

**BEFORE THE HEARINGS PANEL
FOR THE CENTRAL OTAGO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER RC230328 – CLUTHA PLAINS TRUST

Statement of Evidence of Maddison Mary Ngaire Albertson

On behalf of Clutha Plains Trust – RC230328

25 March 2025

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Professional Details

1. My name is Maddison Mary Ngaire Albertson I hold the qualification of a Bachelor of Environment and Society from the Lincoln University.
2. I have 6 years' experience as a Planner. This experience comprises 2 years' experience at Central Otago District Council (CODC or Council) working as a planner within the resource consents department. This was followed by 2.5 years working for other local planning consultancies.
3. For the past 18 months I have worked as a planner for Patersons in Cromwell. Paterson Pitts Group is a land development consultancy employing surveyors, engineers, and planners undertaking a variety of rural and urban subdivision, resource consent applications, and plan change work.
4. My experience consists primarily in the assessment of and preparation of resource consent applications.
5. While this is a Council hearing, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and agree to comply with it. I confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by others, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Reference Documents

6. I did not prepare the AEE for this application. This application was prepared by a former colleague and I have taken over this application since they left Patersons.
7. In preparing this evidence I have reviewed the S42A report for RC 230328 of 11 March 2025 prepared by Kirstyn Royce and the resource consent documentation submitted with the application and material provided as part of the response to the request for further information. I have also reviewed the submissions.
8. I have also reviewed the evidence from Jonny Trevathan and Julie Greenslade. I have been to the application site and the surrounding area.

Scope of Evidence

9. My evidence addresses the subdivision design and changes made to this as a result of submissions and the CODC Section 42A report. This evidence then covers the environmental effects of the application, provides an updated assessment against the objectives and policies of the District Plan and Proposed Regional Policy Statement and then draws conclusions on the application.

Background

10. The CODC Section 42A report provides an accurate description of the land subject to the application (paras 18 – 22 p 4) and the surrounding area and this has also been covered in the resource consent application. The S42 and the application also cover the strategic direction and other higher order planning documents.

Subdivision Design

11. As described in paras 7 – 17 (pp2-3) of the S42A report resource consent is sought for the creation of 16 new allotments in the form of a farm park subdivision with the balance allotment to remain in agricultural use. The residential lots (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 in productive farm use. Each of the residential lots is to have an area of 2,000m² and contain a 30m x 30m (900m²) building platform. Conditions are proposed that will ensure buildings and structures are consolidated within the building platforms, and proposed landscape mitigation and ecological restoration planting is completed. Building controls are proposed including materials, height and lighting. The lot layout and associated landscape plan have been amended as a result of the submissions and S42A report. The revised layout is shown on the revised scheme plan in **Appendix A** and the revised landscape plan is contained in the Evidence of Julie Greenslade.
12. The most significant of the design changes as a result of feedback through the submissions and S42A report is to strengthen the clustering of the lots and increase the gaps between clusters. Additionally, four of the lots have now been located on the eastern side of the proposed access. Associated with this has been amendments to the landscaping between clusters and areas for the treatment and

disposal of treated wastewater (both discussed in further detail in subsequent sections).

13. The farm allotment will be held in 16 equal shares by the owners of the residential lots and farmed as a coherent block retaining the productive potential and rural qualities of the majority of the land. As discussed in Mr Trevathan's evidence productivity of the site will be at least maintained (if not improved) by the proposal.
14. The management company will undertake the overall administration of planted covenant areas and management of the communal infrastructure such as the shared accesses and the wastewater systems.
15. The applicant's evidence (para 15 p4) notes that it is intended that the subdivision will fund the installation of a pivot irrigator on the top terrace and this would increase farm production by up to 20%. The expense of realigning the 66 kV transmission line that cuts diagonally across the top terrace to the substation in the north-eastern corner of the site has precluded this to date. The subdivision will provide the capital necessary for the realignment of the overhead transmission lines and the installation of pivot irrigation in order to realise this increase in productivity. These works cannot be funded from current farm revenue.
16. The subdivision design provides for access from Lots 1 – 16 down the terrace face to Bowman Road and via Trevathan Way to the Clutha River. The terrace face is to be enhanced through an ecological restoration programme and protected by conditions of consent.

Landscape Design

17. The development concept includes significant landscaping integrated within the development. These components are described in the following paragraphs.
18. A row of *Cupressus leylandii* is proposed adjacent to Maori Point Road and the northern boundary supplemented by a 5m strip of native planting. The cypress hedging is proposed for fast growing shelter and screening while the slower growing native plantings develop and mature to provide permanent screening. This planting is to be undertaken as part of the subdivision works (i.e. prior to section 224(c)) ensuring that the proposed mitigation establishes quickly minimising, if not avoiding potential temporary effects from relevant views.

19. As described in preceding paragraphs the planting between housing clusters has been amended to include an extension of the native planting on the terrace edge to better integrate the development into the wider landscape. There will also be a mixture of fruit and nut trees near the accessway to provide amenity to residents. This planting is to provide planted separation between lots, privacy, amenity as well as some additional screening.
20. The terrace scarp to the east of Bowman Road is to be planted in a mix of native ecological species. This area is to be covered with a landscape covenant.

