



AGENDA

Hearings Panel Meeting Tuesday, 8 April 2025

Date: Tuesday, 8 April 2025

Time: 9.30 am

**Location: Ngā Hau e Whā, William Fraser Building, 1
Dunorling Street, Alexandra**

Notice is hereby given that a Hearings Panel Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra on Tuesday, 8 April 2025 at 9.30 am.

Order Of Business

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Members Cr N Gillespie (Chairperson), Cr M McPherson, Cr I Cooney, Cr T Paterson

In Attendance K Smith (Minute Secretary), A Rodgers (Panel Advisory)

1 APOLOGIES

2 REPORTS

25.4.1 MINUTES TO BE CONFIRMED

Appendix 1 - Minutes - 10 December 2024 [↓](#)

Hearings Panel Meeting Minutes

10 December 2024

**MINUTES OF CENTRAL OTAGO DISTRICT COUNCIL
HEARINGS PANEL MEETING
HELD IN NGĀ HAU E WHĀ, WILLIAM FRASER BUILDING, 1 DUNORLING STREET,
ALEXANDRA
ON TUESDAY, 10 DECEMBER 2024 AT 9.30 AM**

PRESENT: Cr N Gillespie (Chairperson), Cr M McPherson, Cr I Cooney

IN ATTENDANCE: K Smith (Minute Secretary), A Rodgers (Panel Advisory)

1 APOLOGIES - N/A

2 REPORTS

24.12.1 RC240033 - NATASHA WILLIAMS

A report to consider land use consent for a second dwelling in a rural resource area.

Also circulated was the report of the Planning Officer in relation to the application.

Report of the Planning Officer has been read M McPherson / I Cooney.

Hearing opened at 9.32am.

In attendance:

Adam Vincent – Planning Officer

Ben Russell / Ben Gresson – Applicant Solicitor

Peter Kloosterman – Applicant Planner

Peter Williams – on behalf of Applicant – Applicant's Father

Richard Tyler – Landscape Architect – Applicant Expert

Note: Ben Russell spoke to their evidence at 9.34am.

Note: Panel directed questions to Ben Russell at 10.12am.

Note: Peter Williams spoke to their evidence at 10.19am.

Note: Richard Tyler spoke to their evidence at 10.21am.

Note: Panel directed questions to Richard Tyler at 10.31am.

Note: Peter Kloosterman spoke to their evidence at 10.45am.

Note: Panel directed questions to Peter Kloosterman at 10.52am.

Note: Adam Vincent spoke to their evidence at 10.58am.

Note: Panel directed questions to Adam Vincent at 11.04am.

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Note: Adam Vincent continued to speak to their evidence at 11.05am.

Note: Peter Kloosterman gave points of clarification to questions raised at 11.11am.

Note: Panel directed questions to Adam Vincent at 11.13am.

Note: Ben Russell gave their right of reply at 11.21am.

Note: Hearing adjourned at 11.24am.

Note: Hearing reconvened at 11.29am.

Note: Ben Russell gave their right of reply at 11.29am.

Note: Hearing adjourned at 11.30am.

Note: Ben Russell, Ben Gresson, Peter Kloosterman, Richard Tyler and Peter Williams left the meeting at 11.30am.

24.12.2 RC240200 - A J MAYZEE TRUSTEE LIMITED

A report to consider a 2-Lot subdivision in a rural resource area.

Also circulated was the report of the Planning Officer in relation to the application.

Report of the Planning Officer has been read N Gillespie / M McPherson.

Hearing re-convened at 11.32am.

In attendance:

Adam Vincent – Planning Officer

Andrew May / Judy McNeill - Applicant

Peter Dymock / Maddy Albertson – Applicant Planner

Hamish Stratford – 01 Submitter

Note: Judy McNeill spoke to their evidence at 11.39am.

Note: Andrew May spoke to their evidence at 11.41am.

Note: Peter Dymock spoke to their evidence at 11.43am.

Note: Panel directed questions to Peter Dymock at 12.03pm.

Note: Hamish Stratford spoke to their submission at 12.11pm.

Note: Peter Dymock gave points of clarification to questions raised at 12.14pm.

Note: Hamish Stratford continued to speak to their submission at 12.15pm.

Note: Panel directed questions to Hamish Stratford at 12.17pm.

Hearings Panel Meeting Minutes

10 December 2024

Note: Panel directed questions to Judy McNeill at 12.19pm.

Note: Adam Vincent spoke to their evidence at 12.20pm.

Note: Panel directed questions to Adam Vincent at 12.23pm.

Note: Adam Vincent continued to speak to their evidence at 12.26pm.

Note: Peter Dymock gave points of clarification to questions raised at 12.27pm.

Note: Adam Vincent continued to speak to their evidence at 12.29pm.

Note: Panel directed questions to Adam Vincent at 12.38pm.

Note: Hearing adjourned at 12.42pm.

Note: Hearing reconvened at 12.47pm.

Note: Peter Dymock gave their right of reply at 12.47pm.

Note: Hearing adjourned at 12.51pm.

Note: Peter Dymock, Judy McNeill, Andrew May and Hamish Stratford left the meeting at 12.52pm.

24.12.3 RC240193 - NZ PROPERTIES (2019) LTD

A report to consider an 8-Lot subdivision and cancellation of consent notice in a rural resource area.

Also circulated was the report of the Planning Officer in relation to the application.

Report of the Planning Officer has been read N Gillespie / I Cooney.

Hearing re-convened at 1.33pm.

In attendance:

Tim Anderson – Planning Officer

George Orchiston / Clare Pottinger – Applicant

Peter Dymock / Maddy Albertson – Applicant Planner

Earnscy Weaver – Weaver Horticulture Ltd – Applicant Expert

Note: Peter Dymock spoke to their evidence at 1.35pm.

Note: Clare Pottinger left the meeting at 1.52pm.

Note: George Orchiston spoke to their evidence at 1.52pm.

Note: Earnscy Weaver spoke to their evidence at 1.56pm.

Note: Panel directed questions to George Orchiston at 1.57pm.

Note: Panel directed questions to Peter Dymock at 2.05pm.

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Note: Tim Anderson spoke to their evidence at 2.08pm.

Note: Panel directed questions to Tim Anderson at 2.12pm.

Note: Hearing adjourned at 2.16pm.

Note: Hearing reconvened at 2.20pm.

Note: Peter Dymock gave their right of reply at 2.20pm.

Note: Panel directed questions to Peter Dymock at 2.21pm.

Note: Hearing adjourned at 2.25pm.

Note: Peter Dymock, George Orchiston, Earnscy Weaver and Maddy Albertson left the meeting at 2.25pm.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 24.12.1, 24.12.2 and 24.12.3.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
24.12.1	Application for Resource Consent – RC240033 – Natasha Williams, 353 Dunstan Road, Alexandra (2852023300)	An application for land use consent for a second dwelling in a rural resource area.	Section 48(1)(a)
24.12.2	Application for Resource Consent – RC240200 – A J Mayzee Trustee Limited, 566 Lauder-Matakanui Road, Omakau (2843123500)	An application for subdivision consent for a 2-Lot subdivision in a rural resource area.	Section 48(1)(a)
24.12.3	Application for Resource Consent – RC240193 – NZ Properties (2019) Limited, 634 Ardgour Road, Tarras (2841115408)	An application for subdivision consent for a 8-Lot subdivision and cancellation of consent notice in a rural resource area.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.

and

Shall form part of the minutes of the local authority.”

RESOLVED that Adam Vincent (Planning Officer), Tim Anderson (Planning Officer) and Ann Rodgers (Panel Advisory) be permitted to remain during the closed sessions because of their knowledge that would be of assistance to the Panel in its deliberations.

N Gillespie / M McPherson

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / M McPherson

The Meeting closed at 2.35pm.

