have considered the proposed conditions and agree with his recommendations. The following conditions are volunteered as part of the consent proposal.

1. *All new buildings, including accessory and rural buildings, and water tanks are to be located within the identified 40 x 25m building platforms. On proposed Lots 4(a) and 6(a) any new built form is restricted to the building platforms shown in Figure 7 (of the Mike Moore Landscape Assessment).*
2. *The gross floor area for new buildings per lot shall not exceed 410m<sup>2</sup>.*
3. *For all lots, building height for new buildings shall not exceed the following*
  - Dwellings – 5m
  - Accessory and rural buildings – 4m
4. *Unless buildings are clad in naturally finished, natural materials (e.g. stone or timber), building colours for new buildings are to be selected to ensure that contrast with the dominant hues of the surrounding rural landscape is minimized. Light reflectivity values (LRV) for painted finishes shall be no more than 20%.*
5. *All services are to be located below ground.*
6. *Any fencing is to be confined to rural post and wire fencing, no greater than 1.2m high.*
7. *Driveways are to have a rural character with metal surfacing and no kerb and channel. There is to be no driveway lighting or monumental gates.*
8. *Any retaining walls are to be screened by buildings or plantings from public viewpoints.*
9. *The contextual plantings shown in Figure 7 (of the Mike Moore Landscape Report) are to be established following the guidelines outlined in Appendix A and for Lots 3(a), 3(b), 4(b), 5(a), 5(b) and 6(b) are to be fully implemented prior to lodging building consent. The plantings on Lots 4(a) and 6(a) are to be fully implemented prior to issue of the new title.*



10. *Any tree and / or shrub planting on the lots greater than 1m mature height, other than fruit trees, shall be indigenous and appropriate to the area. The planting list in Appendix A provides a guide.*

In addition, the landscape assessment recommended a condition relating to Lot 4(b) only, is as follows:

11. *The existing exotic shelter trees on the southern boundary are to be maintained and managed to ensure their continued effective role in providing screening, setting and context for the proposed building site. Alternatively, should these trees be removed, the area shown as 'planting area b' in Figure 7 is to be planted in accordance with the guidelines outlined in Appendix A.*

Overall, and based on the landscape assessment by Mike Moore, I consider the effects of the four subdivisions together will result in landscape effects that are no more than minor.

### **National Policy Statement for Highly Productive Land**

The National Policy Statement for Highly Productive Land (NPSHPL) come into force on 17 October 2022. It was gazetted by Government on 19 September 2022.

Previous discussions with Council confirmed that for applications lodged prior to the NPSHPL being gazetted, that the NPSHPL would not be applied. For these applications, the proposals by the Weir and Martin families were lodged prior to the gazettal and therefore the NPSHPL will not be considered further for those sites. The Yang and Chen sites remain subject to the provisions of the NPSHPL.

The sites owned by Yang and Chen were assessed against the NPSHPL. Each site is approximately 4ha and is not considered suitable for any credible productive use beyond that of a rural lifestyle property. In that case, a 2ha site is better suited for rural lifestyle. Any additional development and establishment of the vehicle accesses will occupy some of the existing pasture, however in terms of overall loss this will be in the range of 4-5% of the production land. This does not represent a significant loss to what is not productive in any meaningful sense.

It is recognised that a small site size in isolation does not provide a pathway for enabling development or subdivision. Tension exists given that at 4ha, the site and surrounding properties are not of a size nor have capacity to become a productive agricultural unit; yet they are too large to be lifestyle blocks comprising >80% lawns. Given the immediate environment, it is my opinion the sites are better suited to a RR zone overlay, as a 1ha site size is ideal for lifestyle properties. This is a credible proposition for the site and aligned with the two 2ha sites at #53 and # Gardiners Road.

The NPSHPL defines land-based primary production as "*production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land*". Neither site cannot accommodate primary production as it is an extremely small rural parcel with little productive worth. This is not primary production.

It is my opinion the site is not suitable for primary production, in part due to the size of the site. It is also challenging to amalgamate the site into adjoining properties as these also comprise lifestyle blocks despite being zoned Rural General.

The NPSHPL interpretation section (in 1.3) states that "highly productive land" means that mapped in accordance with Clause 3.4 where

- (a) Is in a general rural zone or rural production zone, and
- (b) Is predominately LUC 1,2, or 3, and
- (c) Forms a large and geographically cohesive area.

In this case, the Yang and Chen land meets the first two criteria. Neither site is a large or geographically cohesive area now will it ever be part of one. Both 4ha sites are independent of the surrounding land, and

are in differing ownerships, with multiple family owners residing in differing countries. In effect each site is an island to the other. Determining just what land constitutes High Class or Highly Productive Land Class remains uncertain. The Operative Plan identifies the bulk of the sites as being outside of the High Class Soil area as shown below. Of interest, the extension of High Class Soils into the subject properties visually aligns with the aerial image in Fig.1 where the portion of High Class Soils can be distinguished from the balance of the site.

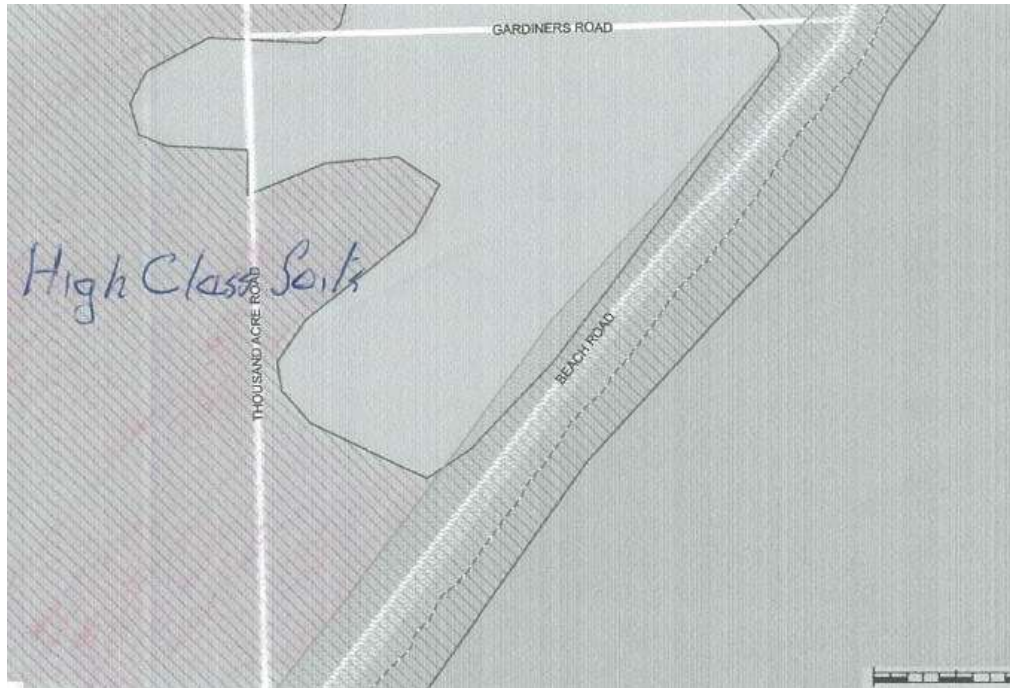


Figure 7 – High Class Soil Mapping in Operative District Plan

Yet the Proposed District Plan suggests the Highly Productive Land is as shown below:



Figure 8 – Highly Productive Land Mapping in Proposed District Plan

It is reasonable to be able to rely on the High Class Soil mapping of the Operative District Plan.

The LUC mapping was prepared by the National Land Resource Inventory in 1976-1978. This is shown below in Figure 9, which the Proposed District Plan appears to adopt.



Figure 9 – Land Use Capability Map

#### Exemptions to NPSHPL

Section 3.10 of the NPSHPL provides exemptions where territorial authorities may allow highly productive land to be subdivided.

- (1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:
  - (a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and
  - (b) the subdivision, use, or development:
    - (i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and
    - (ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and
    - (iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and
  - (c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

With respect to section 3.10:

For 3.10(1)(a) there are permanent long term constraints given the site cannot and is not capable of any meaningful primary production. It is acknowledged a few sheep or beefies could be grazed however this is only sufficient to fill the applicants freezer and is an inefficient use of that land. It does not constitute highly productive and the sites are already of a size to never be highly productive. In

effect, the NPSHPL shouldn't apply and is a regulatory document to stop development down to a size where productive use is inconceivable.

For 3.10(1)(b)(i) any loss of primary production will not be individually or collectively significant within the district given the district comprises significant areas of LUC2 and LUC3 soils.

For 3.10(1)(b)(ii) the proposal will not create fragmentation of large or geographically cohesive areas of productive land. This is due to the surrounding areas being lifestyle blocks despite being Rural General where amalgamation is not a viable option, and also the subdivision will have little impact on the residual productive use of the land i.e. a loss of 5% productive use is inconsequential when there already is too little for production.

For 3.10(1)(b)(iii) Except from an additional residential unit, the proposed subdivision will not introduce any new effects on the site beyond that already occurring. With respect to reverse sensitivity, given the surrounding sites are in actuality lifestyle blocks, the greatest risk is for the applicant trying to find a viable productive use may create effects on the surrounding properties. This is on the basis any viable productive use would be highly intensive.

#### Highly Productive Land Discussion Document

In the discussion document Valuing Highly Productive Land<sup>1</sup> by MfE, it notes there are other factors that can make land more or less productive that are not recognised by the LUC system such as the size of the property, climatic conditions or water availability. It also notes the LUC classification system was developed in the 1970's using the best science at the time, and whilst useful the scale of the mapping is not of sufficient resolution to accurately determine where LUC areas sit in relation to property boundaries.

In this case, the sites are only a few hundred meters from the Coastal Marine Area and therefore the salinity of the soil is likely to be increased beyond natural concentrations. Whilst this has not been tested, salinity affects productive capacity and is a valid matter of consideration. Anecdotally, pasture growth is generally slow in the triangle of land separated between the Thousand Acre Road and Gardiners Road boundaries with the Coast.

The availability of water is a credible contributor to realising the productive potential of land. The North Otago Irrigation Company provided a quote to an adjoining landowner (Lot 10 DP356427) to secure sufficient water pressure and volume for irrigation. The quote exceeding \$500,000 making the capital outlay prohibitive. As noted above, it would be challenging if not impossible to have all the landowners in the area 'come on board' to secure irrigation for production. This is because each site is 4ha and is a lifestyle property.

In addition, the discussion document notes "*when land is fragmented into smaller lot sizes, particularly for rural lifestyle developments, the production capability of that land generally fails.*" These sites are already fragmented and primary production is not viable. A study in 2012<sup>2</sup> reported that up to 66% of properties less than 4ha were not being used for any productive purpose.

#### NPSHPL Conclusion

It is agreed the Weir and Martin land will not be assessed against the NPSHPL.

It is my opinion the NPSHPL should not apply or have limited weighting on the basis that

- the site has little productive potential and any loss of primary production will not be individually or collectively significant (3.10(1)(b)(i)),
- it is uneconomic to irrigate the land to improve productivity,
- productivity is likely constrained by increased salinity in the soils,
- the land is already fragmented and the proposal will not create an issue of fragmentation as detailed in 3.10(1)(b)(ii),
- there are permanent long-term constraints as provided for in 3.10(1)(a),

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<sup>1</sup> A discussion document on a proposed national policy statement for highly productive land. MfE August 2019

<sup>2</sup> Andrew R & Dymond JR (2012). Expansion of lifestyle blocks and urban areas onto high-class land: An update for planning and policy. Journal of the Royal Society of New Zealand.