Infrastructure

21. Access to the development is to be via a single access point from Maori Point Road. The new access point will be constructed further north than the existing access to provide separation from State Highway 8 and provide complying sight distances in both directions. A new vehicle crossing is to be constructed to Council standards to serve a 10m wide right of way. A private gravel drive is to serve all 16 residential lots and the farm area. The road then branches, the southern branch serves five lots and the northern branch serves 11 lots. Access is discussed in paras 85 – 93 (pp16 – 17) of the S42A report. I agree with the statement in para 93 (p17) that “...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.”
22. As a result of submissions, particularly from Ka Runaka, wastewater disposal has been amended from individual systems for each lot to a communal system. The shared systems will be managed and maintained by the Management Company. These will be specifically designed and installed as part of the subdivision, including the recommended separation distances.
23. Water is to be provided through a new domestic bore, dedicated to supplying potable water to each dwelling. The water supply and subsequent on-site storage will be 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 standards. 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 the Taumata Arowai. Any treatment required will be at the point of use and be subject to a consent notice condition for Lots 1 – 16.

24. Owner of Lots 1 - 16 will install a 30m³ firefighting storage tank at time of building in accordance with FENZ's requirements and subject to Council's Addendum to NZS4404:2004. The standard consent notice for firefighting for a rural dwelling is proposed to be registered on the title.

Summary of Effects

Visual Amenity, Rural Amenity and Natural Character Values

25. With the proposed changes to the subdivision allotment layout, along with the staging of the establishment of the mitigation planting along the terrace edge, Māori Point Road and the northern boundary the environmental effects associated with the visual amenity of the site reduced further than concluded by the S42a report.
26. Paragraph 129 of the S42A report concludes that "*The landscape and visual effects of the proposal will be low to very low once mitigation measures are fully established. While there will be some initial visual changes, the design ensures that the development will integrate into the existing rural landscape over time. The most significant visual effects are addressed through early establishment of boundary planting.*"
27. As mentioned within the s42a report, Assessment Matter 15 of Rule 4.7.4(iii) directs Council to consider if clustering is appropriate. After review of the S42a report and submissions it was concluded by the applicant that further clustering of the proposed allotments would be beneficial as they been perceived as linear. Consequently, the lot layout was redesigned to prioritise clustering the residential allotments to allow for larger open space viewpoints with clustered trees and planting. This will also further reduce the effects of visual prominence resulting from the domestic activity within the building platforms and other associated buildings. It has been proposed for setbacks between the proposed allotments to breach the required distance, while this will result in dwellings located closer together, it is offset by the retention of the large productive allotment in co-ownership with the new allotments. This decision was made rather than spread allotments across site, to ensure effects of rural amenity outside the subject site will not exceed an appropriate level, maintain open productive farmland and not be perceived as a row of houses. As a result of these changes the landscape evidence of Julie

Greenslade (paras 137 – 143 pp 22 – 23) is that that the mitigation is comprehensive and will ensure that the subdivision will integrate into the landscape with some initial visual changes reducing as the landscaping matures. The landscape assessment is that that the subdivision is appropriate from a landscape perspective and could be granted. I concur with these landscape conclusions.

28. The proposed significant planting for the terrace edge will provide a positive effect on the natural value of the site. This terrace face is currently degraded and has pest species. The proposed development and resulting planting will enhance and protect the terrace edge. The development is not considered to have effects on the Clutha River Matau- Au due to the setbacks both from the terrace edge and the river itself. All services will be designed to ensure there are no adverse or unacceptable effects to natural character values.

Conclusion

29. Resource consent is sought for the establishment of a 17 lot subdivision and is a Non-Complying Activity under the ODP/PDP.
30. There are multiple aspects to this proposal that relate to the provisions that deal with subdivision and development within the District Plan. This proposal seeks to respond holistically to maintaining the openness of the rural landscape and natural character values, while also enhancing native environment through planting and seeking to increase the productivity of the farm.
31. With the proposed substantial mitigation planting, appropriate development timeline and the revised allotment layout, the environmental effects of the proposal have been considered to be no more than minor.
32. The objectives and policies have been re-assessed within **Appendix B** to this evidence and found to be consistent with Chapters 3, 4, 12 and 16 of the Central Otago District Plan.
33. Section 104D of the Resource Management Act allows for a consent authority to grant a resource consent for a non-complying activity if it is satisfied that either -
 - the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - the application is for an activity that will not be contrary to the objectives and policies of—

- (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
- (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
- (iii) both the relevant plan and the relevant proposed plan if there is both a plan and a proposed plan in respect of the activity.

In this case It has been concluded that the application is consistent with the relevant objectives and policies of the Central Otago District plan. The assessment of environmental effects has also concluded that the overall effects of the development will be no more than minor.

34. It is requested that the Central Otago District Council Hearings Panel Grant this application, subject to the suite of conditions revised by the applicant to appropriately manage the development.