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CHAIR / /

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED**24.12.1 Application for Resource Consent – RC240033 – Natasha Williams, 353 Dunstan Road, Alexandra (2852023300)**

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

N Gillespie / M McPherson

24.12.2 Application for Resource Consent – RC240200 – A J Mayzee Trustee Limited, 566 Lauder-Matakanui Road, Omakau (2843123500)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

N Gillespie / I Cooney

24.12.3 Application for Resource Consent – RC240193 – NZ Properties (2019) Limited, 634 Ardgour Road, Tarras (2841115408)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

N Gillespie / M McPherson

25.4.2 RC230328 - CLUTHA PLAINS TRUST

Doc ID: 2414360

1. Purpose

A report to consider a 17-lot subdivision at 5 Maori Point Road, Tarras is attached.

2. Attachments

- Appendix 1 - s42A Planners Report [↓](#)
- Appendix 2 - s95 Notification Report [↓](#)
- Appendix 3 - Application [↓](#)
- Appendix 4 - Further Information Request - 13 November 2023 [↓](#)
- Appendix 5 - Engineering Advice - 7 December 2023 [↓](#)
- Appendix 6 - Further Information received - 23 July 2024 [↓](#)
- Appendix 7 - SLR Landscape Peer Review - 4 October 2024 [↓](#)
- Appendix 8 - Align Landscape Peer Review memo - 25 October 2024 [↓](#)
- Appendix 9 - Patersons response to CODC on Landscape Assessment Peer Review - 29 October 2024 [↓](#)
- Appendix 10 - SLR response to Peer Review critique - 4 December 2024 [↓](#)
- Appendix 11 - 01 Submission - Russell Gore [↓](#)
- Appendix 12 - 02 Submission - Megan Colling [↓](#)
- Appendix 13 - 03 Submission - Greenlight Land Limited [↓](#)
- Appendix 14 - 04 Submission - Donald Agnew [↓](#)
- Appendix 15 - 05 Submission - Paula Macfie [↓](#)
- Appendix 16 - 06 Submission - Tessa Silcock [↓](#)
- Appendix 17 - 07 Submission - Linda Hamilton & Jakub Kaminski [↓](#)
- Appendix 18 - 08 Submission - Heritage New Zealand Pouhere Taonga [↓](#)
- Appendix 19 - 09 Submission - Peter Jolly [↓](#)
- Appendix 20 - 10 Submission - Mark Davidson [↓](#)
- Appendix 21 - 11 Submission - Wayne & Billee Marsh [↓](#)
- Appendix 22 - 12 Submission - George Collier [↓](#)
- Appendix 23 - 13 Submission - Duncan Kenderdine [↓](#)
- Appendix 24 - 14 Submission - Tarras Industries Limited [↓](#)
- Appendix 25 - 15 Submission - Ka Runaka [↓](#)
- Appendix 26 - 16 Submission - David & Christine Cannan [↓](#)
- Appendix 27 - 17 Submission - Lloyd & Susan Morris [↓](#)
- Appendix 28 - 18 Submission - Noel & Margaret Trevathan [↓](#)

CENTRAL OTAGO DISTRICT COUNCIL
CENTRAL OTAGO DISTRICT PLAN
REPORT OF CONSULTANT PLANNER

APPLICATION	RC 230328
APPLICANT	CLUTHA PLAINS TRUST
ADDRESS	5 MAORI POINT ROAD, TARRAS
LEGAL DESCRIPTION	LOT 2 DP 476419, HELD IN RECORD OF TITLE 658254
ACTIVITY STATUS	NON-COMPLYING

STATUS OF THIS REPORT

1. The attention of the applicants is drawn to the fact that the purpose of this report is to bring to the attention of the Hearings Panel all relevant factual information or issues which should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearings Panel, and it should not be assumed that the Hearings Panel will reach the same conclusion or decision having considered all the evidence.

AUTHOR

2. My name is Kirstyn Jane Royce and I am the sole director and employee of Southern Planning Solutions Limited. I hold a Masters in Planning with distinction from the University of Otago. I am an accredited RMA commissioner (Chairs endorsement) and hold full NZPI membership. I have 20 years' experience in district and regional planning. I currently provide planning assistance to a number of southern Councils, including CODC, and I also assist a number of private clients with planning work.
3. I have been contracted by Central Otago District Council to report on this application.
4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

CONFLICTS OF INTEREST

5. Since being allocated this application by CODC in October 2023, I entered into a contract with Kāti Huirapa Rūnaka ki Puketeraki in July 2024 to provide RMA advice to their Komiti Kaupapa Taiao. I identified this application to them as one that I could not provide advice for and I excluded myself from acting on behalf of the Komiti Kaupapa Taiao (KKT) in this instance. I have not provided any assistance to KKT in respect of this application. I can confirm that my assessment and recommendation are not influenced by my relationship with Kāti Huirapa Rūnaka ki Puketeraki.

PROCEDURAL MATTERS

6. Submitters Duncan Kenderdine, Greenlight Land Limited and David Arthur and Christine Anne Cannan initially requested an independent Commissioner, but subsequently withdrew this request.

PROPOSAL

7. Resource consent is sought to undertake a “farm park” style subdivision comprising 16 residential sized lots and one productive lot at 5 Māori Point Road, Tarras.
8. The site comprises an upper and lower terrace. Lots 1-16 will be located within the upper terrace setback some 18m from the terrace edge. The subdivision will be configured as follows:
 - Lots 1 – 16 will each have an area of 2,000m² and will be developed for rural residential purposes.
 - Lot 100 is the balance lot and will be retained as the productive farm use.
9. The applicant proposes that Lots 1 – 16 hold an undivided 1/16th share of Lot 100 hereon and individual Records of Title be issued for each lot. LINZ consider the amalgamation condition to be practicable.
10. The applicant proposes low profile dwellings for Lots 1-16 which are intended to merge with the wider landscape. The building areas are setback from the terrace edge and when coupled with landscaping, are intended to reduce the visual impact of the built form. Development restrictions are proposed on each of the Lot 1 – 16 to control building height to 6.0m above ground level. Building materials and colours will fall within with the District Plan requirements. Dwellings on each of the sites 1 – 16 will be located to ensure that the terrace edge is protected and maintained. A 10m wide land covenant within each lot is proposed along the terrace edge. Each Lot 1 – 16 will have a 5m yard, except abutting the covenant area on the terrace edge, which will be 10m.
11. The applicant states that a new water bore will be constructed dedicated to supplying potable water to each dwelling. The bore is in situ (ORC RM14.281.01) and the volume of water falls within the ORC permitted activity volume and rate of take. The water supply and subsequent on-site storage will be suitable to provide firefighting provision to Fire Emergency New Zealand standards. A water supply company will be setup to provide management and compliance with Taumata Arowai.
12. The Mt Iron Geodril report indicates that on site disposal of stormwater and wastewater is considered geotechnically achievable for the site subject to careful consideration relating to the placement of disposal fields. Access will be from a new entrance from Maori Point Road from Rights of Way M, N and P.
13. The applicant proposes that a management company / trust will be formed and will be responsible for the:
 - Maintenance of the main access off Māori Point Road.
 - Maintenance of water servicing infrastructure for domestic and irrigation purposes
 - Daily operations of the working farm within Lot 100, including landscaping on road boundaries.
14. The applicant intends that a detailed management operation plan will be developed in respect of the above responsibilities.

15. A 10-year lapse period is sought. It is noted that the applicant is not applying for a land use consent at this time to authorise development on Lots 1-16.
16. Following a further information request, the application provided a response to that request on 24 July 2024. This information included:
 - Appendix A – updated scheme plan C3001_SCM_4B
 - Appendix B – correspondence from NES confirming that the overhead power can be rerouted
 - Appendix C – Copy of RC 210142
 - Appendix D – Correspondence from NZTA confirming approval of the proposed access to the site.
 - Appendix E – A copy of the Tarras Community Plan
 - Appendix F – Draft consent notice referring to the landscaping and building controls
 - Appendix G – Response from Align Ltd Landscape Architects responding to the landscaping request.
17. This information is now considered to form part of the application.