- the land on each property is small and is in effect an island with multiple owners which is not cohesive,
- the proposed subdivision will result in a minimal if not immeasurable loss of productive potential,
- the proposal will not introduce any reverse sensitivity issues,
- there is uncertainty where the high class/ highly productive land is, but in the absence of clear information we should be able to rely on the Operative Plan mapped areas.

There are no other National Environmental Standards triggered by this application.

### Additional Easements

Whilst the easements have been considered, it is also appropriate to incorporate the following notice into the consent decision to address any unforeseen easement matters.

“If a requirement for any easements for services, including private water supply pipes or private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.”

### Provision of Services

Services in terms of potable water will be provided by Council’s municipal scheme. Each undeveloped lot will connect to the main in Gardiners Road or the Council’s low-pressure rural scheme. If connection to the rural scheme is problematic, rear lots can access water from Gardiners Road where a new easement will be created.

Wastewater may also connect to the municipal network or be managed onsite as there is sufficient land area to accommodate a wastewater treatment system. A high-quality secondary waste water treatment plant will service the foul waste if required. Stormwater will be managed on-site.

Electricity and telecommunications will be made available should future owners wish to connect to the network.

### Fire Fighting Water Supply

Provision will be required to address firefighting water supply as part of the building consent. It is accepted a static supply will be required for each new residential which will be contained within the proposed building platform. This will be a requirement of Building Consent.

## Reasons for Application

### Application Status

The subject sites are shown on Waitaki District Planning Map 26 – Oamaru- Corriedale

The site is zoned Rural G.

Gardiners Road is a local roads in the roading hierarchy.

### Subdivision Activity

Sections 14.3 and 14.4 outline the provisions associated with Subdivision Activities.

Rule 14.4.1 sets out critical subdivision zone standards. The proposal complies with all critical subdivision zone standards with the exception of Rule 14.4.1(a) for the minimum lot size.

Rule 14.3.5 states *"Any subdivision which does not comply with one or more of the Critical Zone Subdivision Standards shall be a Non-complying Subdivision Activity"*

The subdivision activity is considered a **non-complying** activity.

### Land Use Activity

Rule 4.3.1 provides for activities in the rural zone as permitted activities provided that they comply with all Site Development Standards (Rule 4.4) and Critical Zone Standards (Rule 4.5). The proposal does not comply with the standards of Rule 4.4.

Rule 4.4.1 will not be met as the site will be undersized in terms of the current zone performance standards.

### Overall Activity Status

Overall, the proposal shall be assessed as a **non-complying** activity.

Council may however exercise their discretion in accordance with the relevant policies of a regional plan, regional policy statement, any relevant NES and the RMA (in particular Part 2 matters). If the resource consent is granted the council can set any conditions that fall within the Council 's powers under Section 108 of the RMA.

### NES for Assessing and Managing Contaminants in Soil

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken.

A search of records against the ECan Listed Land Use Register did not indicate that any known HAIL activities had taken place. No landowners have any records of activities that may result in land contamination. It is therefore considered that the National Environmental standard is not applicable to the subdivision of the subject site.

There are no other National Environmental Standards triggered by this application.

### Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:
  - (i) a national environmental standard;
  - (ii) other regulations;
  - (iii) a national policy statement;
  - (iv) a New Zealand coastal policy statement;
  - (v) a regional policy statement or proposed regional policy statement;
  - (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

The application is assessed as a non-complying activity overall. In considering the application, regard has been given to section 104, 104B and 104D of the Act.

### Effects on the Environment

#### Affected Persons

No persons are considered to be adversely affected by the subdivision on any of the four sites for the reasons outlined below.

#### Assessment of Environmental Effects

Section 104(1)(a) requires consideration of the actual and potential effects on the environment of the activity.

#### Permitted Baseline and Receiving Environment

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect.

When considering the receiving environment, each property is approximately 4ha and is primarily used for stock grazing or dry matter production as a default. The land is poorly utilised, especially for the Chen and Yang properties as the owners are not living within the district. The operative plan anticipates a density of one residential unit per 4ha and in this case only one residential activity is permitted provided the relevant performance standards for land use and development were met.

Whilst there is no permitted baseline for subdivision and subdivisions are either controlled or discretionary or non-complying subject to their compliance with various site and zone performance standards. It is likely that a controlled or discretionary subdivision that meet generally met the relevant performance standards would normally be granted consent on a non-notified basis. In this case, the subdivision is a non-complying activity.

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the receiving environment comprises four lifestyle blocks that are used for lifestyle farming in the absence of any credible alternative. It is not considered of a size that it would constitute an economic farm. For surrounding land, the existing and reasonably foreseeable receiving environment comprises similar hobby farms and rural farming of large holdings with some small residential development interspersed.

It is the effects arising from the proposal, beyond the permitted baseline and existing and lawfully established receiving environment that are the crucial elements for consideration, and which form the basis of this assessment of effects.

## **Assessment Matters**

### Lot Size and Dimension

For each of the four properties, proposed Lots 1 & 2 at 2ha each in size are less than the 4ha minimum specified in the Rural General zone. Overall, however, the lot size and dimensions of the two resulting sites on each property are considered appropriate, subject to mitigation measures and there are no known physical limitations that would render either of the sites unsuitable for future use.

The development has been considered by Mike Moore, a well-regarded landscape architect who considers the proposed subdivision is a suitable use of the land provided appropriate controls are in place. I agree and consider the 4ha site is of an awkward size that has little utility in isolation. As noted above, the sites are lifestyle blocks held in separate ownership, with some living overseas. There is no scope to better utilise the sites as a single cohesive productive unit.

### Subdivision Design

The proposed boundary between proposed Lots 1 & 2 on each property will generally follow existing topography and does not compromise the land use capability of either lot. The subdivision design is appropriate for the existing and future land use on the resultant holdings.

### Property Access and Transportation Effects

Gardiners Road has recently been upgraded and sealed to accommodate the subdivision development in the area, together with the closure of Beach Road.

Both the Chen and Martin properties will utilise the existing access rights over Lots 8 and 9 DP 356427. These access formations provide legal and formed access to two properties immediately to the south of the subject sites, and link to Gardiners Road. The use of the existing RoW will enable less productive land to be used for access as a means to address the loss of productivity as required for consideration under the NPSHPL.

The applicants will engage with the landowners in relation to hard-sealing the first 5.5m of the access formation to comply with Rule 14.4.2.4.8(b), however consent is sought for the breach in the instance the owners of Lots 8 and 9 DP 356427 would prefer the existing formation to remain as it is currently.

There is also capacity to provide a new access entirely within the subject sites proposed to use the Right of Way, however having two leg-in accesses side by side is clumsy design and is an inefficient use of land especially when loss of productive land is a consideration.

The proposal does not introduce any material change in the scale or intensity of transportation effects on the roading network when one considers the potential vehicle movements anticipated as part of rural or rural lifestyle activity. We consider the effects of additional residential sites accessing Gardiners Road (include the increase arising from other developments) will not increase demand or movements on the network beyond capacity.

The proposal will introduce additional residential activity, however it is my view this will create minimal if any adverse effects on the safe and efficient movement of vehicles on and off either road.

The existing vehicle crossing provides safe sight lines and any increase in traffic movements from the site can be comfortably accommodated by the upgraded Gardiners Road, such that the effects of traffic generated by this proposal is unlikely to be more than minor.

#### Esplanade Provision

The esplanade provisions do not apply to the subject site.

#### Natural Hazards

None of the four properties are annotated in the Plan as being at risk from known natural hazards. The hazard risk remains the same following subdivision. With respect to coastal hazards, the closest point of the subject properties is approximately 500m from the Coastal Marine Area. The elevation of this site is well above mean sea level and not at risk from coastal erosion.

The gently rolling nature of the site will mean that any earthworks associated with access or building platforms will be minimal and have little impact on the environment.

#### Water, Stormwater, Sanitary Sewage, Energy Supply and Telecommunications

It is submitted water will either be obtained from Gardiners Road or a new connection will be required to the Western Water Scheme located to the rear of each site. We seek confirmation from your Council's Water Engineer what approach for the provision of water is preferable. The existing residential unit on the Weir property will remain unmodified by the proposal.

With respect to waste-water, it is proposed that both lots within each landholding will connect to the municipal network within Gardiners Road. Alternatively one or both could be self-serviced by an effluent disposal system that will be totally contained within the boundaries of the site to ensure that no cross boundary issues result which results in a high quality effluent. This proposed on-site disposal is consistent with Council's policies of allowing septic tanks for sites greater than 3000m<sup>2</sup> and we suggest this is best dealt with at the time of building consent.

Telephone and electricity will be available to the boundary if required. We propose a condition of consent which stipulates both services will be provided to the boundary of each site, or as an alternative the utility provider must provide written confirmation to the Consents Manager that an alternative method of service is achievable in which case the physical works are not required.

Overall, the proposal will have less than minor effects on the infrastructure network.

#### Productive Capacity

Whilst much of the area south of Oamaru comprises high class soils, the subject sites sit just outside that land identified as being in an area of high class soils. This has been detailed in the NPSHPL section above.



The historical subdivision into 4ha allotments reduced the potential range of uses to which the land can be utilised for. There is clearly a demand for residential living in the rural environment, particularly in coastal areas and in this instance land fragmentation has already occurred given the productive potential is limited.

Often poor land management practices result, with some landowners having no interest in managing the property for lifestyle farming activities. It is contended that this application provides a more flexible and realistic resource management option to protect and enhance the natural character and values in this area.

### Building Location

Both proposed lots within each landholding include a specified building platform. These have been designed with the input of Mike Moore, landscape architect and will allow Council to assess the likely effects on the receiving environment.

It is considered the building platform is located with a sufficient setback to be consistent to other residential activities within the immediate receiving environment. Provided any new dwelling on any lot will comprise colours typical of the rural environment in conjunction with low reflectivity materials, it is considered any effects will be less than minor.

### Cumulative Effects

Cumulative effects are a relevant consideration for this proposal given four adjacent properties are seeking to subdivide their land in a similar manner. In essence, the proposals seek to create eight new sites each comprising approximately 2ha from four existing 4ha sites. The applicants consider residential lifestyle activity is most suited to the area given any meaningful primary production is unachievable.

Cumulative effects can and must be considered when assessing a consent application. They include the effects that would result if the proposal were approved in combination with the effects of other existing activities or those that are likely to arise over time. They are described in *Gargiulo v Christchurch City Council*<sup>3</sup> as "...any one incremental change is insignificant in itself, but at some point in time or space the accumulation of insignificant effects becomes significant."

Peter Salmon in *Revisiting the Purpose and Approach to Resource Management*<sup>4</sup> makes the point it is a question of identifying the resource, determining its capacity and then limiting its use so that s5 objectives can be met.

Section 5 of the Act provides the strongest guidance on cumulative effects and asks the question are the effects of the proposed activity in conjunction with the effects of existing activities and over time (after avoiding, remedying and mitigating by way of consent conditions) sustainable. It is my view, the proposed activity will introduce new effects beyond those permitted (being a single residential unit and accessory buildings associated with lifestyle farming and the activity associated with that). The proposal however will not create any effects where the accumulation of incremental effects are significant as in *Gargiulo*.

It is my view, the land has little utility as rural land. This is supported by Council given they now seek via the Proposed District Plan draft guidance to revise the minimum lot size of rural land to 20ha to create a productive unit, which a 4ha site cannot. The proposed subdivision is a sustainable use of the land, and especially so when the mitigations proposed are adopted, being the generalised clustering of units, siting of units into the topography, shared vehicle entrances and the plantings of indigenous vegetation in strategic locations within each property.

It is also my view the effects arising from the subdivision and the subdivision of the adjoining properties will introduce new effects as a consequence of intensification, however they are consistent with the purpose of the Act and are less than minor given the wider setting.