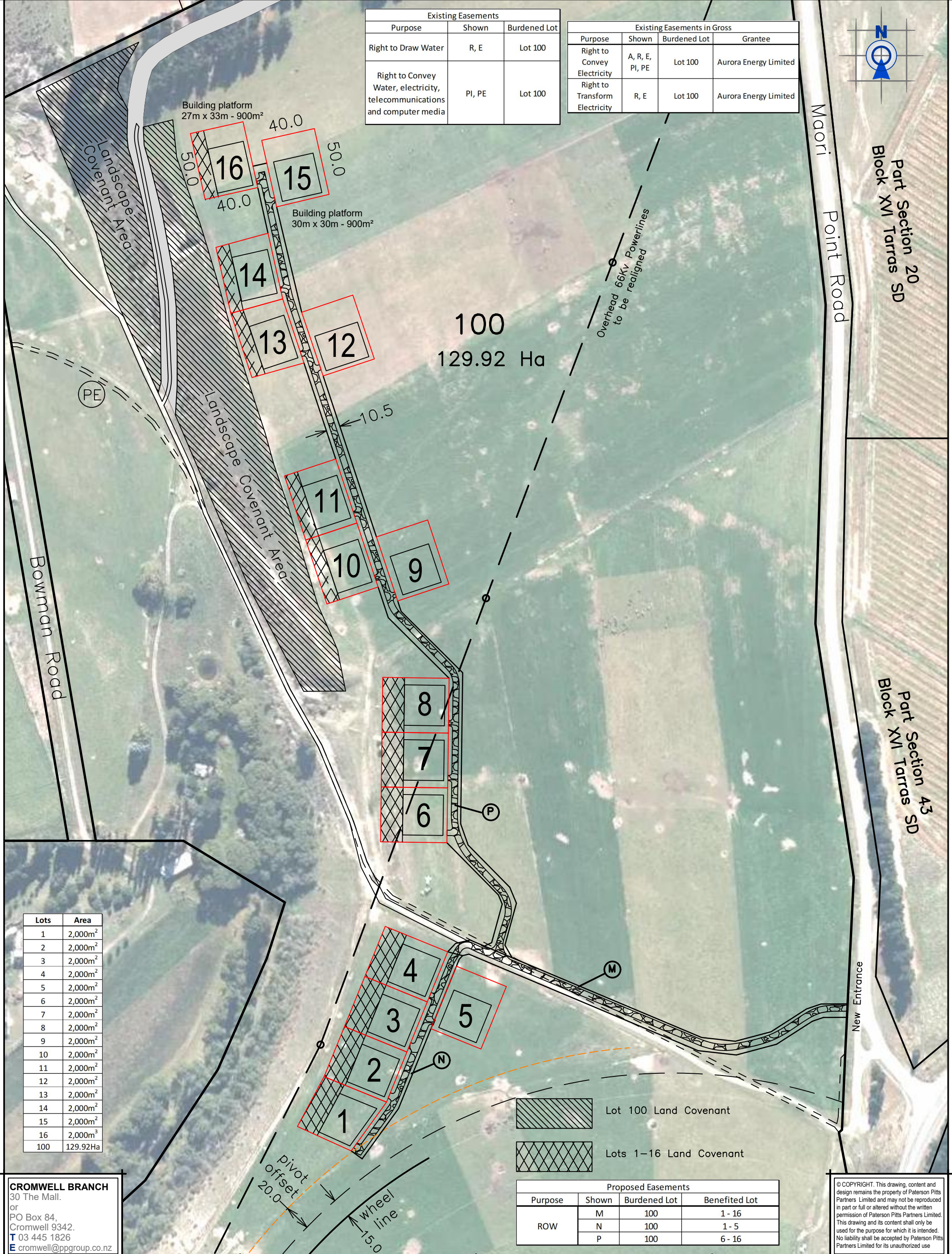
Signature of Maddison Albertson

Dated 25 March 2025

Appendix A – Revised Subdivision Scheme Plan

Existing Easements		
Purpose	Shown	Burdened Lot
Right to Draw Water	R, E	Lot 100
Right to Convey Water, electricity, telecommunications and computer media	PI, PE	Lot 100

Existing Easements in Gross			
Purpose	Shown	Burdened Lot	Grantee
Right to Convey Electricity	A, R, E, PI, PE	Lot 100	Aurora Energy Limited
Right to Transform Electricity	R, E	Lot 100	Aurora Energy Limited



Lots	Area
1	2,000m ²
2	2,000m ²
3	2,000m ²
4	2,000m ²
5	2,000m ²
6	2,000m ²
7	2,000m ²
8	2,000m ²
9	2,000m ²
10	2,000m ²
11	2,000m ²
12	2,000m ²
13	2,000m ²
14	2,000m ²
15	2,000m ²
16	2,000m ²
100	129.92Ha

Proposed Easements			
Purpose	Shown	Burdened Lot	Benefited Lot
ROW	M	100	1 - 16
	N	100	1 - 5
	P	100	6 - 16