Figure 1: Proposed Plan of Subdivision (Source: Application)

SITE DESCRIPTION

18. The subject site is located at 5 Māori Point Road, Tarras and is legally described as Lot 2 DP 476419, held in Record of Title 658254 and comprising an area of 133.119ha.
19. The subject site is well described in the application and is considered to accurately identify the key features of the site. Notably, the subject site at 5 Māori Point Road, Tarras, is a 133-hectare rural lot located between the Clutha River, Māori Point Road and State Highway 8, with the Lindis River to the south and Trevathan Way to the north. A legal road abuts the southern and western boundary of the site separating the site from the Clutha and Lindis Rivers.
20. The land has two distinct terraces, the lower level extending approximately 600-700m from the western marginal strip adjacent to the Clutha River/Mata Au. Another smaller section of land and at a similar elevation, abuts the southern marginal strip, adjacent to the Lindis River. This land gradually slopes from the toe of the terrace towards the Clutha River/Mata Au.
21. The southern portion of the site is protected by a land covenant of approximately 4Ha, to the QEII Trust. A second two Ha QEII Land Covenant is in the process of being finalised by the applicant. A Minerals Mining Permit for the right to mine sand has been granted for a site located at the southern end of the property.
22. The current land use is cattle grazing with the majority of the land covered by grazing grass. The land is irrigated by both pivot and k-line irrigation systems serviced by a consented bore RM13.451.02. A row of Old Man pines serves as wind protection along a section of the northern boundary.

REASONS FOR APPLICATIONCentral Otago District Plan

23. The subject site is zoned Rural Resource Area. within the Central Otago District Plan (the District Plan). The site has a mapped flood hazard annotation. The zoning map is shown at Figure 2.
24. For completeness:
 - The site shows a mapped flood hazard on the Otago Natural Hazards Portal (See Figure 3); and ;
 - The site is classified as LUC4 soils on the Manaaki Whenua Landcare Research Mapping (see Figure 4)

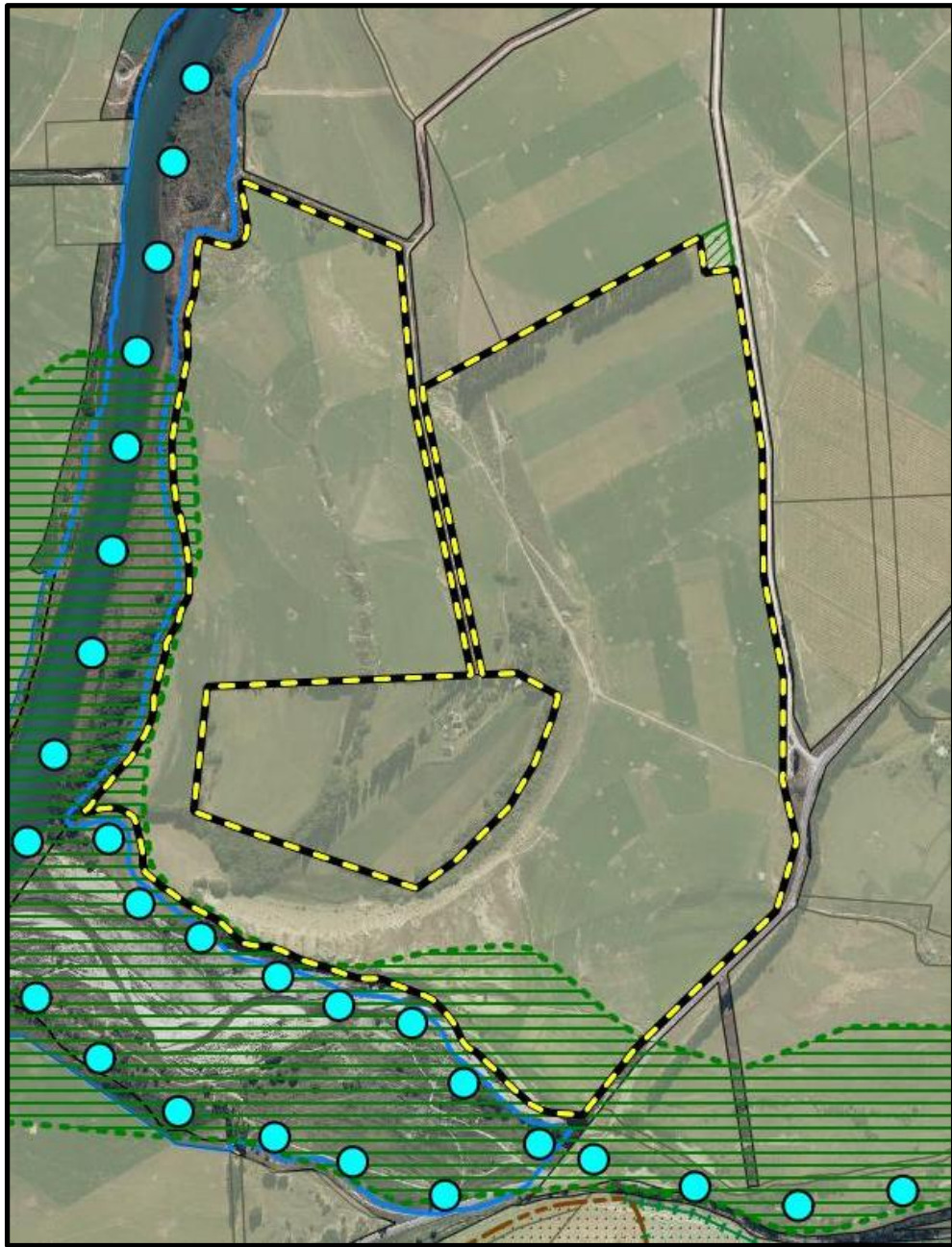


Figure 2: District Plan Zoning (Source CODC-GIS)



Figure 3: Otago Natural Hazards (Source: [Otago Natural Hazards Portal \(orc.govt.nz\)](https://orc.govt.nz))

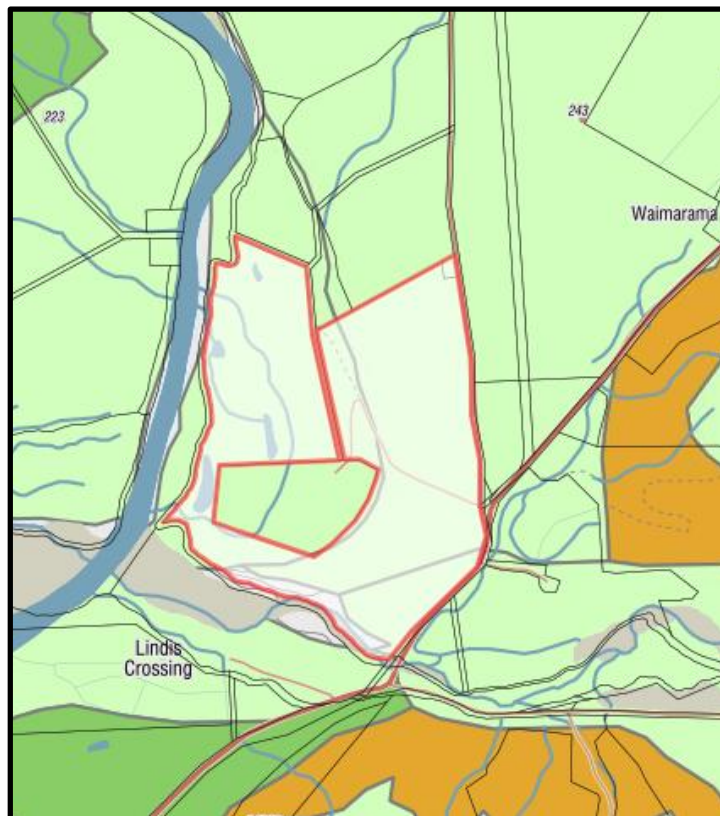


Figure 4: Land Use Capability Map (Source: [Land Use Capability » Maps » Our Environment \(scinfo.org.nz\)](https://scinfo.org.nz))

Central Otago District Plan

25. Rule 4.7.4(iii)(b) of the District Plan states that where a subdivision will create lots with an average size of no less than 8 hectares (ha) and a minimum lot size of no less than 2ha within the Rural Resource Area, then, this is a discretionary activity. In this instance, Lots 1-16 will have an area of 2000m² and will not meet the 2ha minimum or 8ha average¹ lot area. The application is assessed as a non-complying activity, in accordance with Rule 4.7.5(iii) of the Plan.
26. Rule 4.7.4(iii)(d) of the District Plan states that where a subdivision involves land that is subject to or potentially subject to, the effects of any hazard as identified on the planning maps, or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source, then, this is a discretionary activity. In this instance, the site has a mapped flood hazard which affects Lot 100.
27. General Standard 4.7.6A(a) requires a minimum set back of 25m for a side and rear yard breach. In this instance, future development on Lots 1-16 will breach the new internal side yards. Each Lot 1 – 16 will have a 5m yard, except abutting the covenant area on the terrace edge, which will be 10m. Breaches of General Standard 4.7.6A(a) are assessed as restricted discretionary activities pursuant to Rule 4.7.3(i).
28. For completeness, it is noted that future dwellings on Lots 1-16 have the potential to breach the skyline when viewed from the margins along the Clutha River/Mata Au and will likely breach Rule 4.7.6D(ii), however, land use consent for a skyline breach is not being sought at this time.