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<sup>3</sup> C137/00

<sup>4</sup> Beyond the RMA Conference May 2007

## Heritage Values

There are no heritage matters applicable to the subject site.

## Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation beyond the addition of landscaping, offered nor are any deemed necessary.

## Relevant Provisions

### Objective and Policy Analysis

Objectives	Supporting Policies	Assessment
<p>8.2.2 Objective 1 The provision of necessary services to subdivided lots, in anticipation of the likely effects of land use activities on those lots.</p>	<p>Policy 8.2.3.2 To ensure safe and effective vehicular access to properties in subdivisional developments.</p> <p>Policy 8.2.3.4 To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment.</p> <p>Policy 8.2.3.6 To ensure that water supplies to subdivided lots are of a sufficient capacity and of a potable standard for the anticipated land uses on each lot or development, including fire-fighting requirements.</p> <p>Policy 8.2.3.9 To ensure, upon subdivision or development, which anticipated land uses are provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and which avoids, remedies or mitigates adverse effects on the environment.</p> <p>Policy 8.2.3.12 To ensure that adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity value of the area.</p>	<p>The proposal is to create two new lots each in their own record for each landholding.</p> <p>The proposed access locations are considered safe and will be upgraded to create a suitable access for residential activity.</p> <p>It is anticipated, if wastewater connection to the municipal network is not favoured, any new septic tank system will be of a high standard such that effluent quality will not impact groundwater, surface water of the coastal environment.</p> <p>With respect to the provision of potable water, it is anticipated each new site will obtain a connection to the rural supply.</p> <p>The proposal is assessed as <b>consistent</b> with this objective and these policies.</p>
<p>Objective 8.3.2 The costs of the provision of services within a development or the upgrading of services necessitated by a development (including subdivision) must be met by the developers.</p>	<p>Policy 8.3.3 To require developers to meet the costs of upgrading services (including head works), which are attributable to the impacts of the development and subdivision, including where applicable:</p> <ul style="list-style-type: none"> <li>• roading and access (vehicular, cyclist, pedestrian);</li> <li>• water supply;</li> <li>• sewage collection, treatment and disposal;</li> <li>• stormwater collection, treatment and disposal;</li> <li>• trade waste disposal;</li> <li>• provision of energy;</li> <li>• provision of telecommunications.</li> </ul>	<p>The sites are able to connect to the municipal water and wastewater network, or alternatively will be capable of being self-sufficient Rural properties. It is anticipated there is no cost of service provisioning borne by the Council.</p> <p>The proposal is assessed as <b>consistent</b> with this objective and policy.</p>
<p>Objective 8.4.2 The maintenance or enhancement of amenity, historic heritage, and significant nature conservation values and landscape character through the subdivision process.</p>	<p>Policy 8.4.3.3 To avoid or mitigate any adverse effects on visual amenity values associated with subdivision and associated development works.</p> <p>Policy 8.4.3.4 To encourage innovative subdivision design consistent with the maintenance of amenity value.</p>	<p>The proposal is to create two new sites each in their own Record of Title, consistent with the decision on Lot 1 and 2 DP 497510 (RoT 744114 and 744115) known as the Fitani site.</p> <p>There are no particularly significant natural or cultural heritage landscape values associated with this site but rural amenity values are potentially</p>

		<p>impacted. At present the area has an open, expansive quality that will be changed and adversely affected by the subdivision. The proposed application will reinforce the change to a smaller scale, more built rural landscape but includes mitigation measures to ensure that adverse effects on rural amenity are limited. We welcome controls on building location, height and colour as well as framework native plantings as and if required.</p> <p>The proposals were assessed by a landscape architect who found the effects on the rural landscape were no more than minor provided dwellings were located sympathetic to topography and plantings of indigenous vegetation were adopted. The applicants accepts the advice of the landscape architect and has carried the building platform and plantings into the scheme plan.</p> <p>The proposal is assessed as <b>consistent</b> with this objective and these policies.</p>
<p>Objective 8.5.2 The avoidance of subdivision in localities where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.</p>	<p>Policy 8.5.3.1 To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage.</p> <p>Policy 8.5.3.2 To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.</p>	<p>The subdivision will not exacerbate the risk of flooding or other natural hazard risk.</p> <p>The proposal is considered <b>consistent</b> with this objective and these policies.</p>
<p>Objective 16.2.2 Retention of the productive potential of the high class soils located in the Plains area.</p>	<p>Policy 16.2.3</p> <ol style="list-style-type: none"> <li>1 To encourage the continuing productive use of high class soils by ensuring that such land is not subdivided into small lots nor developed for intensive residential activity.</li> <li>2 To minimise the likelihood that areas of high class soils will be covered with structures or hard surfaces over significant proportions of these soils, by preventing their subdivision into small lots.</li> </ol>	<p>The proposed subdivision will not affect the current or future productive use of any of the four properties. The land at 4ha, is not productive and is in effect only suitable for a rural lifestyle property. This is why the Proposed District Plan is seeking to have a minimum 20ha size, where the landholdings are meaningful. Once subdivided, each 2ha site will be better suited for the rural lifestyle use, with minimal loss of productive use.</p> <p>The High Class Soils are shown in the Operative District Plan as an extension into the Weir property only, with the remaining sites not within the HCS mapped areas. The proposed building platforms have been identified and are mindful of the HCS mapped area and also minimising the overall</p>

		<p>extent of bulk ensuring the balance of the land remains available for some albeit limited productive use.</p> <p>The proposal is considered <b>consistent</b> with this objective and these policies.</p>
<p>Objective 16.5.1 A level of rural amenity that is consistent with the range of activities anticipated in the rural areas, but which does not create unacceptably unpleasant living or working conditions for the District's residents and visitors, nor a significant deterioration of the quality of the rural environment.</p>	<p>Policy 16.5.2.1 To encourage a wide range of rural land use and land management practices in the Rural General Zone, without increasing the potential for conflict or the loss of rural amenity, by ensuring that subdivision is limited to moderate sized rural allotments.</p> <p>Policy 16.5.2.6 To require that residential dwellings be setback from property boundaries so as to reduce the probability of dwellings being exposed to significant adverse effects from an activity on a neighbouring property.</p>	<p>Whilst this proposal is for higher residential density than provided for in the Rural General Zone in the District Plan, the mitigation measures proposed by the landscape architect will ensure that adverse effects on rural amenity are effectively controlled.</p> <p>At one house per 2ha, the residential density proposed is significantly less than for typical urban areas. It is also half that of the density permitted for the Rural Residential Zone in Waitaki District (i.e. one dwelling per 1 Ha).</p> <p>The proposal is considered to be <b>generally consistent</b> with this objective and these policies.</p>
<p>Objective 16.8.2 Subdivision, use and development are managed so that:</p> <p>-The values identified for the outstanding or significant natural features, the outstanding landscapes, and the significant coastal landscapes are protected from inappropriate use and development ...</p>	<p>Policy 16.8.4.3 To manage landscape change in the Rural Scenic Zone in a manner that maintains the overall character of the significant landscape, which forms the basis of the visual amenity associated with this Zone.</p> <p>Policy 16.8.3.4 To manage the effects of use and development within the significant coastal landscapes so that:</p> <p>(a) the natural character of the coastal environment is preserved and protected from inappropriate use and development; and</p> <p>(b) the visual amenity associated with these landscapes is maintained</p>	<p>The developments proposed seek to be respectful of the natural character coastal landscape values by adopting the recommendations of Mike Moore, such as-</p> <ul style="list-style-type: none"> <li>• setting building platforms back from the top edge of the terrace,</li> <li>• controlling building height and colour and;</li> <li>• requiring locally appropriate planting of indigenous species in ways that reinforce natural landform character and visually screen, soften and balance the impact of buildings.</li> </ul> <p>The proposal is considered to be <b>generally consistent</b> with this objective and these policies.</p>

Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent with those provisions of the operative Waitaki District Plan.

### Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Canterbury Regional Policy Statement was reviewed in respect of this proposal. The activity is consistent with the objectives and policies set out in chapters 5 (Land use and infrastructure), 7 (Freshwater), 8 (Coastal

environment), 9 (Ecosystems and indigenous biodiversity), 11 (Natural Hazards), 12 (Landscape), 13 (Historic Heritage), 15 (Soils) and 17 (Contaminated Land).

### Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of Section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan.

It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of both the Operative District Plan. Crucially, neither the rural nor subdivision sections include an 'avoid' policy for the subdivision of land that does not meet the minimum site size. The proposal is not considered contrary or repugnant against any of the relevant objectives and policies.

Therefore, the Council can exercise its discretion under Section 104D to grant consent.

### Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here.

The proposal is not considered contrary to the objective and policies of the plans, although is inconsistent with the density measures. The sites have been established to a dimension typical of the zone and aligned with the decision creating Lots 1 and 2 DP 497510 (RoT 744114 and 744115). Mike Moore 'Proposed Rural Subdivision, Gardiners Road' dated 19 October 2012 for the creation of the above properties" initially considered the application was appropriate. Mr Moore then carried out a site specific assessment over four properties each seeking subdivision "Proposed Rural Subdivision Gardiners Road, Awamoa" dated 22 August 2022. This assessment considered the effects on the site, the cumulative landscape effects and the effects on the rural setting and found, with mitigations, the effects were no more than minor. I agree.

It is my view the proposed mitigation measures will ensure that effects of greater residential density will be no worse and potentially better than, what could conceivably be developed as of right under the existing District Plan provisions. Given this situation, the precedent set would not be one that is of significant concern. Future applications to further subdivide similar properties in the area would also have to include measures to effectively mitigate adverse effects on rural amenity values. In this case the applicant is seeking to carry out a similar subdivision with controls on the new build in terms of location and design as that approved on RoT 744114 and 744115 on that land known as the 'Fitani site'.

Overall, it is considered that the proposal will not undermine the integrity of the Plan as the activity will produce only minor effects, if any, and will not set an undesirable precedent given the baseline and the intent of the Plan. Crucially, any precedent set will only remain valid until the Proposed District Plan is notified where objectives and policies have immediate legal effect.

In terms of positive effects, the proposal introduces a number of positive effects relating to making an efficient use of the land for residential activity and enable hobby farm succession into parcels of a more suitable size. In any event no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities. This application, like many previous applications are generally inconsequential in terms of threat to the plan integrity.

In my view this proposal does not offend the effects-based policies of the Plan noting there is no 'avoid' policy. On that basis, it is my opinion no undesirable precedent would be created nor would either Plan integrity be imperilled.

## Part 2 – Purpose and Principles

Part 2 of the RMA contains the purpose and principles. Consideration of applications for resource consent as a **non-complying** activity is subject to Part 2 of the RMA.

The purpose of the RMA is set out in Section 5 as being to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

For the reasons outlined in the assessments above, it is considered that the proposal is consistent with Section 5 of the RMA. Overall, the proposed development will enhance the use of the site and create two properties of a size that is both more desirable by the public generally, but also of a dimension that is preferable for hobby farming. Overall, it is considered that the proposal will not compromise the life supporting capacity of air, water, soil and ecosystems within the receiving environment. It is also considered that the proposed uses are directly in keeping with Section 5 in that the provision of residential activity in the rural zone as proposed will enable people and communities to provide for their social, cultural and economic well-being.

Section 6 of the RMA sets out matters of National Importance and requires that these be recognised and provided for. These include natural character of the coastal environment, natural, landscape and heritage areas, significant indigenous vegetation and fauna and the relationship of Māori with their culture and traditions. It is considered that there are no matters of national importance (including acknowledging there is no wahi tupuna overlay identifying the site is within the cultural landscape) relating to this application.