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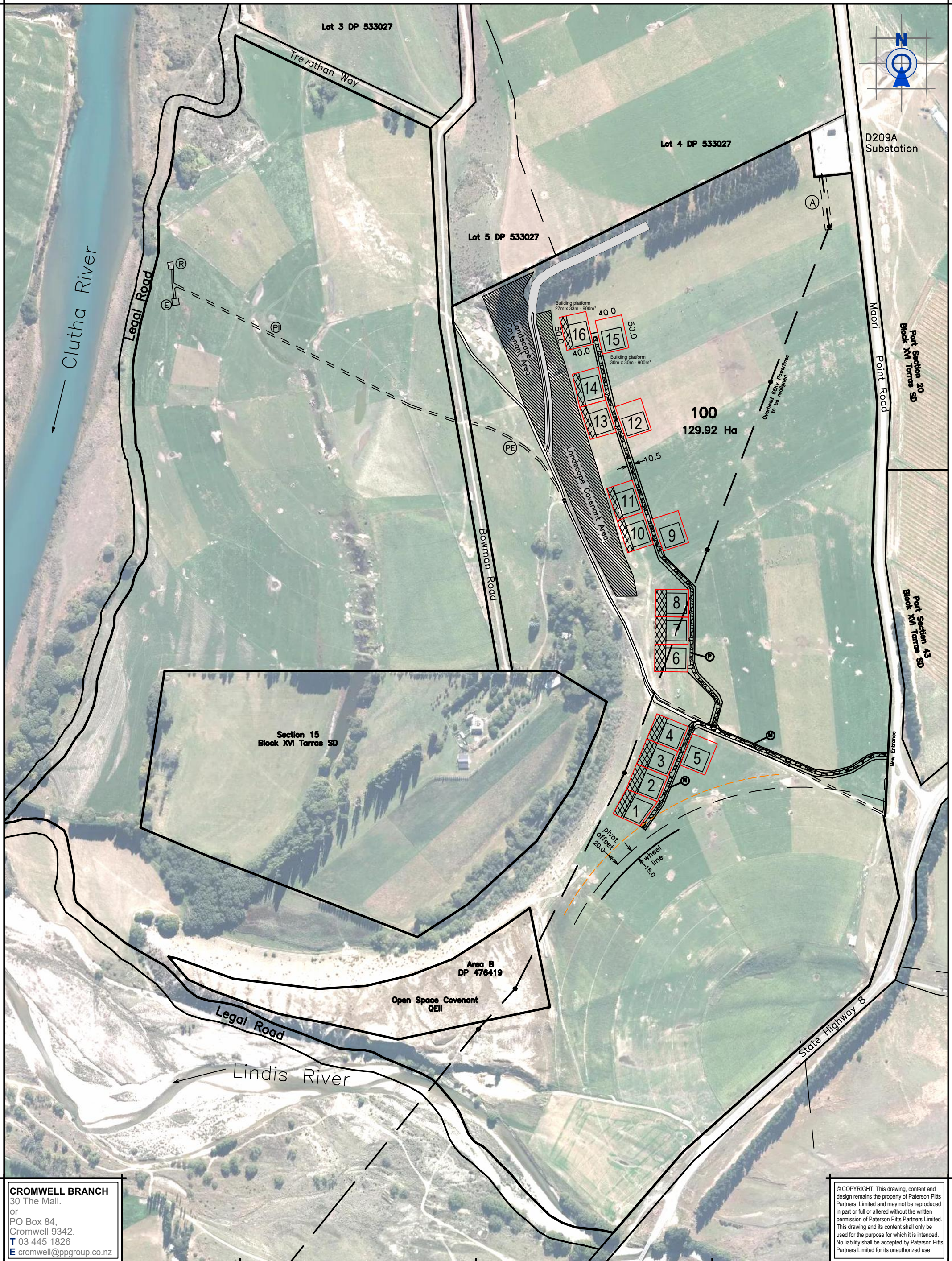
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Client/Location:
Clutha Plains Trust
Maori Point Road

Purpose/Drawing Title:
Lots 1 - 16, 100 Being a
Subdivision
of Lot 2 DP 476419

Surveyed by:		Original Size:	A3	Scale:	1:2,500
Designed by:	RB				
Drawn by:	RB				
Checked by:					DO NOT SCALE
Approved by:					
Job No:	C3001_SCM	Sheet No:	3:1	Revision No:	C
				Date Created:	25/03/2025



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Surveyed by:		Original Size:	Scale:
Designed by:	RB	A3	1:4,000
Drawn by:	RB/KWG		DO NOT SCALE
Checked by:			
Approved by:			
Job No:	C3001_SCM	Sheet No:	Revision No: Date Created:
		3:2	B 25/03/2025

**Appendix B – Updated Assessment Against District Plan
and Regional Policy Statement Objectives and Policies**

Revised Assessment of Relevant Objectives and Policies

Section 4 Rural Resource Area Objectives

- **4.3.1 Objective - Needs of the District's People and Communities 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.**

Comment: The proposed farm park rural subdivision development provides for additional housing supply while maintaining the productive potential of the wider farming property and managing effects on environmental, landscape and amenity values. The proposal is consistent with this provision.

- **4.3.3 Objective - Landscape and Amenity Values 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.**

Comment: The proposed rural subdivision development provides for generously sized lots for future rural residential activity. Whilst they are smaller than the zone rules, the overall development density is consistent with the expectations of the Plan. The smaller lot size has been adopted to maintain as much of the property for productive uses whilst realising the development potential of the site. The proposal includes the provision of building areas which specifies where future residential buildings are allowed to be located, which have been analysed and designed to integrate into the existing landscape and reduce the potential for visual effects from the wider environment. This is achieved by locating buildings in a position on each lot set back from the terrace edge and by proposed screen planting. See Landscape Assessment. Phased removal of the existing woodlot will improve openness and the ecological restoration of the terrace will enhance natural character values.

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The location of the development area has been chosen to achieve large setbacks from the boundary with the Rivers in order to preserve the character of these areas. The proposal is consistent with this provision.