National Environmental Standards

29. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) 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. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.
30. The applicant has obtained a search of ORC Council records which demonstrates that the site has not or is not likely to have had HAIL use in accordance with Regulation 6 of the NES-CS. I consider that the NESC is not triggered by this application.
31. There are no other National Environmental Standards relevant to this application.

Overall Status

32. Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.
33. In this case, there is more than one rule involved, and the effects are linked. As such, I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a non-complying activity pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 ('the Act').

¹ Note: the area of Lot 100 is capped at 16ha for averaging purposes. Without the cap, the average lot area would be 7.8ha

SECTION 104(1)

34. 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*
 - (b) *any relevant provisions of:*
 - (i) *A national environmental standards;*
 - (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.*

SECTION 104D

35. As noted above that the proposed subdivision land use has status as a non-complying activity in the Rural Resource Area of the Operative Central Otago District Plan. It is therefore appropriate that the proposal be considered as an application for a non-complying activity pursuant to sections 104, 104B and 104D of the Resource Management Act 1991.
36. In terms of section 104D (as amended by the Resource Management Amendment Act 2003) the Hearings Panel may grant resource consent for a non-complying activity only if it is satisfied that either: -
- (a) *The adverse effects of the activity on the environment will be minor; or*
 - (b) *The application is for an activity that will not be contrary to the objectives and policies of the relevant plan or relevant proposed plan or both the relevant plan and the relevant proposed plan.*

SECTION 108

37. Sections 108 and 220 empowers the Hearings Panel to impose conditions on a resource consent should it be of a mind to grant consent.

WRITTEN APPROVALS AND SUBMISSIONS**Affected Persons**

38. In accordance with section 95E(3) of the Act, a person is not an affected person in relation to an application for a resource consent for an activity if they have given their written approval to the application, or, the consent authority considers that it is unreasonable in the circumstances for the applicant to seek the person's written approval.

Table 1 : Affected Party Approvals

Party	Address	Date
Scott and Susan Worthington – Directors Alluvions Ltd	86 Bowman Road	8 October 2023

Sam Rosenberg – Perpetual Guardian	Part Lot 1 426163, Lot 3 DP 386756, 2226 Tarras-Cromwell Road, Tarras	12 October 2023
Jaclyn and Brett O’Sullivan	33 Polson Terrace	12 October 2023

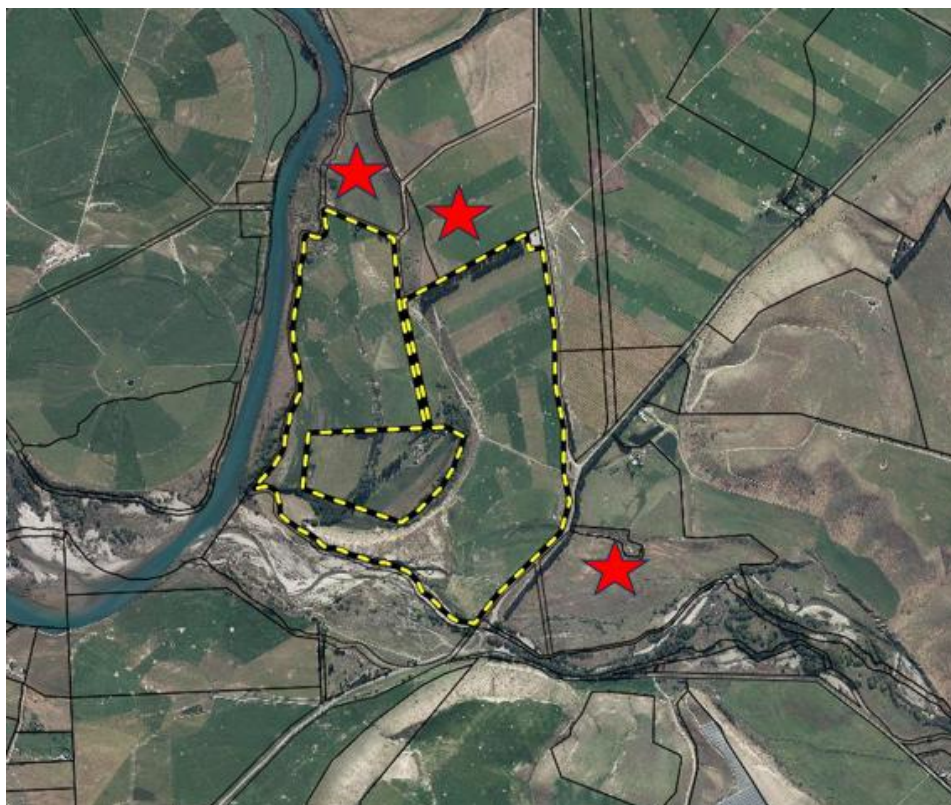


Figure 5: Affected party approvals

39. No other affected party approvals were submitted with the application.

Submissions

40. The application was publicly notified on 16 January 2025. The submission period closed on 14 February 2025 and 18 submissions were received: five in opposition, one neutral and twelve in support. The submissions are summarised at Appendix B.

EFFECTS ON THE ENVIRONMENT

Permitted Baseline (s104(2))

41. Under section 104(2) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing lawful and consented on the site and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this situation, subdivision on land subject to natural hazards is not provided for as a permitted activity under the District Plan or the NES and there is no permitted baseline to be applied.

ASSESSMENT MATTERS

42. Consideration is required of the relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

Effects on Visual Amenity, Rural Amenity and Natural Character Values

43. The District Plan provides for rural residential subdivision and development within the Rural Residential Resource Area. This lot sizes proposed by this subdivision fall well below the minimum lot size envisioned by the District Plan, being 2000m² instead of 2ha, although physically an underlying average of 7.8ha is achieved per lot. I note that assessment matter 15 of Rule 4.7.4(iii) directs Council to consider whether clustering should be implemented as a means of mitigating potential effects of rural subdivision and, in this regard, some clustering is anticipated by the District Plan.
44. The most noticeable effects on the rural character arising from subdivision generally arise as a consequence of the additional domestic activity and associated buildings, and infrastructure that are preceded by the subdivision. In this instance, the proposal has the potential to introduce 16 new residential dwellings into the rural environment. The proposed design will result in a concentration of built form on the upper terrace of the site. The required 50m separation distances between future dwellings will not be able to be achieved as a result of the configuration of the subdivision. Future built form will also breach the setback distances within the lots although setbacks to external boundaries will be maintained to the minimum anticipated by the District Plan.
45. A number of submitters support the proposal and consider that the lot sizes are appropriate and will provide much needed rural style housing. The supporting submitters support the premise of the application where the lots retain ownership of the productive lots which will be operated through a management company.
46. The submitters in opposition raise concerns regarding the adverse effects of the proposal on the rural landscape. They consider that the configuration of the subdivision means that the strip of houses will be clearly visible from the Clutha River/Mata Au, parts of Bowman Road and the submitters property. The linier form of the subdivision is not supported by these submitters. Some of the submitters in opposition also raise concerns regarding the potential effectiveness of the landscape mitigation.
47. The submitters also note that the row of houses will be visible for the proposed cycle trail intended for along the river front. I note that as the cycle trail extension is only proposed and is not consented at this time, no consideration can be given to effects on this.
48. The application is supported by a Landscape and Visual Assessment (LVA) prepared by Align dated 27 September 2023 and Response to Further Information Request (LVA Addendum) dated 9 February 2024. Further assessment was provided in response to the peer review on 31 October 2024. Both the LVA and Addendums have been prepared by Julie Greenslade, Senior Landscape Architect, Align Ltd.
49. The LVA has measured the effects of the proposal against the 7-point scale recommended in *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines* when undertaking its assessment.
50. The LVA recommends the following mitigation measures:
- Instead of having solid lines, a clustering approach is used which enables the subdivision to have open space and edible specimen trees amongst each cluster.