Section 7 outlines the matters that must be considered when managing the use, development and protection of natural and physical resources, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. The proposal is considered appropriate in this location, given the underlying zoning is supportive of the development at 4ha which is too small for a productive unit yet too large for a rural lifestyle property. It is my personal view, the objectives and policies for the rural zone are strengthened alongside a reduction in minimum site size for both the rural residential land and rural land that is already 4ha and located near Oamaru.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that there are no matters relating to the Treaty of Waitangi relevant to this application.

Accordingly, it is concluded that the proposed development is consistent with the purpose of the RMA in relation to managing the use, development, and protection of natural and physical resources.

## Special Circumstances

Special circumstances have been defined by case law (in the context of whether special circumstances exist to require the public notification of an application) as "outside the common run of things which is exceptional, abnormal or unusual, but less than extraordinary or unique.

A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification." (Far North DC v Te Runanga-aiwi o Ngati Kahu [2013] NZCA 221).

In this case, no special circumstances exist to warrant notification on either the basis of

- the previous consents granted on the neighbouring 'Fitani' property creating 2ha sites,
- that each 2ha site will include a standard residential unit providing for a further family in the district,
- that the application is responding to the desire for smaller properties in the rural zone,
- The proposal is supported by a landscape architect,
- The draft guidance on the Proposed District Plan acknowledges the 4ha minimum lot size for the rural zone is not suitable for rural activity or able to provide a productive rural unit,
- there is no 'avoid' policy in the provisions with respect to density,
- the NPSHPL is not to be applied to the Weir and Martin properties, and
- the NPSHPL exclusions apply to the Chen and Yang properties.

We suggest neither aspect establishes a special circumstance that warrants public notification.

### Positive Effects

Section 3 of the Act defines the meaning of "effect", which includes any positive effects. Whilst consideration cannot be taken into account by a consent authority to consider positive effects when making a decision to notify, positive effects can be weighted as part of an overall assessment. In this case, the proposal includes a number of positive effects by creating an ideally suited property for a hobby farm or rural lifestyle property, with an emphasis on affordability and strong rural community connections.

### Bundling of applications

In circumstances where there are multiple applications, the council must decide whether to treat a proposal as a number of separate activities or as one overall activity. Bundling resource consent activities is generally considered appropriate where the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated.

In this case it is appropriate to bundle the proposal as one overall activity being non-complying with four separate applications and decisions.

### Affected Parties

There are no affected parties proposed for this application on the basis that a single residential unit or additional bulk such as farm sheds or sleepouts could be established as of right which would increase the scale and intensity of residential activity within the existing 4ha site.

Four adjoining property owners are each seeking a similar proposal and by default support each application. The proposal also has support from the largest landowner to the south, although we consider they are not affected by this application.

### Notification

With regard to notification:

- The applicants do not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- Given the context, there are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed that the effects of the proposal on the wider environment are less than minor.

### Conclusion

Resource consent is sought to create a non-complying community development. The proposal is assessed as consistent with the relevant objectives and policies of the proposed 2GP and other relevant planning instruments and will result in effects that are no more than minor. There are no 'avoid' policies nor are any of the objectives or policies considered contrary or repugnant.

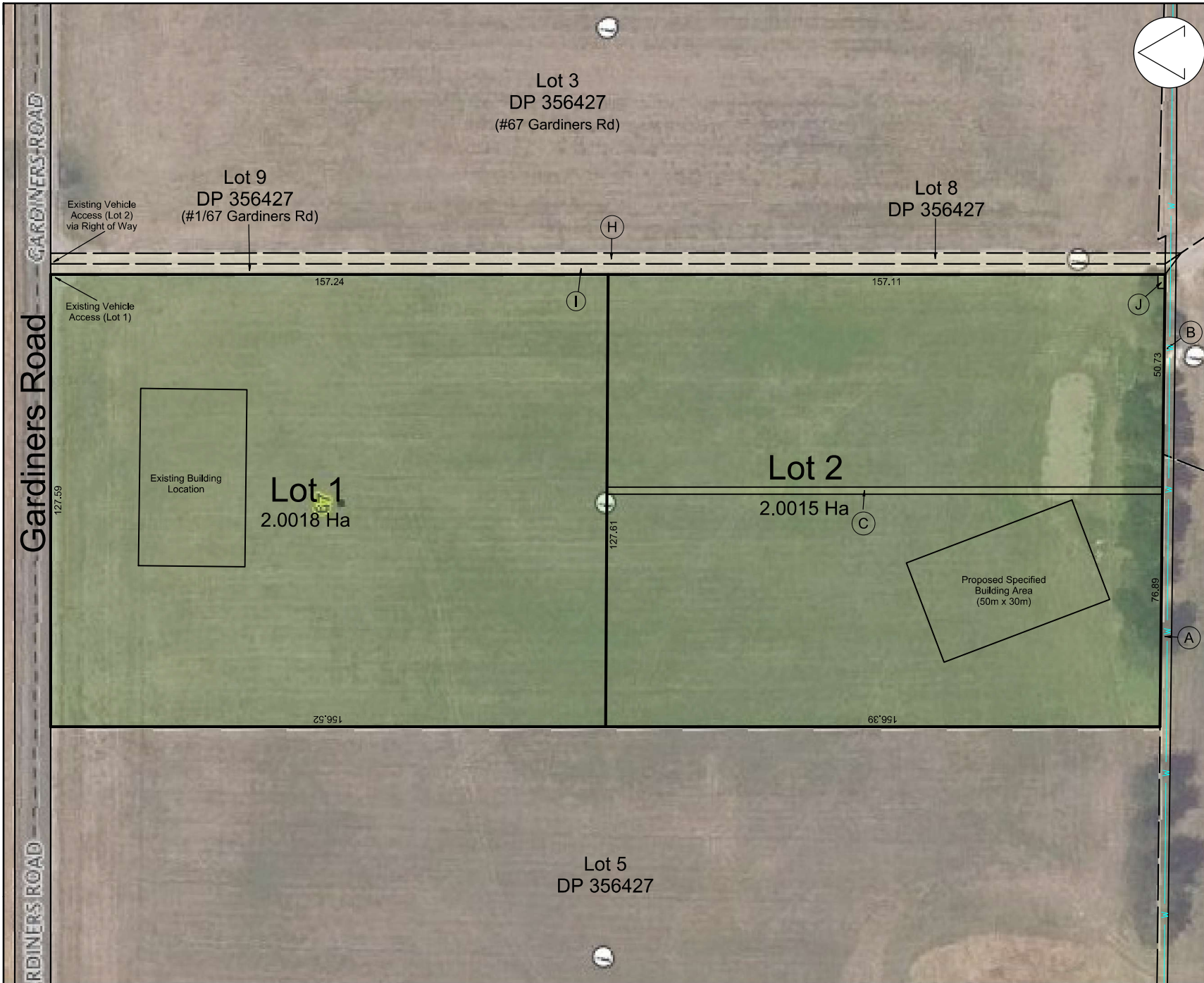
It is respectfully requested that consent be granted to this proposal on a non-notified basis. If you have any questions arising from this assessment, please do not hesitate to contact me for clarification.

Yours faithfully,  
**Terramark Ltd**



Darryl Sycamore  
**Resource Management Planner**





**PROVISIONAL ONLY**  
 DETAIL, AREAS & DIMENSIONS ARE  
 SUBJECT TO FINAL DESIGN,  
 RESOURCE CONSENT & FINAL SURVEY

Schedule of Appurtenant Easements			
Purpose	Shown	Burdened Land	Created By
Right to Convey Electricity, Water & Telecommunications	A	Lot 7 DP 356427	E1 6633652.6
Right to Convey Electricity, Water & Telecommunications	B	Lot 9 DP 356427	E1 6633652.6
Right of Way	I	Lot 9 DP 356427	E1 6633652.6
Right of Way	H	Lot 8 DP 356427	E1 6633652.6

Schedule of Existing Easements in Gross			
Purpose	Shown	Burdened Land	Created By
Right to Convey Electricity	J	Lot 2 Hereon	E1 6633652.6

Memorandum of Easements			
Purpose	Shown	Burdened Land	Benefitted Land
Right to Convey Electricity, Water & Telecommunications	C	Lot 2 Hereon	Lot 1 Hereon

- Notes:**
- Areas and dimensions are subject to verification upon the final Land Transfer Survey.
  - Critical Points are to be confirmed by Survey.
  - Boundary Location to be confirmed upon the final Land Transfer Survey.
  - Services shown have been adopted from WDC drainage records
  - Contractor is responsible to locate all underground services prior to commencement of work.
  - The plan may not be copied without the approval of Terramark Ltd.
  - These notes are an integral part of this plan.
  - This plan is not intended to be used for architectural design purposes and has been prepared specifically for the purpose of this application.

Project Title:  
 Lots 1 & 2 Being a Subdivision of Lot 4 DP 356427

Address:  
 77 Gardiners Road  
 Awamoa

Legal Description:  
 Lot 4  
 DP 356427

Client:  
 M. Martin

Area:  
 4.0033 Ha Title Reference: 229962

Date:  
 16/03/2023 Scale (A3): 1:1000

Job No: D12555 Plan No: 1 Revision: A



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 229962  
**Land Registration District** Otago  
**Date Issued** 03 November 2005

**Prior References**  
OT135/9

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**Estate** Fee Simple  
**Area** 4.0033 hectares more or less  
**Legal Description** Lot 4 Deposited Plan 356427

**Registered Owners**  
Maxwell Ronald Martin and Helen Martin

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**Interests**

Land Covenant in Easement Instrument 6633652.5 - 3.11.2005 at 9:00 am

Appurtenant hereto are rights of way and rights to convey water,electricity, telecommunications & computer media created by Easement Instrument 6633652.6 - 3.11.2005 at 9:00 am

The easements (except computer media) created by Easement Instrument 6633652.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey electricity in gross over part marked J DP 356427 to Network Waitaki Limited created by Easement Instrument 6633652.8 - 3.11.2005 at 9:00 am

Fencing Covenant in Transfer 6668154.2 - 29.11.2005 at 9:00 am

I hereby certify that this plan was approved by the Waitaki District Council pursuant to section 223 of the Resource Management Act 1991 on the 17th day of May 2005 subject to the granting or reserving of the easements set out in the Memorandum of Easements.