- **4.3.7 Objective - Soil Resource** *To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.*

Comment: As detailed in this report, the site contains land mapped as LUC Class 4 therefore does not qualify as High Class Soils. However, the site is broadly productive as discussed by Mr Trevathan in his evidence. The subdivision layout has been developed to minimise the area of land utilised for the rural residential activity. The subdivision will also enable realignment of the 66kv line that transects the upper terrace and compromises the ability to establishment more efficient irrigation systems that would further improve the productivity of this area. The proposal is consistent with this provision.

Section 4 Rural Resource Area Policies

- **4.4.2 Policy – Landscape and Amenity Values**

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:

- 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.
- h) Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form.

Comment:

- a) Subdivision design has focused not only on the protection of the productive land but also ensuring the open natural character of hills and natural features are protected. When viewed from Maori Point Road The site will retain its open character with the

boundary planting mitigating the views to the proposed build sites. When viewed from the riverside, the terrace will remain visible but with native planting in place that will enhance natural character improve indigenous biodiversity and mitigate effects from the build platforms. Views to wider hills and ranges will still be visible behind the planting and buildings. Phased removal of the woodlot will maintain screening and then open up wider views. A redesign of the proposed allotment layout has been completed to address the concerns on the linear arrangement of the proposed allotments, in response to this the proposed design clusters allotments to condense the built form and prominence from various viewpoints of the subject site.

b) Receiving environment is made up of a mixture of landholdings with both productive activities and residential activities. Residences are often located along the edge of the River terrace in order to gain access to views of the River. There is a patchwork of land uses in the area including but not limited to horticulture, forestry and pasture visible along Māori Point Road. Subdivision design has taken into account neighbouring properties and has proposed the following to help mitigate further effects on the sites:

- i. 67 Bowman Road – Staged removal of the existing pine tree shelter belt on the northern boundary to allow for mitigation to be largely established prior to the removal of trees. Clustering and separation of the proposed allotments from the site boundary adjoining 67 Bowman road. The proposed Driveway access has been separated from the neighbouring site to reduce dust, noise and the potential for any disturbance.
- ii. 165 Bowman Road – The proposal avoids further development on the lower terrace to reduce potential effects on this property and the Clutha River. Building platforms are identified to ensure buildings are set back at least 18m from the terrace edge. Planting is proposed up and along the terrace to aid in mitigating effects of the built form and to enhance the natural character of this local landscape feature. It is expected that some roof lines will likely be visible, however it is proposed that all built form will be constructed in recessive colours to enable the structures to better blend into the hillside. Allotments 6 – 16 will be the most visible from Bowman Road due the ground level difference of Bowman Road from the terrace, this viewpoint is limited to 500m along Bowman road and not in direct view when travelling along the road. Proposed allotments 1-5 will be less visible from Bowman Road due to their proposed orientation on the subject site.

The applicant has proposed a 6m max building height for all structures within the building platforms, and 5.5m for Lot 16 which will further reduce any prominence from future dwellings or structures. The applicant has also proposed downwards outdoor lighting and setback from terrace edge for the proposed building platforms. As such internal lighting will also be difficult to see from this property. The dwelling present at 165 Bowman Road has views orientated to the northwest and extensive planting surrounding the buildings.

There is only intermittent visibility to the buildings on the property so they same must be said the other way.

- c) The proposed Subdivision is not expected to lead to the generation of noise outside of what is traditionally expected for rural living and productive farmland activities. The location of the lots internally to the site will manage these effects.
- d) A clustered wastewater disposal system is proposed to service the dwellings. This will reduce the overall number of wastewater disposal systems and be a more efficient servicing option for the development. The effluent fields will be located within the green planting areas between allotments and managed through the management company proposed. This will ensure co-ordinated management of the systems.
- e) The proposed mitigation and native planting approach which is discussed in Ms Greenslade's Evidence designed to enhance ecological values, maintain and enhance rural character.
 - Shelterbelt planting along the northern and eastern boundaries to soften the built form visibility from key viewpoints.
 - Ecological restoration planting on the escarpment, enhancing the natural character and soften/providing additional screening over time from lower viewpoints.
 - Specimen tree planting between clusters as well as the now introduced ecological planting, which will break up the built form and, enhance natural character of the escarpment face.

The applicant has proposed refined consent conditions to ensure that screen planting is established prior to section 224(c) Approval, to ensure temporary effects are very short lived if at all.

- f) It is proposed for the existing stand of pine trees along the northern boundary of the subject site to be removed in a staged manner. This stand of trees was never intended to function as a shelter belt, but rather was intended to be milled to provide a diversified income source for the existing farm. Due to the proximity of the existing trees to 67 Bowman Road, and the understanding of the potential for adverse effects on their amenity, the trees are proposed to be removed in stages to allow for the proposed planting to be established. The removal of the pines is consistent with CODC policy to reduce wilding and pest species within our Rural Areas.
- g) Through the receipt of both submissions on this proposal as well as the Section 42A report some amendments to the allotment layout has taken place. This is discussed in Mrs Greenslade's evidence whose conclusions I adopt with respect to landscape matters.
- h) Not applicable to this site.

In my opinion the proposal responds to the various policy imperatives in this provision in comprehensive way, taking opportunities to enhance values where possible, while appropriate mitigating effects. The proposal is consistent with this provision.