- Setting the building platform areas back from the top terrace edge. This provided less impact on the neighbouring property of 165 Bowman Road and visual effects to SH6.
 - Including fencing types that are currently used on site and what is commonly used within other rural subdivisions around the area.
 - Mitigation planting of *Cupressus leylandii* along the northern and eastern boundaries, in addition to the central driveway.
 - Removal of pine along the northern boundary (staged)
 - Stage 1: approximately 2 rows of pine (to be determined onsite) closest to the northern fence line to be removed first (stumps included) and planted with 1 row of *Cupressus leylandii* 1.8m apart.
 - Stage 2: Once the hedge is established (after 3-5 years) the remaining pine can be removed, and the native shrub planting can be implemented.
 - Ecological planting along escarpment to compensate for development (can be done over a 3-5 year period).
 - Proposed covenants (refer to planner's report for more information)
 - House and roof colour
 - Reflectivity of buildings
 - Height restriction (6m)
 - Lighting restrictions
 - Building setbacks (minimum 18m from top of escarpment)
51. The LVA considers that the main effect of the proposal will be the introduction of built form and concludes that there will be short term effects with the amount of built form visible, particularly for transient viewers. The LVA recognises that the surrounding landscape character is open and expansive rural landscape, with low density and sparse built form, with agricultural activities visible across the wider landscape and vegetation in the form of shelterbelts.
52. The LVA notes that the effects the proposal will have on the rural character, openness, and amenity values will range depending on when the mitigation is implemented. Once fully established, the LVA concludes that the mitigation planting will be very much in keeping with the rural character of the area and will still allow for the open views when viewed at a further distance. The LVA concludes that the views to the natural and topographical features will be maintained and enhanced for the lots as planting will not block views of the Clutha and Lindis Rivers, nor the mountain ranges.
53. The LVA considers that if no mitigation is implemented, then there will be Moderate (negative) effects on the development and surrounding area. However, if all the mitigation measures are considered then the effects would range from Very Low to Low depending on where viewed from within the surrounding area. With the introduction of *Cupressus leylandii* along the northern and eastern boundaries, the LVA considers that the effect in the long-term will be Very Low, while the view at a considerable distance from SH6 will be Low in the long-term once the subdivision has had time to settle into the landscape.
54. The LVA also concludes that the proposed development there is a positive outcome regarding biodiversity within the site as well as the surrounding area. The LVA suggests that the proposed ecological planting of the escarpment will enable a rocky and unproductive part of the site to be enhanced and improved with native plants which are common in the surrounding area and will thrive in such harsh conditions. The LVA notes that this planting will hopefully, in turn, bring a range of fauna (such as birds) and other plants, fungi and even microorganisms to the site. I note that the LVA does not include evidence to add weight to this assertion.

55. In response to the further information request, Align provided the following further assessment:
- The site will have moderate-adverse effects if the screen planting is not planted before the development commences. However, the applicant has recently begun planting a small section of the proposed species along Māori Point Road and recommends a condition of consent which would require that proposed planting along Māori Point Road be undertaken within the first planting season following the commencement of construction.
 - The subdivision is taking a clustering approach and breaking up the dwellings by having large gaps between every three lots excluding Lots 1-4 where it's a cluster of four. The empty lots will have no structures on them, only vegetation therefore creating a clustering effect. From a distance, large gaps will be viewed between every 3-4 dwellings which means the development will not present as a solid line (roof line) for these dwellings
 - *Cupressus leylandii* has been chosen as a screening plants as it is a fast-growing dense and even shelter belt species that tolerates a vast variety of soil and climate conditions. It has also been proposed to match that of recent developments within the area. It is not intended that the *Cupressus leylandii* will need to stay in place long term as it is intended for the native planting in front of the *Cupressus leylandii* (roadside) to in the long-term act as the mitigation planting and buffer to the development. However, the *Cupressus leylandii* will provide shelter and screening whilst the native planting is established. In the long term the native planting will provide the mitigation and buffer to the development.
 - The use of shelterbelts in the immediate and wider area is in keeping with the surrounding landscape and that this will not disrupt the open vistas of the mountains. The *Cupressus leylandii* on the northern and eastern boundary still maintains a sense of openness for the site as the views of the site are not the immediate views but rather the views in the distance.
 - The dwelling's rooftops will likely encroach the skyline when viewed from the margins along the Clutha River/Mata Au. Views from the river itself have not been tested. The impact of the skyline breach has been assessed by Align as 'Low'.
56. While the LVA notes that there will be moderate-adverse effects if the screen planting is not planted before the development commences it only recommends that proposed planting along Māori Point Road be undertaken within the first planting season following the commencement of construction. However, I consider that it is unclear whether "construction" in this regard is subdivision construction or dwelling construction. If it is dwelling construction then there is likely to be a significant delay in the effectiveness of the mitigation to be achieved by the planting.
57. The LVA and addendum was peer reviewed by Rachael Annan of SLR Consulting on behalf of the Central Otago District Council. The peer review is dated 4 October 2024.
58. Ms Annan considers that the Align summary of the existing landscape does not address what is distinctive of the landscape setting, as set out by '*Te Tangi a te Manu*'. This is noted particularly at the expense of appropriate consideration of landscape sensitivity

- and prominence associated with the upper terrace, near its edge to the escarpment. Ms Annan considers that the assessment's findings in support of the application draw on generic rural character and derived landscape values, which enables the development to be more readily supported on the basis of mitigation measures provided. Robust consideration of distinct landscape sensitivity (alongside the nature and magnitude of the application proposed) is lost to this approach.
59. Ms Annan advises that terraces and prominent locations are referenced in landscape relevant matters of the District Plan². As a recognised landscape feature in the landscape setting, the terrace is a highly legible lineal and horizontal landform. She considers it is a sculptural and aesthetic landform which expresses valley formation, and contributes to the distinct landscape character and amenity of the setting. Associated visual prominence is also afforded to these landform features, (also noting the provisions for skyline effects in the District Plan, where relevant).
 60. Ms Annan notes that the proposed arrangement of the sixteen 2000m² allotments is set out to extend in a linear arrangement just back from the escarpment on the upper terrace. Described in the assessment as a cluster development, this arrangement will read as a row of dwellings, with slight gaps between allotment groups of 3-4 along its length. This is evidenced in the landscape visuals provided with the assessment and the pattern is also observable with height poles set out onsite.
 61. Ms Annan considers that the nature and magnitude of the proposed built form row is an extensive arrangement, heightening the apparent density proposed, and overtly domesticating the upper terrace. Ms Annan considers that the pattern of 16 extensively arranged dwellings, on a terrace row is a concern from a landscape perspective and may present as an overdevelopment of the site.
 62. Furthermore, Ms Annan confirms that she did not observe the proposed lineal built development pattern elsewhere within the existing landscape setting, with neighbouring dwellings in the vicinity of the site, predominantly set out as singular dwellings. It is her opinion that the proposed arrangement is incongruous with the surrounding rural environment.
 63. While the applicant's intent to retain workable farmland and to provide amenity, mitigation and (escarpment) restoration planting as part of this application is understood, it is Ms Annan's assessment that planting mitigation should be a secondary consideration to an appropriate development approach and that the proposed planting will not robustly offset the landscape character and visual effects of the proposed built form arrangement. The outlook that would be offered by each of the future dwelling set out is also indicative of their prominence arranged atop the terrace.
 64. Ms Annan does not support the application's landscape assessment findings and in her review following a site visit of the site and surrounds, she considers that the landscape effects have not been demonstrated as less than moderate to moderate-high.
 65. Given the linear configuration of the subdivision, the significantly reduced separation between dwellings, proximity to the terrace edge, potential for skyline breaches associated with future development and reliance of screen planting to mitigate effects over time, I agree with the findings of Ms Annan. Overall, I consider that the potential effects on rural character, landscape and amenity values will be adverse, more than minor and unable to be adequately mitigated to an acceptable degree.