Authorised Officer: *[Signature]*

PROPOSED EASEMENTS IN GROSS		
Purpose	Shown	Grantee
Right to Convey Convey Water	(A) Lot 9 Hereon	Waitaki District Council
Right to Convey Convey Electricity	(B) Lot 7 Hereon	Network Waitaki Ltd
Transformer	(C) Lot 7 Hereon	Telecom NZ Ltd
Right to Convey Telecommunications	(D) Lot 7 Hereon	Telecom NZ Ltd

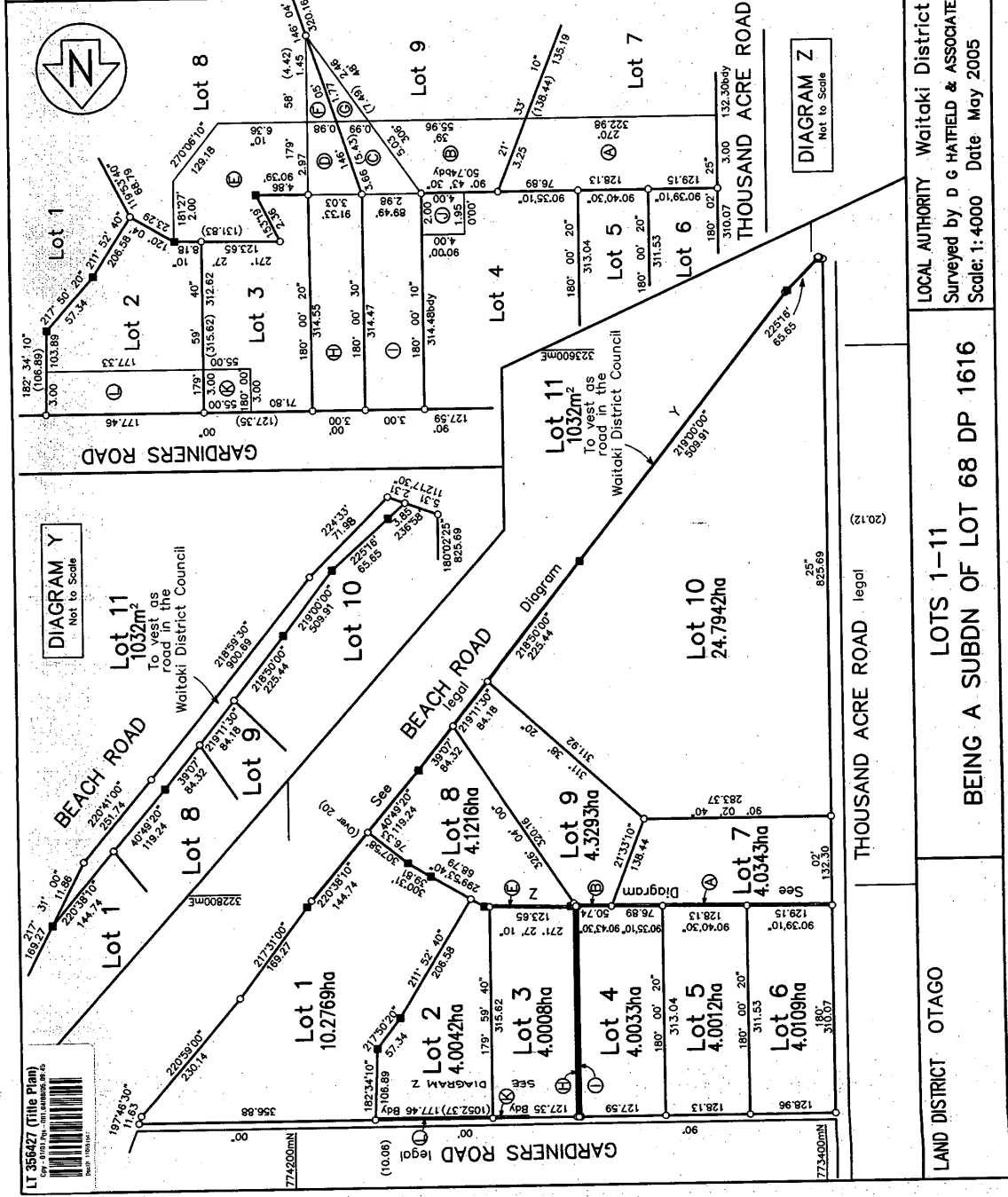
**MEMORANDUM OF EASEMENTS**

Purpose	Shown	Benefit
Right to Convey Convey Water	(A) Lot 9 Hereon	Lots 4, 5 Hereon & 6 Hereon
Right to Convey Convey Electricity	(B) Lot 7 Hereon	Lots 2 & 3 Hereon
Right to Convey Telecommunications	(C) Lot 7 Hereon	Lots 3, 4 Hereon & 9 Hereon
Right of Way	(D) Lot 9 Hereon & 8 Hereon	Lots 2, 4 Hereon & 8 Hereon

Survey Dates: II - Lots 1-9, III - Lots 10 & 11.  
 Total Area: 67.6799ha  
 Comprised in: CT OT 135/9

I, Geoffrey William Bates of Dunedin being a person who is not a party to this survey, hereby certify that the survey to which this document relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules for Cadastral Survey and that the boundaries and easements shown on this plan have been created in accordance with that Act and those Rules.

Field Book: *[Signature]* p. *[Signature]* Traverse Book: *[Signature]* p. *[Signature]*  
 Reference Plans: *[Signature]* Correct  
 Examined: *[Signature]* Correct  
 Approved as to survey by Land Information NZ on: 5/19/2005  
 Deposited by Land Information NZ on: *[Signature]*  
 File D6633 Received 4-8-05  
 Instructions DP 356427



LOCAL AUTHORITY Waitaki District  
 Surveyed by D G HATFIELD & ASSOCIATES  
 Scale: 1:4000 Date May 2005

LOTS 1-11  
 BEING A SUBDN OF LOT 68 DP 1616

LAND DISTRICT OTAGO

**Easement instrument to grant easement or profit à prendre, or create land covenant**

Sections 90A and 90F, Land Transfer Act 1952

Land registration district

OTAGO



**6633652.5 Easement In:**  
 Copy - 01/01, Pgs - 005, 02/11/06, 16:33  
 DocID: 110683257

Grantor

Surname(s) must be

SARB INVESTMENTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

SARB INVESTMENTS LIMITED

**Grant\* of easement or profit à prendre or creation of covenant**

**The Grantor**, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 14<sup>th</sup> day of September 2005

**Attestation**

<p>Director</p> <p>Director</p> <p>Signature [common seal] of Grantor</p>	<p><b>Signed in my presence by the Grantor</b></p> <hr/> <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p><b>Witness name</b></p> <p><b>Occupation</b></p> <p><b>Address</b></p>
---	---

<p>Director</p> <p>Director</p> <p>Signature [common seal] of Grantee</p>	<p><b>Signed in my presence by the Grantee</b></p> <hr/> <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p><b>Witness name</b></p> <p><b>Occupation</b></p> <p><b>Address</b></p>
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Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

\*If the consent of any person is required for the grant, the specified consent form must be used.

**Annexure Schedule 1**



Easement instrument

Dated

14<sup>th</sup> September 2005

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pages

**Schedule A**

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant Refer Annexure Schedule 2		Lots 2, 3, 4, 5, 6, 7, 8 & 9 DP 356427 CT's 229960, 229961, 229962, 229963, 229964, 229965, 229966 & 229967	Lots 2, 3, 4, 5, 6, 7, 8 & 9 DP 356427 CT's 229960, 229961, 229962, 229963, 229964, 229965, 229966 & 229967

**Easements or profits à prendre rights and powers (including terms, covenants, and conditions)**

Delete phrases in [ ] and insert memorandum number as required.  
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952.~~  
~~[the provisions set out in Annexure Schedule 2].~~

**Covenant provisions**

Delete phrases in [ ] and insert memorandum number as required.  
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952.~~  
~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

14th September 2005

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of

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Pages

(Continue in additional Annexure Schedule, if required.)

**Land Covenants:**

- (a) No building shall be erected or placed on the said property other than a new dwelling having a closed-in-floor area of not less than 200m<sup>2</sup> (exclusive of basement, carport, garage, patio or decking) together with usual appurtenant buildings.
- (b) A Lot Owner must not erect more than one Dwelling on a Lot.
- (c) A Lot Owner must not:
  - Erect, construct or place any pre-used or second-hand Building on a Lot nor use pre-used or second-hand building material.
  - Erect, construct or place any relocatable Building on a Lot or have transported onto a Lot any relocatable Building in substantially built up form unless that relocatable Building is new and will be used as a Dwelling.
  - Include in any Dwelling or Building as cladding or exterior finishing any of the following:
    - Fibre cement weatherboards
    - Uncoated fibre materials other than factory pre-finished roofing materials
    - Plywood or ply products
    - Iron and steel whether galvanised or not unless painted or coloursteel
    - Unpainted concrete blocks
  - Use any caravan, hut or shed as a Dwelling or as any other form of temporary or permanent residential accommodation other than as temporary workers' sheds during construction of a new Dwelling which must be removed upon practical completion of that new Dwelling.
  - Park more than one caravan anywhere on a Lot.
- (d) Any Lot Owner who commences the erection or construction of any Building on a Lot must ensure that Building is completed within 18 months from the date of commencement of erection or construction. Completion is deemed to include affixing all exterior cladding and completing all exterior painting. This clause does not prevent a Lot Owner from constructing a Dwelling in separate stages over a longer period of time provided that each stage is completed within a one year period.
- (e) A Lot Owner must not:
  - Use a Lot for storing or accumulating any rubbish or materials other than building materials when constructing a new Building (and for that purpose a Lot Owner shall ensure any excess material including excess building materials and/or rubbish is stored in a

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

14<sup>th</sup> September 2005

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of

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Pages

*(Continue in additional Annexure Schedule, if required.)*

sightly manner and is removed from the Lot without delay and in any event at least every two weeks).

- Allow any broom, gorse, weeds or undergrowth to grow or remain on any Lot.
- (f) Without derogation from any other remedies which may be available in respect of any breach of these covenants, if any Lot Owner is in breach of clause (e) above then:
- Any other Lot Owner may give notice in writing addressed to the Rating Address of the Lot on which the breach is occurring requiring the breach to be remedied;
  - If the breach is not remedied within 21 days after the notice is posted, the Lot Owner who has posted the notice is entitled to go onto that Lot (personally or using an agent) and remedy the breach; and
  - The cost of remedying the breach constitutes a debt payable by the Lot Owner of the Lot on which the breach occurred to the Lot Owner who has incurred the cost of remedying the breach and is recoverable at law.
- (g) Electricity and telephonic communication services shall not be transmitted or conveyed over the said land by way of overhead cables and /or poles. All such services shall be conveyed only by underground cable or wire.
- (h) No radio, television, telecommunication aerials or satellite dishes shall be placed on the said land other than standard broadcast radio or television reception aerials to a dwelling-house erected on the said land.
- (i) If the section is not built on immediately, the grass is to be kept mown or grazed (to reduce the risk of fire).
- (j) Containers put on the section while the dwelling is being erected, are to be moved immediately the building is completed.
- (k) There shall be no kennels built for the purposes of breeding dogs and no aggressive or dangerous dogs kept on the premises.
- (l) There shall be no farming of:
- Pigs;
  - Poultry, except for, not more than 10 hens to provide eggs for the owners use provided they are to be suitably housed and contained.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated 14<sup>th</sup> September 2005

Page 4 of 4 pages

(Continue in additional Annexure Schedule, if required.)

**DEFINITIONS:**

"Land Covenant" means this Easement Instrument to Create the Land Covenants contained herein.

"Lot Owners" means the Registered Proprietor of a Lot.

"Lots" means all of the Lots 2 to 9 on DP 356427 as set out in Schedule A and "Lot" means one of those Lots. Reference to a Lot or Lots shall also include any Lot or Lots that result from a future subdivision of Lots 2 to 9 on DP 356427 to the end and intent that this Land Covenant shall be brought down on any Lot that results from a future subdivision of Lots 2 to 9 on DP 356427.


If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Approved by Registrar-General of Land under No. 2002/6055

**Easement instrument to grant easement or profit à prendre, or create land covenant**  
Sections 90A and 90F, Land Transfer Act 1952



**6633652.6 Easement In:**  
Cpy - 01/01, Pgs - 003, 02/11/05, 16:34  
  
DocID: 110683258

Land registration district

**OTAGO**

Grantor

Surname(s) must be

**SARB INVESTMENTS LIMITED**

Grantee

Surname(s) must be underlined or in CAPITALS.