- **4.4.3 Policy – Sustainable Management of Infrastructure**

To ensure that the development of infrastructure in the rural environment promotes sustainable management by:

- 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.

Comment: The proposed access Road, with the entrance onto Maori Point Road is not to be vested but managed internally through management company. This will reduce operating costs for CODC and is considered an appropriate outcome as risks are minimal with this not being a through road or providing public access to the site. As well as this the maintenance and use of the access road and is directly linked with the continued operation of the productive areas of the subject site. The proposal takes the opportunity to improve the safety of the road access to the site.

- **4.4.5 Policy - Effects on Water Quality**

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.

The assessments undertaken in support of the proposal demonstrate that the site is appropriate for disposal to ground. The applicant proposes to establish communal wastewater systems to be managed in a co-ordinated way by the Management Company. The proposed development is well set back from any waterbodies.

- **4.4.6 Policy – Adverse Effects on the Soil Resource**

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:

- 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 cover and moisture holding capacity, and
- e) Soil compaction.

Comment: The overarching motivation behind this proposal, which has directly informed the subdivision design is the need to protect and enhance the current productive soil resource on the subject site. The “Farm Park” style subdivision ensures the productive allotment is

retained (and likely enhanced), with the sale of newly created allotments providing capital to re-align the existing 66kv Power Lines, removing these from within the productive paddocks will allow for pivot irrigation to be installed, increasing the potential overall yield from the site. Even without that improvement 120Ha of the site is retained as a productive farm block which will continue to be managed in a coordinated way.

The proposal is consistent with this provision.

- **4.4.7 Significant Indigenous Vegetation, Wetlands and Wildlife**

To protect areas of:

- a) Significant indigenous vegetation,
- b) Significant habitats of indigenous fauna,
- c) Significant wetlands,
- d) Indigenous vegetation or habitats that support a significant indigenous freshwater fishery, and
- e) Habitats of statutorily managed sports fish and game.

Comment: The subject site has an existing QEII covenant on parts of the property to recognise existing endangered plant species, the efforts to protect this area with fencing has resulted in an increase of the plants established there and subsequently the covenant area has been expanded. While this covenant is not located in close proximity to the site subject to this application, it shows the applicants focus to protecting and replanting areas of the site, the terrace is proposed to be revegetated in native species, sourced locally. This is not only to provide some mitigation to the potential future built form on the proposed allotments, but also to enhance the existing terrace which is currently in a degraded state, with pest plants existing and some areas of disturbance from heavy rain events. The applicant has proposed to protect this area with covenants to ensure its continued management.

The proposal is consistent with this provision.

- **4.4.8 Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.**

To ensure that the effects associated with some activities including (but not limited to):

- a) Noise (including noise associated with traffic generation, nighttime 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.

Comment:

A suite of controls on built form have been proposed, including limiting structures to build platforms, setback of allotments from the terrace edge, planting staged to ensure appropriate mitigation is in place prior to any construction, as well as expected controls on building colours and a limit to the maximum height of structures. These measures are to limit adverse effects to the amenity of neighbouring properties. Other portions of the proposal include the design of the road, which will only service the proposed allotments, with the design ensuring it is not located in close proximity to any neighbouring properties.

- **4.4.9 Policy - Effects of Rural Activities**

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.

Comment: Reverse Sensity is not anticipated to be an issue due to the overarching goal of this development in producing a “Farm Park” style development where each allotment will own a share of the productive allotment which will be managed through a management company. This allows allotment owner to take a shred interest in the ongoing activities on the productive allotment and ensures there will be no risk of reverse sensitivity with the co-owned land. Conditions of consent are also proposed to address this. The proposal is consistent with this provision.

- **4.4.10 Rural Subdivision and Development**

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- 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 their margins,
- c) The production and amenity values of neighbouring properties,
- d) The safety and efficiency of the roading network,
- e) The loss of soils with special qualities,
- f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,
- g) The heritage and cultural values of the District,
- h) The water quality of the District’s surface and groundwater resources, and
- i) Public access to or along the rivers and lakes of the District,

Comment:

- a) The subdivision design seeks to maintain open space with large setbacks, particularly avoiding the lower terrace. Proposed mitigation planting is consistent with the landscape and amenity values of the surrounding areas, whilst the opportunity to introduce indigenous planting to add to natural character has been taken. Views to the Hills and Ranges surrounding the site will be maintained. Phased removal of the large woodlot will also enhance openness because the replacement planting will not grow as tall.
- b) The development is contained within the upper terrace avoiding effects on the Rivers and their margins. Natural character from the river will be enhanced by the ecological restoration of the terrace face.
- c) As discussed above within the comment for policy 4.2.2, significant planning has been put into the proposed subdivision design to ensure potential adverse effects on the amenity of neighbouring properties is mitigated. Phased removal of the woodlot will mean that screening from this property is maintained while new planting is established. Good setbacks from this boundary are achieved so that reverse sensitivity effects will not arise.

The proposal has been assessed as being consistent with Points D through to I of the above Policy within the CODC 42A report. I agree with that analysis.

Section 3 - Mana Whenua:

3.3.1 Objective - Kaitiakitanga (Guardianship)

To have particular regard to Kai Tahu ki Otago's concept and spirit of Kaitiakitanga in relation to managing the effects of the use, development, and protection of Central Otago's natural and physical resources.