² Policy 4.4.2.g of the Central Otago District Plan

Sustainable use of productive land and soil resource

66. The site is identified as having LUC 4 category soils. The proposed subdivision occurs at the highest elevation of the subject site, with direct access to Māori Point Road. The applicant states that the site is not identified as containing productive soils and the current rural use of the proposed subdivision extent is limited in productive viability. The applicant suggests that the land proposed for the farm park lots has not been capable of effective productive use over a long period of time but does not provide any supporting evidence to support this.
67. The applicant notes that the development can be described as a 'farm park' type subdivision where residents are able to live amongst an operational farm and have access to fruit and nut trees within the developments covenant areas. The proposed development will occupy an area of land of approximately 13.26ha (including mitigation planting), with the remaining farm still being 119.86ha (11%). The applicant suggests that by tightly clustering the development and limiting the lot sizes to 2000m² the development is still able to maintain a productive / working farm.
68. The proposed development will be fully fenced and set 20m back from any productive / grazed land including the pivot irrigator on the upper terrace. The fenced off areas include the new right of ways and ecological planted area which is located on the escarpment as mentioned above and will form a new development covenant. The remaining land area excluding the QEII covenant will remain as is and continue to have cattle and sheep grazing upon it. The two pivot irrigators and k-lines are still able to be operational in their current locations.
69. The applicant assesses that while *"the development takes up usable productive farmland, it takes up far less if the development was scattered throughout the 133.1190 hectares (i.e. if it were developed into 8ha blocks which is the minimum allowed in this zone)"*. The applicant also notes that *"16 lots would be permitted on the site if the number of lots were determined by the density of subdivision if a discretionary rule status of an average of 8ha had been used"*.
70. As a point of clarification, I note that subdivision into 8ha lots should not be treated as a permitted baseline as subdivision is not a permitted activity under the district plan rather 8ha is a threshold for a discretionary activity subdivision. Discretionary activity subdivisions should only be granted where the effects on environment, including the effects on the sustainable use of productive land and soil resource, are deemed to be acceptable.
71. That said, I recognise the productive benefits of clustering of residential lots and retention of a single productive block. The residential lots will be located centrally within the site which has the potential to impact the productive potential of the land, but in this instance, the lots are to be arranged along the terrace edge outside of the existing irrigated area, which appears to be logical from a productive perspective. Furthermore, the creation of a management company to operate the farm will ensure cohesion in the way the productive land is managed.
72. Overall, I consider that the style of subdivision appears to be an efficient way of managing the productive land and attempts to reduce the effects of land fragmentation. Each smaller lot (Lots 1-16) will own part of the productive land area of the balance lot meaning that future development of the balance lot away from a productive use or further subdivision of this lot will not be straightforward.
73. Overall, when considering the percentage of land diverted from productive use comparative to that diverted under a traditional discretionary subdivision, I consider that the farm park approach seeks to reduce the potential fragmentation of land and assess that the effects on the capacity of the productive soils to be no more than minor overall.

Reverse Sensitivity Effects

74. Future dwellings on lots 1- 16 will be within a rural setting and surrounded by a working farm of which each lot will have partial ownership. To alleviate concerns around reverse sensitivity between the farm park lots and working farm, a 20m wide right of way is included between the residential property boundary and the working farm and a 20m buffer between Lot 1 and the southern pivot. All lots will be setback at least 25m from the external boundaries and the neighbouring properties to the north and east have provided written approval to the proposal and all effects on these parties are to be disregarded. In addition to the ownership model, the applicant volunteers a reverse sensitivity effects condition.
75. Overall, given that all lots will hold a share of the working farm, all future purchasers will be cognisant of the working rural environment they are entering into. Furthermore, I consider that given the nature of the development, purchasers of these lots are likely to have actively sought out a rural environment. When considering the factors above, I consider that reverse sensitivity effects can be managed such that these are assessed as no more than minor.

Effects of Natural Hazards

76. The property is subject to flooding as on the lower terrace as shown on both the CODC and ORC hazard mapping. The proposed rural residential lots are on the upper terrace outside of the mapped hazard area. No change will occur to the land use of Lot 100. Overall, I consider that the proposal will not unduly increase the risk arising from natural hazards nor will it exacerbate any natural hazard effect.

The adequacy of the allotment

77. The proposed servicing for the development is set out in the application. A number of submitters have raised concerns with adverse effects on effluent disposal and groundwater.
78. The applicant confirms that the water supply will be from an existing water bore which will be dedicated to supplying potable water to each dwelling. The water supply and subsequent on-site storage will be suitable to provide firefighting provision to Fire Emergency New Zealand standards. A water supply company will be setup to provide management and compliance with Taumata Arowai. A water test and laboratory report will be supplied to Council, prior to Sec 224(c) certification including an outline of any treatment required to comply with Taumata Arowai. Any treatment required will be at the point of use (i.e., the dwelling) and be subject to a consent notice condition for Lots 1 – 16.
79. With regard to wastewater disposal, Kā Rūnaka raise concerns with the lack of reticulation for stormwater and wastewater.
80. The applicant has provided a Geotech wastewater report prepared by Mt Iron Geodrill dated 11 December 2023. The report confirms that the the site is suited for onsite stormwater disposal. Careful placement and design of stormwater soak pits away from the wastewater disposal field is highly recommended. The base of the soak pit(s) shall be installed into the underlying sandy gravel materials. If the base of the soak pit(s) encounters sand then re-testing of the ground conditions will be required to confirm the infiltration rate.
81. The report considers that the site is suitable for onsite wastewater disposal as long as the following issues are considered during the design phase:

- The soils are considered to be soil Category 1 (sandy Gravels), massive, as per AS/NZS1547:2012 Table 5.1
 - All treatment systems are suitable provided good design is undertaken
 - Highly recommended that a dosing system is used
 - Careful consideration regarding setbacks from other disposal fields and stormwater soaks.
82. The report also notes that AS/NZS1547:2012 recommends a set back of 20m between disposal fields and also from disposal fields to stormwater soak pits. Given that each section is approximately 40m by 40m these set backs could be achieved by having the stormwater soak pits located at the front (western side) of the lots and the wastewater disposal fields at the rear as long as the placement of the disposal fields are located in the same position on each lot.
83. With regard to electricity supply, the applicant has provided an email from Aurora Energy which confirms that the existing 66kv line but that it is Aurora's preference not to underground such a short section of the line within the wider line network. Initial design works by an Aurora approved consultant proposes the 66Kv overhead lines through the property can be realigned along Māori Point Road from the substation at the north-eastern corner of the property and re-joining onto the overhead line along the current access to the property. An existing 110Kv overhead line is currently located along the western side of Māori Point Road.
84. Overall, I have assessed that the lots are fit for the purpose for which they are intended and are able to be serviced acceptable effects on the environment.

Access

85. The applicant has proposed that Lots 1 to 16 gain access over Lot 100 via a ROW from Maori Point Road. A new entrance will be created and a ROW networks will be created within the site over Lot 100. ROW M will benefit Lot 1-16, ROW N will benefit Lot 1-4 and ROW P will benefit Lots 5-16.
86. The applicant proposes that ROW M serving all Lots (10m legal width), which branches off to ROW N serving Lots 1-4 (20m legal width) and ROW P serving Lots 5-16 (20m legal width).
87. The applicant intends to upgrade the section of right of way easement M from Māori Point Road to RoW easements P and N to a 4.5m wide gravel road. This will maintain the rural amenity when viewed from Māori Point Road, but as it bisects the balance Lot 100, any road seal will be destroyed by effluent from cattle as well as heavy machinery on the access between the two paddocks either side of the access.
88. The applicant proposes that the access for the proposed farm style development is not conducive nor practical to be constructed to a formed road standard and vested.
89. The applicant does not want the internal road to be vested. The RoW width is sought to be reduced as it serves only those lots that access their property from it. Apart from the intersection with Māori Point Road, the new access is not intended to connect onto the existing roading network in the region. The applicant acknowledges that a right of way services many lots can result in issues of maintenance, however, in this instance, the lot owners will have a share of the balance Lot 100 and be managed by a body corporate style company/working farm style subdivision. The applicant states that maintenance will be addressed in the management documentation. A vested road would burden CODC with this maintenance. It is intended that the access be a private right of way with a gated entrance and Fob access at the Māori Point Road entrance.