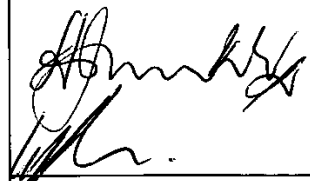
**SARB INVESTMENTS LIMITED**

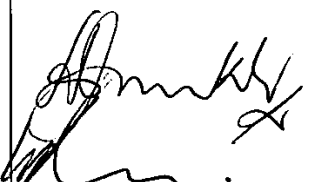
**Grant\* of easement or profit à prendre or creation or covenant**

**The Grantor**, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or **creates** the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

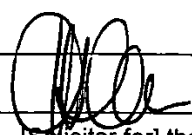
Dated this 14<sup>th</sup> day of September 2005

**Attestation**

Director   Director  Signature [common seal] of Grantor	<b>Signed in my presence by the Grantor</b>
	_____ <i>Signature of witness</i>  <i>Witness to complete in BLOCK letters (unless legibly printed)</i> <b>Witness name</b>  <b>Occupation</b>  <b>Address</b>

Director   Director  Signature [common seal] of Grantee	<b>Signed in my presence by the Grantee</b>
	_____ <i>Signature of witness</i>  <i>Witness to complete in BLOCK letters (unless legibly printed)</i> <b>Witness name</b>  <b>Occupation</b>  <b>Address</b>

Certified correct for the purposes of the Land Transfer Act 1952.

  
[Solicitor for] the Grantee

\*If the consent of any person is required for the grant, the specified consent form must be used.

**Annexure Schedule 1**



Easement instrument

Dated 14<sup>th</sup> September 2005

Page 1 of 2 pages

**Schedule A**

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
<b>Right to Convey Water, Electricity and Telecommunications and computer media</b>	<b>A on DP 356427</b>	<b>Lot 7 DP 356427 CT 229965</b>	<b>Lots 4, 5 and 6 DP 356427 CT's 229962, 229963 &amp; 229964</b>
	<b>B on DP 356427</b>	<b>Lot 9 DP 356427 CT 229967</b>	<b>Lot 4 DP 356427 CT 229962</b>
	<b>E on DP 356427</b>	<b>Lot 8 DP 356427 CT 229966</b>	<b>Lots 2 and 3 DP 356427 CT's 229960 &amp; 229961</b>

**Easements or profits à prendre rights and powers (including terms, covenants, and conditions)**

Delete phrases in [ ] and insert memorandum number as required.  
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~[varied]~~ ~~[negatived]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~{Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952}~~  
~~{the provisions set out in Annexure Schedule 2}.~~

**Covenant provisions**

Delete phrases in [ ] and insert memorandum number as required.  
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952}~~  
~~{Annexure Schedule 2}.~~

**All signing parties and either their witnesses or solicitors must sign or initial in this box**

**Annexure Schedule**



Insert type of instrument  
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated 14<sup>th</sup> September 2005

Page 2 of 2 pages

(Continue in additional Annexure Schedule, if required.)

**SCHEDULE A (continued)**

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient Tenement (Identifier/CT)	Dominant Tenement (Identifier/CT or in gross)
Right of Way	D F H on DP 356427	Lot 8 DP 356427 CT 229966	Lots 3, 4 & 9 DP 356427 CT's 229961, 229962 & 229967
	C G I on DP 356427	Lot 9 DP 356427 CT 229967	Lots 3, 4 & 8 DP 356427 CT's 229961, 229962 & 229966

**Annexure Schedule 2**

"Easements or profits a prendre rights and powers (including terms, covenants and conditions" (continued)

Clause 11(2) of Schedule 4 to the Land Transfer Regulations 2002 is modified to the extent that the following proviso is inserted at the end of Clause 11(2):

"provided however where the need for maintenance, repair or replacement of the easement facility is directly attributable to the act or omission of the Grantor or the Grantee (or Grantees, if more than one) the costs shall be borne solely by the party to whom the act or omission is attributed or in such proportion as relates to the act or omission".

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Approved by Registrar-General of Land under No. 2002/6055

**Easement instrument to grant easement or profit à prendre, or create land covenant**

Sections 90A and 90F, Land Transfer Act 1952

**EI 6633652.8 Easement In:**

Land registration district

OTAGO



Grantor

SARB INVESTMENTS LIMITED

Surname(s) must be underlined or in CAPITALS.

Grantee

NETWORK WAITAKI LIMITED

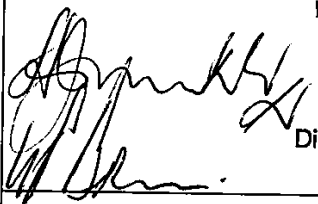
Surname(s) must be underlined or in CAPITALS.

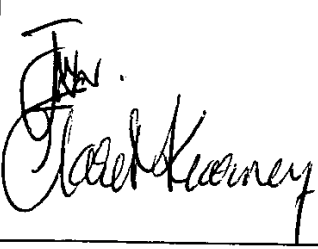

**Grant\* of easement or profit à prendre or creation or covenant**

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).


Dated this 14<sup>th</sup> day of September 2005

**Attestation**

 Director Director Signature [common seal] of Grantor	<b>Signed in my presence by the Grantor</b> _____ Signature of witness Witness to complete in BLOCK letters (unless legibly printed) <b>Witness name</b> Occupation Address
---	---

 Signature [common seal] of Grantee	<b>Signed in my presence by the Grantee</b>  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) <b>Witness name</b> Lesley Eve Ryan. Occupation Administrator. Address 11 London Street Weston Campus.
---	--

Certified correct for the purposes of the Land Transfer Act 1952.

  
[Solicitor for] the Grantee

\*If the consent of any person is required for the grant, the specified consent form must be used.



Easement instrument

Dated 14th September 2005

Page 1 of 1 pages

**Schedule A**

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
<b>Right to Convey Electricity</b>	<b>E D H on DP 356427</b>	<b>Lot 8 DP 356427 CT 229966</b>	<b>In gross</b>
	<b>B C I on DP 356427</b>	<b>Lot 9 DP 356427 CT 229967</b>	
	<b>A on DP 356427</b>	<b>Lot 7 DP 356427 CT 229965</b>	
	<b>J on DP 356427 (Transformer)</b>	<b>Lot 4 DP 356427 CT 229962</b>	

**Easements or profits à prendre rights and powers (including terms, covenants, and conditions)**

Delete phrases in [ ] and insert memorandum number as required.  
 Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied]** ~~[negated]~~ **[added to]** or **[substituted]** by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

**Covenant provisions**

Delete phrases in [ ] and insert memorandum number as required.  
 Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

**All signing parties and either their witnesses or solicitors must sign or initial in this box**

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

14<sup>th</sup> September 2005

Page

1

of

2

pages

(Continue in additional Annexure Schedule, if required.)

**Annexure Schedule 2**

**Terms, Conditions Covenants or Restrictions in Respect of the Right to Convey Electric Power:**

- 1.1 The right to convey electric power in gross shall be the right for the Grantee at all times to maintain electric power connections through over or under the designated area with any other person who may be lawfully entitled and for that purpose to lay and erect cables wires poles and accessories ("the reticulation") and to enter upon the servient tenement with or without servants agents workmen and with all necessary tools plant and equipment PROVIDED THAT as little damage as possible shall be caused to the servient tenement and its surface shall be restored as nearly as possible to its former state of condition and the reticulation shall be carried out in such a way that as little inconvenience as possible is caused to the occupier of the servient tenement. Where physical work is required on the servient tenement for the reticulation the Grantee shall not enter to carry out such work until reasonable notice has first been given to the occupier unless in the case of an emergency.
- 1.2 All differences and disputes which shall arise between the parties hereto or their successors in title or any of them touching or concerning the easements hereby created or any act or thing to be done suffered or omitted in pursuance hereof or touching or concerning the construction of this easement shall be referred to arbitration in accordance with the Arbitration Act 1996.
- 1.3.1 Any costs (other than those borne by the Grantee or by an Energy Company as defined by the Energy Companies Act 1992 or other authority) of installing laying erecting renewing altering or repairing such parts of the reticulation as are used in common by the registered proprietors of any of the said pieces of land entitled to its use shall be borne in equal shares by such of the registered proprietors as use such common part.
- 1.3.2 If the Servient Tenement or any part which is entitled to use the reticulation is subdivided the basis of contribution to any of such costs shall thereupon be varied so that the registered proprietors of every separate lot or piece of land that use such common parts shall from that time contribute equally to such costs.
- 1.3.3. If any damage is caused or any repair is necessary to the reticulation through the act or neglect of any particular one or more of the registered proprietors of any of the said pieces of land entitled to the use of all or of any part of the reticulation as a result of further subdivision (or by their servants tenants agents workmen licensees or invitees) the cost of making good such damage or of such repairs shall be borne entirely by that particular registered proprietor or those particular registered proprietors and they shall carry out the work necessary to make good such damage or do such repair within seven days after being requested so to do in writing by any party or parties not in default. If the party in default fails to make good such damage or to carry out such repairs then such making good or

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated 14<sup>th</sup> September 2005 Page 2 of 2 pages

(Continue in additional Annexure Schedule, if required.)

repairs may be done by the party or parties giving the notice and they may recover the cost thereof from the party in default together with the interest thereon at the rate of \$15.00 per centum per annum from the date of payment by the party giving notice.

- 2.1 The Grantor COVENANTS with the Grantee that the Grantor will not:
  - (a) build or place any buildings or erections, or plant or allow any trees or shrubs to grow on the Servient Tenement so they may in any way interfere with any of the reticulation or with the exercise by the Grantee of any of its rights and
  - (b) do or permit any act to be done whereby the rights powers and licences granted to the Grantee may be interfered with or affected in any way.
- 2.2 Subject to the provisions of this Easment Instrument the Grantor shall not be liable for any damage which may be caused to the reticulation otherwise than through the act or default of the Grantor.
- 2.3 Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail. Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule and the modifications in this Easement Instrument, the modifications must prevail.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

# Proposed Rural Subdivision Gardiners Road, Awamoa

## Landscape Assessment Report

24 August 2022



**Prepared by**

**MIKE MOORE**

*BSc, Dip LA, MRRP, ANZILA*

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## Introduction

The owners of four adjacent rural properties with frontage to Gardiners Road, Awamoa, are applying for consent to subdivide. The properties are Lots 3, 4, 5 and 6, DP 356427, and are shown in **Figure 1**. All properties are currently approximately 4ha in area, and each is proposed to be subdivided into two lots, creating a total of 8 lots.

The sites are zoned Rural General in the Waitaki District Plan and the proposed subdivision does not comply with site development standard 4.4.1 requiring 4Ha minimum site area for residential units in the Rural General zone. The applications will therefore be for non-complying activities.

This report presents a mitigation plan for the proposed subdivision, addressing the four properties comprehensively. It addresses the combined landscape effects of the proposed subdivisions and is structured as follows:

- Methodology
- Site and area description
- Landscape Values
- The proposed development and mitigation plan
- Visibility analysis
- Landscape effects
- Cumulative effects
- Waitaki District Plan provisions assessment
- Conclusion

## Methodology

This assessment follows the concepts and principles outlined in the New Zealand Institute of Landscape Architects (NZILA) Best practice guidelines<sup>1</sup>, and has been informed by a review of the relevant statutory provisions and a site visit on 16 August 2022.

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<sup>1</sup> Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines. April 2021

## Site and area description

The properties are located on the south side of Gardiners Road and to the east of Thousand Acre Road. The wider landscape context is the North Otago downlands near the coast between Cape Wanbrow and Kakanui.

The properties in question are located on gently rolling topography and the geology is comprised of Deborah volcanics and some Otatara limestone. The land is above and back from a low, gently sloping and relatively indistinct coastal terrace, and is not within the coastal environment<sup>2</sup>. The land reaches a high point of 35m on Lots 3 and 4 near Gardiners Road and generally falls gradually toward the south-west and Lot 6. Water has ponded previously in an area on the southern boundaries of Lots 5 and 6 which is the lowest part of the sites (approx. 20m). Overland drainage is largely to a minor gully system to the south.

There is an existing house with associated accessory buildings and plantings on Lot 6 and the foundations of another being built on Lot 4. Other than this, the land is open pasture with paddock fencing. A short exotic shelterbelt is located on the southern boundary of Lot 4 and a formed driveway giving access to Lots 3 and 4, as well as the property to their south, runs between Lots 3 and 4.