Comment:

The applicant as stated within their evidence has a long history of stewardship on this block of land. Along with the QEII covenant over native plant species elsewhere on the site, the overarching aim of this application is to not only increase the productivity of the existing pasture area on the site but also to implement significant native planting on the terrace and along Māori Point Road. The applicant aims to create a development which incentivises owners on smaller allotments to be involved with the productive management and protection of the natural areas of the site.

3.3.2 Objective - Waahi Tapu (Sacred Places)

To recognise and provide for the importance of waahi tapu to Kai Tahu ki Otago and the protection of waahi tapu from physical disturbance, erosion, degradation, and inappropriate land use activities.

Comment:

No Wahi Tapu are identified within application site. The development has purposefully been restrained to the top of the terrace to remove risks of inappropriate development on the lower terrace within Flood Hazard Zones and in closer proximity to the Clutha River/Mata Au. The proposal includes planting to revegetate the currently degraded terrace to ensure this landform is protected for the future.

3.3.4 Objective - Wai (Water)

To recognise the significance of wai to Kai Tahu ki Otago's spiritual beliefs, cultural traditions and practices, and to provide for these where appropriate.

Comment:

While the edge of the terrace will be visible from the Water Surface Margin Zone of the Matau- Au river, the development will be setback 700m. This distance ensures any risks to the water from the proposed land-use activities are unlikely. No discharge or run-off is proposed from the site

and appropriate controls and systems will be put in place for onsite wastewater discharges to ensure the water is protected. The development has no impact on the existing unformed road access to the water margin area directly to the West of the subject site.

The large setbacks and avoiding the lower terrace was in part to avoid effects on the adjacent Rivers which are of significance to Kai Tahu.

3.4.5 Policy - Mahika Kai

To recognise and provide for the importance of mahika kai to Kai Tahu ki Otago through;

- a) consulting with Kai Tahu ki Otago on the location of mahika kai resources,*
- b) maintaining and enhancing mahika kai resources by ensuring that significant adverse effects of land use activities on this resource are avoided, remedied or mitigated,*
- c) maintaining and enhancing access to mahika kai resources where this is appropriate and practicable*

Comment:

It is acknowledged that the Clutha/ Matau-Au is a recognised Mahika Kai gathering place. The proposed subdivision and associated land use will not have any impact on the existing river area and legal access to this place. Native planting on the site will increase the biodiversity of the surrounding area providing a net benefit the existing environment. The development is well setback from the River so as to avoid potential effect on River users including those who may be engaging in Mahika Kai.

3.4.4 Policy - Wai (Water)

To recognise and provide for the relationship Kai Tahu ki Otago have with the water resource through:

- a) consulting and working with Kai Tahu ki Otago and the Otago Regional Council on water quality issues that affect Kai Tahu ki Otago*
- b) promoting the avoidance, remedying or mitigation of significant adverse effects of activities undertaken within riparian margins and on the surface of water, and*
- c) ensuring the significance of water to Kai Tahu ki Otago spiritual beliefs, cultural traditions and practices are taken into account when considering resource consent applications that may have an effect on water quality.*

Comment: As discussed above under Objective 3.3.4, the significance of the Matau-Au to Kai Tahu is acknowledged and the proposed subdivision design was informed through the desire to avoid any adverse effects on the river. The proposed 700m setback from the Water Margin zone ensures the ongoing protection of the river and the margin areas associated resources.

Section 12 District Wide

- **12.3.1 Objective - Safe and Efficient Roding Network To promote the safe and efficient operation of the District's roding network.**

Policies: 21.4.1

Comment: The proposal utilizes existing access roding networks of Māori Point Road and an existing farm track to provide further access to the new lots. The farm track is proposed to be upgraded to an appropriate level of service for the intended use. The upgraded access will remain in private ownership. All lots will have sufficient vehicle parking on site.

- **12.3.4 Objective - Avoidance, Remediating or Mitigation of Nuisances To ensure that activities avoid, remedy or mitigate nuisance to adjoining properties from odour, dust, lightspill, glare and electrical interference.**

Policies: 12.4.7

Comment: The proposed access will involve the upgrading the existing farm track to an appropriate level of service for the intended use and therefore significantly reduce the potential for dust nuisances born from farm uses of the property. Utilizing the existing farm track in favour of a new access reduces land scarring and contains potential light spill to an area of existing use, of which light spill is restricted by natural landforms on site.

Section 16 Subdivision

- **16.3.1 Objective - Adverse Effects on the Roding Network** *To ensure that subdivision avoids, remedies or mitigates adverse effects on the safe and efficient operation of the District's roading network.*

Policies: 16.4.1, 16.4.2

Comment: The associated trip generation from the addition of 16 lots anticipated for residential activity is relatively minor and is not expected to create a noticeable impact on the local road network. The proposed subdivision will be accessed from Māori Point Road, a rural access road that adjoins State Highway 8. Due to the good visibility and additional distance from the proposed new entrance to the site to the intersection of SH8, it is considered the road design is safe and appropriate for the additional vehicle trips.

The proposal is consistent with this provision.

- **16.3.2 Objective - Services and Infrastructure** *To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.*

Policies: 16.4.3, 16.4.5

Comment: The proposed subdivision development will include the provision of required service connections expected for a rural development as well as new access roads for vehicle access to lots for future residents.