90. I recognise the farm park development where all lot owners hold part ownership of the balance lots over which the access is formed and note that this sets the proposal apart from other subdivisions which the ROW is not jointly owned by all users and maintained under joint management. I note that, technically, given the shared ownership of Lot 100, Lots 1-16 have the right to pass and re-pass over any portion of Lot 100 and a formal easement is likely not required. Engineering confirms that there is scope to permit the proposed road to be a private ROW rather than a vested road. Any decision not to vest the access as formal road would be consistent with the approach taken to the approved farm park subdivision at Jolly's Road (RC210142V1).
91. Regardless of the vesting, the CODC Engineers confirms that the accesses will still be required to be constructed to appropriate Council standards. This construction standard can reasonably be addressed through conditions of consent as recognised in the application. Overall, providing the access is formed to an appropriate standard and the responsibility of maintenance is formalised through the management company, the lack of vesting is not expected to have an adverse effect on the transportation network.
92. The applicant has also sought advice from NZTA Waka Kotahi due to the proximity of the proposed intersection of Maori Point Road and State Highway 8. NZTA Waka Kotahi has reviewed the proposal and determined that conditions would manage potential effects on the State Highway network. They note that the following conditions will need to be volunteered by the applicant, so they become a substantive part of the resource consent application.
- Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the Consent Holder shall provide to Council confirmation that New Zealand Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Māori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roading Powers Act 1989.
 - A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the title of proposed Lot 17 (the balance lot) of the subdivision of land shown on Scheme Plan Lots 1-16, 100 Being a Subdivision of Lot 2 DP 476419, dated 25/09/2023 (reference: C3001_SCM) that addresses potential reverse sensitivity effects resulting from the normal operation of State Highway 8. This consent notice shall read as follows:

Any dwelling or other noise sensitive location on the site in or partly within 100 meters of the edge of State Highway 8 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
93. I agree with the CODC Engineers and NZTA Waka Kotahi that any transport issues can be adequately resolved, subject to conditions of consent, without adverse effects on the transportation network.

Cultural Effects

94. The site is adjacent to the Clutha River/Mata Au and Lindis River which are Statutory Acknowledgment Areas under the Ngāi Tahu Claims Settlement Act 1998. The applicant states that no aspects of the proposed subdivision area are deemed of cultural value and no further assessment by applicant is made.

95. The submission by Kā Rūnaka identifies that cultural mapping has been undertaken to identify particularly significant wāhi tūpuna areas in the Central Otago District. While in draft form and not yet incorporated into the Central Otago District Plan, Kā Rūnaka record that the proposal affects a wāhi tūpuna area known as the Mata-au Trail, with values that include but are not limited to: Mahika kai, Nohoaka, and ara tawhito.
96. Kā Rūnaka holds concerns regarding the actual and potential adverse effects and cumulative effects of the proposed development upon the cultural landscape in which the Applicant's proposal is situated.
97. Kā Rūnaka recommends that the application be declined in its entirety but request that should consent be granted that the following conditions be imposed:
- locally sourced indigenous plant species be required for all landscape planting.
 - an accidental discovery protocol must be adhered to for all earthworks. I support this recommendation.
98. I do not presume to speak with authority with regard to this application and how it fits with Te ao Māori. However, given the concerns raised within the Aukaha submission on behalf of the rūnaka whose takiwā the proposal falls within, I consider that the cultural impacts of the proposal have not been adequately addressed in the application. As such, I reserve my position on the extent of adverse cultural effects and any potential mitigation available until all evidence is presented at the hearing.

Heritage Effects

99. Heritage New Zealand submitted on the application and seeks that an assessment of the proposed works be undertaken by a suitably qualified and experienced consultant archaeologist prior to the commencement of any works. The archaeological assessment should cover the history of occupation within the development area, the scope of the development and the likelihood of modifying, damaging, or destroying any archaeological sites.
100. Heritage New Zealand also advises that an archaeological assessment will determine whether an archaeological authority is required for the proposed works.
101. There are no mapped heritage items or sites within the subject property. While I understand Heritage New Zealand are cautious regarding development of this site, I consider that any archaeological assessment should be triggered by the Heritage New Zealand Pouhere Taonga 2014 requirement for an archaeological authority rather than duplicated by the resource consent process. That said, I have recommended that an accidental discovery protocol condition be imposed on the application should the Panel be of a mind to grant consent.
102. Given that the site is not identified as being historically significant and the alternative legislative pathways to manage effects on historic heritage should any items of value be discovered during development, I consider the effects of the proposal on heritage values to be no more than minor.

Earthworks Effects

103. No earthworks are proposed as part of this application beyond formation of the access and any services installation. The small scale of any earthworks required the effects of these are assessed as less than minor.

Effects on the proposed Tarras Airport

104. The proposed subdivision is positioned at the southern end of the runway for the proposed Tarras Airport. The Tarras Airport is only proposed at this stage and there is no application before Council to consider. As such, the land earmarked for the Tarras Airport is considered to have a rural productive land status only and no regard is given to the effects on any future airport at this time.

Esplanade reserves and strips

105. There is an existing Crown Land Reserve land that runs between the Clutha River/ Mata Au and the subject site. No additional esplanade reserve or strip is required for the Clutha River/Mata au.
106. I note that the Lindis River runs along the Southern Boundary and is identified in Schedule 19.9 of the District Plan. Policy 15.4.10 directs that where public access to the resource is all that is required, an esplanade strip will generally suffice. It is assessed that an esplanade Strip will be required in this instance.

Financial Contributions

107. Financial Contributions have been calculated in accordance with Council's Policy on Development and Financial Contributions July 2021

Activity	Payment
Water Supply	\$Nil
Wastewater	\$Nil
Reserves	\$15,521.70 +GST
Roading	\$22,420.20 +GST
Total	\$37,941.90 +GST

Amalgamations and easements

108. Pursuant to s220(1)(b), the applicant asks for the following amalgamation condition:

“That Lots 1 – 16 Hereon hold an undivided 1/16th share of Lot 100 Hereon and individual Records of Title be issued for each lot”.

109. The condition has been reviewed by Land Information New Zealand and it is confirmed as practicable (see CSN Request 1882709).
110. Should the Panel be of a mind to grant consent, I recommend that a standard condition of consent be imposed which provides for easements identified in the application to protect access or access to services and any additional easements identified at the time of survey.

Other matters pursuant to section 220 of the RMA

111. There are no other matters under S220 of the RMA which require consideration.

SUBSTANTIVE RECOMMENDATION ASSESSMENT

Environmental Effects

112. In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. I have assessed that, subject to the conditions offered by the applicant, that the adverse effects on the environment arising from the proposal are not more than minor, except in regard to the adverse effects on rural character and amenity and landscape values and visual effects which are assessed as more than minor.
113. In particular, I note that while farm park style development is an unorthodox approach in terms of the District Plan, it is an approach which has the potential to mitigate the adverse effects of land fragmentation and protect the productive capacity of land. However, this style of development needs to be carefully designed and managed to ensure that rural character, rural amenity and landscape values are not adversely compromised. I do not consider that the applicant has achieved an acceptable balance for this application.
114. Furthermore, given the concerns raised by Kā Rūnaka on the potential effects on the proposed development upon the cultural landscape, I consider that the applicant has not demonstrated the cultural effects of the proposal will be no more than minor.

Objectives and Policies

115. In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Central Otago District Plan were taken into account when assessing the application.