The wider landscape context retains an open, mainly pastoral character reflecting large rural properties that are larger than the 4.0 ha minimum lot size permitted in the WDP<sup>3</sup>. In the vicinity of the sites in question, there is a cluster of smaller sites of around 4ha, with some having been subdivided to 2ha, including the property directly to the east of Lot 3. This smaller scale subdivision is as yet only partially expressed in the landscape, by development of dwellings and amenity and shelter / boundary plantings.

**Figures 2 - 6** illustrate the character of the area.

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<sup>2</sup> As mapped in Moore et al, 2015, Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscape Assessment, Waitaki District Section Report, Otago Regional Council

<sup>3</sup> WDP Rule 14.4.1

## Landscape values

Landscape is defined as follows in the NZILA Landscape Assessment Guidelines<sup>4</sup>:

*'Landscape embodies the relationship between people and place: it includes the physical character of an area, how the area is experienced and perceived, and the meanings associated with it'.*

As expressed in the definitions, the NZILA Landscape Assessment Guidelines conceive of landscape as comprising the physical environment, people's perceptions of it, and the meanings and values associated with it.

The North Otago downlands are a highly modified productive rural landscape with a 'limestone' character created by occasional limestone outcrop features. There are also landform features (e.g. conical hill forms) which express volcanic formative processes and geology. The area has important geological fossil sites and high class soils in some areas. Horticultural land use in places, gives the landscape a distinctive character.

Perceptual values are largely associated with the landscape's pleasant rural amenity based on openness and the legibility of the natural landforms, and its domesticated, productive appearance associated particularly with the agrarian land use.

As regards associative values, there was a coastal trail used by tangata whenua in pre European settlement times<sup>5</sup> and the wider area has European cultural heritage values associated with large farming estates. The Waitaki District Landscape Study<sup>6</sup> includes this area within the Kakanui River Land Unit and discusses the area as working rural farmland with a distinctive character based on its openness and horticultural character, and its 'limestone identity'. Other than a 'significant coastal landscape' overlay (which does not impact the sites), there are no landscape values of particular significance recognized in the WDP or other relevant statutory documents.

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<sup>4</sup> Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines. April 2021

<sup>5</sup> <https://www.kaharumanu.co.nz/atlas>

<sup>6</sup> Densem G, 2004, Waitaki Landscape Study, Waitaki District Council

## The proposed development and mitigation

The owners of all four properties seek to subdivide their land into two approximately 2.0Ha lots, with residential use authorized. Essentially, this doubles the built density allowed as a permitted activity in the current District Plan provisions.

In recognition that increased built density has implications for rural amenity values, a combined development plan is proposed. This seeks to limit the adverse effects of development on landscape values and rural amenity to a level no greater than that which could arise under the WDP permitted baseline for this area.

The development plan is shown in **Figure 7** and the proposed development conditions are as listed below. The development concept is based on integrating built form with the landscape character of the site through:

- The establishment of frameworks of indigenous vegetation associated with each new building platform, where applicable, located to relate to the overland drainage swales in the landform. Once established, these will provide a natural setting for new built form and will assist to balance and soften its visual impact. The planting proposed will total 12055 m<sup>2</sup> overall and will have positive indigenous biodiversity and natural character effects.
- Siting building platforms at a distance from the adjacent roads as much as possible, and off higher, more visually prominent areas to minimise the visual impact of built form. To accommodate this, internal boundary setbacks are reduced from 20m to 15m in places.
- Imposing restrictions on built development including controls on gross floor area, building height, and finished colours to minimise the visual impact of built form.
- Imposing restrictions on landscaping and site development to ensure retention of rural character including controls on fencing, outdoor lighting, driveways and planting.

Recommended consent conditions, applying to all four properties, are as follows:

- (a) All new buildings, including accessory and rural buildings, and water tanks are to be located within the identified 40 x 25m building platforms. On proposed Lots 4(a) and 6(a) any new built form is restricted to the building platforms shown in Figure 7.*
- (b) The gross floor area for new buildings per lot shall not exceed 410m<sup>2</sup>.*
- (c) For all lots, building height for new buildings shall not exceed the following*
  - Dwellings – 5m*
  - Accessory and rural buildings – 4m*
- (d) Unless buildings are clad in naturally finished, natural materials (e.g. stone or timber), building colours for new buildings are to be selected to ensure that contrast with the dominant hues of the surrounding rural landscape is minimized. Light reflectivity values (LRV) for painted finishes shall be no more than 20%.*
- (e) All services are to be located below ground.*
- (f) Any fencing is to be confined to rural post and wire fencing, no greater than 1.2m high*
- (g) Driveways are to have a rural character with metal surfacing and no kerb and channel. There is to be no driveway lighting or monumental gates.*
- (h) Any retaining walls are to be screened by buildings or plantings from public viewpoints.*
- (h) The contextual plantings shown in Figure 7 are to be established following the guidelines outlined in **Appendix A** and for Lots 3(a), 3(b), 4(b), 5(a), 5(b) and 6(b) are to be fully implemented prior to lodging building consent. The plantings on Lots 4(a) and 6(a) are to be fully implemented prior to issue of the new title.*
- (j) Any tree and / or shrub planting on the lots greater than 1m mature height, other than fruit trees, shall be indigenous and appropriate to the area. The planting list in Appendix A provides a guide.*

A recommended consent condition, applying to proposed Lot 4(b) only, is as follows:

(a) *The existing exotic shelter trees on the southern boundary are to be maintained and managed to ensure their continued effective role in providing screening, setting and context for the proposed building site. Alternatively, should these trees be removed, the area shown as 'planting area b' in Figure 7 is to be planted in accordance with the guidelines outlined in Appendix A.*

## Visibility analysis

Due to the topography, visibility of the sites is limited to the north and east, and the key viewpoints are Thousand Acre Road adjacent and to the south, and Gardiners Road adjacent. The following is an analysis of the likely visibility of development on the proposed building platforms (controlled as proposed, and prior to screening provided by proposed plantings) from representative public viewpoints in the area surrounding. The tables below colour code the various proposed building platforms as follows. Factors considered include viewing distance, elevation relative to the viewpoint, and degree of screening or backdrop by landform.

Prominent
Visible – not prominent
Largely screened

### Gardiners Road, adjacent to the north east corner of Lot 3 (see Figure 2)

Proposed Lot Building platform	Comment
Lot 3(a)	Set back from Gardiners Road but requires building control mitigation measures and plantings to mitigate visual impact

Lot 3(b)	Located at a lower level and at a distance. Significantly screened by landform. Development / planting on Lot 3(a) will further screen.
Lot 4(a)	Existing dwelling under construction. Proposed planting will assist to mitigate built impact
Lot 4(b)	Located at a lower level and at a distance. Significantly screened by landform. Development / planting on Lot 3(a) will further screen.
Lot 5(a)	Located at a lower level and at a distance. Significantly screened by landform.
Lot 5(b)	Screened by landform
Lot 6(a)	Existing dwelling – partially screened by landform and approx. 400m distant.
Lot 6(b)	Over 450m distant, at a lower elevation and largely screened by landform

Gardiners Road, adjacent to the north east corner of Lot 5 (see Figure 3)

Proposed Lot Building platform	Comment
Lot 3(a)	Potentially prominent but will be screened by the house under construction on Lot 4(a). Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 3(b)	Located at a lower level and at a distance. The proposed mitigation controls and plantings will help to appropriately integrate.
Lot 4(a)	Existing dwelling under construction. Proposed planting will help to mitigate built impact.
Lot 4(b)	Located at a lower level and at a distance. The backdrop of existing trees assists to integrate.
Lot 5(a)	Located at a lower level and back from the road. Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 5(b)	Located at a lower level and well back from the road. Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 6(a)	Existing dwelling at a lower level approx. 160m distant.

Lot 6(b)	Approx. 240m distant and at a lower elevation. The proposed building control mitigation measures and plantings will assist landscape integration.

Thousand Acre Road, approx. 170m north of its intersection with Gardiners Road (see Figure 4)

Proposed Lot Building platform	Comment
Lot 3(a)	Largely screened by landform – may be some minor visibility of the roof.
Lot 3(b)	Entirely screened by landform
Lot 4(a)	Existing dwelling under construction. Visible on the skyline but at a distance (approx. 380m) Proposed planting will help to mitigate built impact.
Lot 4(b)	Entirely screened by landform
Lot 5(a)	Entirely screened by landform
Lot 5(b)	Entirely screened by landform
Lot 6(a)	Existing dwelling seen on the skyline at a distance of approx. 220m.
Lot 6(b)	Entirely screened by landform

Thousand Acre Road adjacent to Lot 6 (see Figure 5)

Proposed Lot Building platform	Comment
Lot 3(a)	Seen in front of the existing dwelling at 53 Gardiners Road at a distance but on



	the skyline. Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 3(b)	Seen at a distance of over 400m and in the context of the existing dwellings at 53 and 55 Gardiners Road on the skyline eastwards. Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 4(a)	Existing dwelling under construction. Visible on the skyline at a distance (approx. 360m)
Lot 4(b)	Seen in the context of the existing shelter trees at approx. 280m distance
Lot 5(a)	Seen approx. 200m distant with a landform backdrop. Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 5(b)	Seen approx. 200m distant with a landform backdrop. Requires building control mitigation measures and plantings to mitigate visual impact.
Lot 6(a)	Existing dwelling seen on the skyline at a distance of approx. 220m.
Lot 6(b)	Seen in close proximity (approx. 95m). Requires building control mitigation measures and plantings to mitigate visual impact.

Thousand Acre Road south of the site - near its intersection with Seadown Road (see Figure 6)

<b>Proposed Lot Building platform</b>	<b>Comment</b>
Lot 3(a)	Some minor visibility through existing shelter trees. Seen at over 1km distance near the skyline and in context with existing dwellings at 53 and 55 Gardiners Road.
Lot 3(b)	Partially visible at a distance of approx. 960m in the context of existing shelter trees and dwellings and with a landform backdrop.
Lot 4(a)	Existing dwelling under construction. Visible on the skyline at a distance of approx. 1.1km beyond existing shelter trees.
Lot 4(b)	Effectively screened by existing shelter trees.
Lot 5(a)	Seen at a distance of approx. 1km with a landform backdrop.

Lot 5(b)	Seen at a distance of approx. 950m behind the existing dwelling at 447 Thousand Acre Road. Landform backdrop.
Lot 6(a)	Existing dwelling seen on the skyline at a distance of approx. 1km
Lot 6(b)	Seen at a distance of approx. 900m and viewed with the dwelling at 6(a) behind.

## Landscape Effects assessment

Landscape effects are defined as follows:

*'Landscape effects are consequences for landscape values of changes to landscape attributes. Change itself is not an effect. Landscapes are always changing.'*<sup>7</sup>

I assess the landscape effects of the development against the landscape values discussed above. Landscape effects may be positive or adverse in nature and I rate the degree of effect in terms of the following 7 point rating scale. As per the NZILA Best Practice Guide<sup>8</sup>, I relate this scale to the relevant RMA terminology as shown in the table below:

### *Degree of effect assessment scale*

<i>Very low</i>	<i>Low</i>	<i>Low- mod</i>	<i>Moderate</i>	<i>Mod- high</i>	<i>High</i>	<i>Very high</i>
<i>Less than minor</i>	<i>Minor</i>		<i>More than minor</i>		<i>Significant</i>	

As the existing 4 ha blocks in this area are being built on and developed, the landscape character in this area is changing to become less open and more built. On the sites in question, three more dwellings (including the unfinished building on Lot 4) can be anticipated along with shelter and amenity plantings, as part of the permitted baseline. There is no maximum area standard for buildings in the WDP Rural Zone and the

<sup>7</sup> Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines. April 2021

<sup>8</sup> Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines. April 2021

maximum height for buildings is 10m. There are also no controls over site development and plantings. Development under the permitted baseline is likely to involve four houses in prominent positions (to gain the best views) up to 10m high, and plantings reflecting the property boundaries. Accessory / rural buildings could be located anywhere and could be any scale.

In comparison, the proposed development will result in eight dwellings, the new ones in relatively recessive positions, controlled as to height and colour, and with indigenous plantings to balance their impact and located to reflect the landform character. The darker (more visually recessive) building colours required and the unified character of the plantings will result in an attractive development with high visual amenity, albeit with a relatively high built density.

The residential density proposed is twice that provided for in the WDP as a permitted activity in the Rural zone, although it still less than the one dwelling per 1Ha in the Rural Residential zone. To minimise adverse effects on rural character, including openness, a suite of mitigation measures are proposed. In my opinion the proposed development with its proposed controls, compares favourably with what could conceivably be developed as a permitted activity as of right as the following table illustrates.

	<b>Permitted Activity</b>	<b>Proposed development</b>
Residential density	One dwelling per 4 Ha	One dwelling per 2 Ha
Maximum building height	10m	5m
Minimum setback from roads (of proposed further buildings)	15m	87m (Lot 6(a) from Thousand Acre Road.
Built footprint	No limits to dwelling footprint or scale / number of accessory buildings	Buildings constrained by 40 x 25m building platforms and Gross floor Area restricted to 410m <sup>2</sup> within these platforms.
Requirements for mitigation /	None	An average of 2009m <sup>2</sup> / lot to

framework planting		be planted.
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It is not fanciful to envisage large houses up to 10m high on the existing lots, located close to Gardiners Rd to take advantage of views. Add to this possible large sheds, all finished in light colours with high LRV ratings and little planting to screen or soften, and the effects on rural amenity (openness / naturalness) could be significantly adverse. Whilst the proposed development provides for greater residential density, it effectively controls the visual impact of built form and provides for mitigation of this by planting.

I consider that both the 4ha and 2ha densities will result in a landscape with a 'rural lifestyle' character rather than the 'working production rural landscape' which is still generally expressed in the area more widely. The proposed 2ha density will clearly extend the degree of change but the proposed plantings and other mitigation measures will control and limit this. In terms of the current expansive landscape, the proposed density represents a major change. Considered in the light of the landscape that is provided for by the consented 4ha lots however, (and that will evolve over time) the change associated with the proposed subdivision is less significant.

Overall, when assessed against the landscape values discussed above and what is provided for under the permitted baseline, I consider that the effects of the proposed development will be adverse / low. The proposed subdivision will lead to further domestication and reduction of openness, but the mitigation proposal will limit the visual impact of more buildings and provide for compensatory enhancement of natural character through the proposed indigenous plantings. It will also provide for some enhancement of biodiversity values.

**Cumulative effects**

This report addresses cumulative effects to the extent that proposed development on four properties have been assessed together. More widely however, an important issue is how much subdivision of the scale proposed can the landscape absorb, before adverse effects on its character and rural amenity values become significantly adverse?

It is my assessment that significant change to the existing character of the wider rural landscape is already provided for by the current 4ha WDP minimum site size standard, and that this change is having adverse effects on rural amenity values. I consider that further residential density increase to 2ha lot size minimum, if appropriately controlled as proposed here, is much less significant.

Overall then, it is my assessment that given the permitted baseline, the closer density proposed will not give rise to more than minor cumulative effects if appropriately designed and controlled, as proposed in this application. The tipping point in terms of landscape character is already provided for by the current WDP settings.

### Assessment against the relevant District Plan provisions

The following are my brief comments in relation to the Waitaki District Plan provisions relevant to the landscape effects of this application.

WDP Provision	Comment
<p><b>8.4.2 Objective 3</b>  <i>The maintenance or enhancement of amenity, historic heritage, nature conservation values and landscape character through the subdivision process.</i></p>	<p>It is my assessment that the existing 4ha lot sizes in this area are giving rise to a rural landscape with more of a 'rural lifestyle' character than the larger scale working production rural landscape typical in the wider area. The proposed subdivision will further reduce the landscape scale and increase settlement density but the proposed mitigation measures and subdivision design will limit the extent of this and overall, any adverse landscape character and amenity effects will be minor, in comparison to the permitted baseline.</p>
<p><b>8.4.3 Policies</b>  <i>2 To ensure that physical works associated</i></p>	<p>Natural character in this area is already significantly modified by rural land use and</p>

<p><i>with land subdivision and development avoid or mitigate the adverse impacts on the natural qualities of the environment and on areas that have nature conservation value and on areas that contain historic heritage.</i></p> <p><i>3 To avoid or mitigate any adverse effects on visual amenity values associated with subdivision and associated development works.</i></p> <p><i>4 To encourage innovative subdivision design consistent with the maintenance of amenity value.</i></p>	<p>there are no areas of particular nature conservation or historic heritage value. Works associated with the subdivision will not adversely impact any natural qualities of significance. On the contrary, the proposed indigenous plantings will have positive effects on naturalness and associated visual amenity values.</p> <p>Existing visual amenity values associated with openness in this rural landscape are already being adversely impacted by permitted subdivision densities, and the proposed subdivision will exacerbate this to an extent. To address this, the proposed scheme has been designed with a suite of mitigation controls to ensure adverse effects are comparable to those that could result from subdivision and associated development under the permitted baseline.</p>
<p><b>16.5.1 Objective 4 - Rural Amenity</b></p> <p>A level of rural amenity that is consistent with the range of activities anticipated in the rural areas, but which does not create unacceptably unpleasant living or working conditions for the District's residents and visitors, nor a significant deterioration of the quality of the rural environment.</p>	<p>Along with the 4ha blocks permitted in this area in the WDP, the proposed smaller blocks provide for rural living land use with associated hobby farming. The design and suite of mitigation measures proposed will ensure that rural amenity values are appropriately maintained.</p>
<p><b>16.5.2 Policies 4</b></p> <p><i>1 To encourage a wide range of rural land use and land management practices in the Rural General Zone, without increasing the potential for conflict or the loss of rural amenity, by ensuring that subdivision is limited to moderate sized rural allotments.</i></p>	<p>See comment above.</p>

<p><b>18.2 Assessment Matters</b></p> <p><b>li Residential Density - Rural Zones</b></p> <p>a) <i>The degree to which the residential density has an adverse effect on the open character of the site and the surrounding area, in particular:</i></p> <p>i) <i>in the Rural G Zones the extent to which the numbers of residential units or the building coverage on the site would visually dominate a site which would be out of character with the local environment;</i></p>	<p>The residential density proposed is double that permitted in the Rural General Zone in the WDP. Mitigation measures are proposed to minimise adverse effects resulting from this greater density on rural character and openness values. These include building siting to minimise visual prominence, controls over building footprint, height and colours, measures to ensure site works retain rural character and plantings to screen, soften and balance built form and to enhance natural character.</p>
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## Conclusion

The sites in question are within a wider working rural landscape context that has no particularly recognized landscape significance. Rural amenity values are important however, in particular those associated with openness and legibility of the natural landforms. In the particular vicinity of the sites, previous subdivision, reflecting the permitted WDP Rural General zone standards, has provided for the progressive intensification of built density and reduction in landscape scale that is now occurring. This is giving rise to a landscape with a 'rural living' character rather than a larger scale working rural character.

The proposed subdivision seeks greater built density than the Rural General zone standard provide for, and in light of this, a comprehensive mitigation plan is proposed that seeks to minimise the additional built impact and maximize its integration with the landscape. Considering the permitted baseline and the proposed mitigation, I have assessed the effects of the proposed development on landscape values and rural amenity as adverse / low (minor).

It is my assessment that the subdivision, controlled as proposed, will integrate acceptably with the 'rural lifestyle' landscape character of its immediate setting, and will not have adverse rural character or amenity effects that are more than minor.

Mike Moore  
Landscape Architect



## Appendix A : Planting guidelines – Gardiners Road, Awamoa

The following species are recommended for the framework plantings shown in Figure 13. Planting establishment and management is to be carried out in accordance with the guidelines outlined below.

1. Where required, fencing should be carried out to protect the areas to be planted from grazing by stock.
2. The areas to be planted are to be sprayed to kill existing grasses using a non-residual systemic herbicide.
3. Planting densities are to be approximately 1.5m
4. Plant grades are to be Pb3 or equivalent, minimum.
5. One slow release fertilizer tablet will be used per plant.
6. Locate species in a manner responsive to the specific site conditions.
7. A circle of mulch (100mm deep woodchip or sacking or similar) is to be applied around each plant to assist in plant establishment and weed suppression.
8. The area around each plant is to be maintained weed free until well established by hand weeding or spraying where this is possible without adversely affecting the plants.
9. Plants should be watered as / if required during dry spells until well established.
10. Survival should be monitored and any dead plants replaced immediately. Animal pests should be controlled and if required, plants should be provided with an eco-shelter for protection against rabbit and possum browse.
11. The plantings are to be managed to ensure their ongoing health and vitality.

Species	Common name	Approx % of planting
<i>Aristotelia serrata</i>	Wineberry	2.5
<i>Austroderia richardii</i>	Toetoe	5
<i>Carpodetus serratus</i>	Putaputaweta	5
<i>Coprosma crassifolia</i>		5
<i>Coprosma propinqua</i>	Mingimingi	5
<i>Cordyline australis</i>	Cabbage tree	5
<i>Griselinia littoralis</i>	Broadleaf	5
<i>Hebe salicifolia</i>	Koromiko	5

<i>Hoheria angustifolia</i>	Narrow-leaved lacebark	5
<i>Kunzea robusta</i>	Kanuka	5
<i>Leptospermum scoparium</i>	Manuka	2.5
<i>Meliccytus ramiflorus</i>	Mahoe	5
<i>Myoporum laetum</i>	Ngaio	5
<i>Myrsine australis</i>	Matipo	2.5
<i>Olearia fragrantissima</i>		2.5
<i>Phormium tenax</i>	Flax	5
<i>Pittosporum eugenioides</i>	Lemonwood	5
<i>Pittosporum tenuifolium</i>	Kohuhu	5
<i>Plagianthus regius</i>	Lowland ribbonwood	5
<i>Podocarpus hallii</i>	Halls totara	5
<i>Pseudopanax crassifolius</i>	Lancewood	5
<i>Sophora microphylla</i>	Kowhai	5



Figure 1: Location and photopoint plan



Figure 2: View across the sites from Gardiners Road adjacent to the north-east corner of Lot 3



Figure 3a: View south-eastward across the sites from Gardiners Road adjacent to the north-east corner of Lot 5



Figure 3b: View south-westward across sites from Gardiners Road adjacent to the north-east corner of Lot 5



Figure 4: View southward toward the sites from Thousand Acre Road approx. 170m north of its intersection with Gardiners Road



Figure 5: View across the sites from Thousand Acre Road adjacent to Lot 6



Figure 6: View northward toward the sites from Thousand Acre Road near its intersection with Seadown Road



**Key**

- Lot boundary
- Proposed building platforms
- Access driveways
- Proposed plantings (as per guidelines in Appendix A)
- Planting Area B

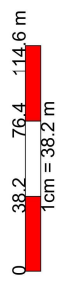
**Figure 7: Proposed Subdivision, Lots 3, 4, 5 and 6, DP 356427, Gardiners Road, Awamoa. Landscape Mitigation Plan**

67 Gardiners Road  
Rural General Zone / Map 26  
Parcel ID 24822



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