Rural Resource Area	
4.3.1	<p><u>Objective – Needs of the District’s People and Communities</u></p> <p><i>To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.</i></p>
4.3.3	<p><u>Objective – Landscape and Amenity Values</u></p> <p><i>To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District’s rural environment, and to maintain the open natural character of the hills and ranges.</i></p>
4.3.5	<p><u>Objective – Water Resources</u></p> <p><i>To maintain and enhance the quality of the District’s water resources by avoiding, remedying or mitigating the adverse effects of land use activities adjacent to water bodies.</i></p>
4.3.7	<p><u>Objective – Soil Resource</u></p> <p><i>To maintain the life-supporting capacity of the District’s soil resource to ensure that the needs of present and future generations are met.</i></p>
4.4.2	<p><u>Policy – Landscape and Amenity Values</u></p>

	<p>To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:</p> <p>(a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features, (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties, (c) The ability to adequately dispose of effluent on site, (d) Controlling the generation of noise in back country areas, (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values, (f) Controlling the spread of wilding trees. (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.</p>
4.4.3	<p><u>Policy Sustainable Management of Infrastructure</u></p> <p>To ensure that the development of infrastructure in the rural environment promotes sustainable management by:</p> <p>(a) Requiring developers to contribute a fair and reasonable proportion of the costs involved, and (b) Maintaining and enhancing the safe and efficient operation of the infrastructure network (including roading), while avoiding, remedying or mitigating adverse effects.</p>
4.4.5	<p><u>Policy - Effects on Water Quality</u></p> <p>To assist the Otago Regional Council in its role of maintaining and enhancing water quality, by ensuring allotments are adequate for effluent disposal requirements and encouraging the use of land management techniques that maintain and/or enhance the life supporting capacity of water.</p>
4.4.6	<p><u>Policy – Adverse Effects on the Soil Resource</u></p> <p>To ensure that the location, construction and/or operation of land use activities and subdivision make adequate provision for the protection of the soil resource by avoiding, remedying or mitigating the adverse effects of practices which may cause:</p> <p>(a) Erosion, instability or loss of topsoil, (b) Loss of nutrient or incidence of soil contamination, (c) Loss of soils with special qualities, (d) A reduction in vegetation and moisture holding capacity, (e) Soil compaction</p>
4.4.7	<p><u>Policy – Significant Indigenous Vegetation, Wetlands and Wildlife</u></p>

	<p>To protect areas of:</p> <ol style="list-style-type: none"> a. Significant indigenous vegetation, b. Significant habitats of indigenous fauna, c. Significant wetlands, d. Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and e. Habitats of statutorily managed sports fish and game. <p>from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District.</p>
4.4.8	<p><u>Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.</u></p> <p>To ensure that the effects associated with some activities including (but not limited to):</p> <ol style="list-style-type: none"> (a) Noise (including noise associated with traffic generation, night time operations), and vibration, (b) The generation of a high level of traffic, in particular heavy vehicles, (c) Glare, particularly from building finish, (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site, (e) The generation of odour, dusts, wastes and hazardous substances, and (f) The use and/or storage of hazardous goods or substances do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.
4.4.9	<p><u>Policy - Effects of Rural Activities</u></p> <p>To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.</p>
4.4.10	<p><u>Policy – Rural Subdivision and Development</u></p> <p>To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:</p> <ol style="list-style-type: none"> (a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges, (b) The natural character and values of the District's wetlands, lakes, rivers and the margins, (c) The production and amenity values of neighbouring properties, (d) The safety and efficiency of the roalg network, (e) The loss of soils with special qualities, (f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,

	<p><i>(g) The heritage and cultural values of the District,</i></p> <p><i>(h) The water quality of the District's surface and groundwater resources, and</i></p> <p><i>(i) Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.</i></p>
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116. In respect of Policy 4.4.2, I do not consider that the applicant has established that the proposal is consistent with this policy. In particular, the liner configuration of the subdivision, the significantly reduced separation between dwellings, proximity to the terrace edge, potential for skyline breaches associated with future development and reliance of screen planting to mitigate effects over time, I consider that the potential effects on rural character, landscape and amenity values will be adverse and unable to be adequately mitigate to an acceptable degree. I consider that the proposal is inconsistent with this policy.
117. When considering Policy 4.4.3, the site is able to be adequately serviced, subject to recommended conditions of consent. I assess that the proposal is consistent with this policy.
118. With regard to Policy 4.4.6, I consider that the retention of the large productive block will be sufficient to ensure that the proposal will not adversely affect the productive capacity of the soil and the proposal is consistent with the above policy.
119. In respect of Policy 4.4.7, the proposal is not located within a mapped area of Significant indigenous vegetation, significant habitats of indigenous fauna, or a significant wetland.
120. When considering Policy 4.4.8, residential lots setback from external boundaries and is not expected to significantly adversely affect the amenity values of neighbouring properties in respect of those specific matters defined in the policy.
121. With regard to Policy 4.4.9, I expect that reverse sensitivity effects are able to be adequately managed, given that the residential lots will each own a share of the productive balance lot and will be setback from external boundaries.
122. In respect of Policy 4.4.10, I consider that the proposal is somewhat inconsistent with this policy:
- I consider that the applicant has not established that the effects on the landscape to the natural character and values at any river margin are unable to be adequately mitigated (4.4.10a and 4.4.10.(b)).
 - Submissions from neighbouring properties have raised concerns regarding the effect of the proposal on their amenity which have not been resolved at this time. (4.4.10(c)).
 - The access to the lots has been assessed and is considered acceptable subject to conditions of consent (4.4.10(d)).
 - The site is not identified as have soils with special qualities (4.4.10.(e))
 - The site is currently in a productive use and a large portion of the site will be retained in this use (4.4.10.(f)).
 - No heritage areas have been identified on the site. An accidental discovery protocol condition is recommended. (4.4.10.(g)).
 - Servicing of the site has been assessed as achievable. Discharges which may affect water quality are addressed through conditions of consent (4.4.10(h)).

- Existing public access to or along the rivers and lakes of the District will be unaffected (4.4.10.i).
123. When assessing the subdivision in light of what the relevant objectives and policies are trying to achieve, I consider that the proposed subdivision application, is inconsistent with key objectives and policies namely Objective 4.3.3 and Policies 4.4.2 and 4.2.10. The proposal is deemed to be consistent with the other relevant objectives and policies subject to recommended conditions of consent.
124. With regard to those policies set out in the subdivision section of the plan, I consider that the subdivision is designed in a manner which is consistent with those objectives and policies set out below:

Subdivision	
16.3.9	<p><u>Objective - Physical Works Involved in Subdivision</u></p> <p><i>To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies or mitigates adverse effects on:</i></p> <p><i>(a) The stability of land.</i></p> <p><i>(b) Water quality within natural watercourses and the stability of their margins.</i></p> <p><i>(c) Neighbouring properties in respect of the effects of noise, dust and vibration.</i></p>
16.3.11	<p><u>Objective - Effluent Disposal</u></p> <p><i>To ensure that subdivision in areas without reticulated foul sewage services does not facilitate development that has an adverse effect on soil, surface and groundwater resources, and public health.</i></p>
16.4.1	<p><u>Policy - Adequate Access</u></p> <p><i>To require that all subdivisions have legal and physical access that:</i></p> <p><i>(a) Is of a standard that is adequate for the intended use of allotments having regard to current and likely future traffic levels and the safe and convenient movement of vehicles and pedestrians, and</i></p> <p><i>(b) That integrates with the existing roading network in a safe and efficient manner, except in circumstances where Council is satisfied that section 321(2) and (3) of the Local Government Act 1974 is to apply or where no new lots are to be created</i></p>
16.4.3	<p><u>Policy - Adequate Infrastructure</u></p> <p><i>To require that the land to be subdivided is supplied with services and infrastructure that are adequate for the intended use of the land to be subdivided without the public interest being adversely affected</i></p>
16.4.4	<p><u>Policy – Unreticulated Areas</u></p> <p><i>To require that subdivisions within unreticulated areas are designed to ensure that each allotment:</i></p>