The proposal is consistent with this provision.

- **16.3.3 Objective - Hazards** *To ensure that subdivision does not facilitate development that may potentially be at risk from hazards.*

Policies: 16.4.8 Section 17 Hazards

Comment: As per Section 4.1.6, there are flood hazard areas identified for the site as per Council's GIS and ORC hazard mapping; however, the proposed residential dwellings are on the upper terrace and not subject to flooding.

The proposal is consistent with this provision.

- **16.3.4 Objective - Amenity Values To ensure, where appropriate, that amenity values of the District created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.**

Policies: 16.4.4, 16.4.7, 4.4.10

Comment: I refer to my earlier analysis on these topics.

Areas of significant indigenous vegetation and significant habitat are currently protected by a 4ha QEII covenant with another 2ha QEII covenant proposed through a separate process. This area is to the south of the site and at a large enough distance that it will not be affected by the proposed subdivision (over 170m).

The proposal is consistent with this provision.

- **16.3.5 Objective - Water and Soil Resources To ensure that subdivision does not facilitate development that may compromise the life-supporting capacity of the District's water and soil resources.**

Policies: 16.4.4, 4.4.10

Comment: The subject property is near the Clutha and Lindis Rivers; however, the development site is approximately 500m from the nearest water body, being the Lindis River to the south. Nevertheless, all proposed earthwork activities associated with forming the access roads and building platforms will provide appropriate environmental management to ensure sediment and erosion is appropriately managed on site.

- **16.3.6 Objective - Heritage Values To ensure that subdivision does not facilitate development that may adversely affect heritage and cultural values including cultural values of importance to Kai Tahu ki Otago.**

Policies: 16.4.7, 16.4.10

Comment: The proposed subdivision occurs at the highest elevation of the subject site, with direct access to Māori Point Road. The subdivision is designed to incorporate into the existing landscape and ensure future residential buildings are of limited visibility. The site is not identified as containing productive soils and the current rural use of the proposed subdivision extent is limited in productive viability.

- **16.3.9 Objective - Physical Works Involved in Subdivision To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies or mitigates adverse effects on: (a) The stability of land. (b) Water quality within natural watercourses and the stability of their margins. (c) Neighbouring properties in respect of the effects of noise, dust and vibration.**

Policies: 16.4.6, 16.4.7, 12.4.3 (pg 12:5) 12.4.7 (pg 12:6)

Comment: The physical works involved in preparing the subdivision include forming the access road and individual accesses. Such aspects have been designed appropriately to avoid areas of potential instability and will be undertaken with all required earthwork management measures in place.

The proposal is consistent with this provision.

- **16.3.11 Objective - Effluent Disposal 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.**

Policy 16.4.4

Comment: Lots 1 – 16 shall meet the necessary standards for onsite wastewater disposal. The proposal is consistent with this provision.

pRPS2021

As it was identified within the Central Otago District Council Planner's S42A report that the proposal as inconsistent with the following policies: IM-P14 – Human impact, UFD-P7 – Rural Areas, UFD-O4 – Development in rural areas. An assessment of the revised proposal against the policies is provided below:

IM-P14 – Human impact

Preserve opportunities for future generations by:

- identifying limits to both growth and adverse effects of human activities beyond which the environment will be degraded,
- requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and
- regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts.

Comment:

The provision indicates the setting of limits etc which in my view relates to the plan making process. Therefore, I do not think that it is directly relevant to this application. However, the subdivision design has been created as such to ensure the productivity of the top paddock is retained and enhanced from its current state, while also ensuring the proposed residential activity is located within appropriate areas to mitigate effects internally and externally to the site. The servicing and controls have been designed by suitably qualified persons and assessed as being appropriate for the subject site and the areas identified for them to take place. Overall, I have assessed the effects of the proposal as being appropriate and as such I do not believe opportunities for future generations will be compromised.

UFD-P7 – Rural Areas

The management of rural areas:

- 1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,
- 2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,
- 3) enables primary production particularly on land or soils identified as highly productive in accordance with LF-LS-P19,
- 4) facilitates rural industry and supporting activities; directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,
- 5) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and

- 6) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.

Comment:

As assessed above, the development has been designed to ensure the proposed residential activities will be appropriate within the proposed allotments and the servicing, access and built form will not result in significant adverse effects to the surrounding environment. The design ensures the productive capacity of the site will be retained and increased and the character of the rural area when viewed from Māori Point Road, Bowman road and the Water Margin area is not outside what is expected within those localities. The site does not contain any areas identified as ONL, ONF or an SNA. The proposal is well setback from the Rivers which both likely qualify as important.

The subject site is not classified as highly productive, however the productive areas of the site are being retained and enhanced through the removal of existing powerlines and the future installation of pivot irrigation. The subject site is not zoned currently under the Central Otago District Plan for Rural Residential Activities, however as identified within the Tarras Community Plan there is a need for additional residential living within the locality.

The CODC has not yet given effect to UFD-P7 because the PRPS is not yet operative. The community hold strong farming and productivity links and development styles such as the proposed have been well received within the community. The proposed ongoing management of the development will ensure risks of reverse sensitivity are avoided and the ongoing productive use of the site is protected.

UFD-O4 – Development in rural areas

Development in Otago's rural areas occurs in a way that:

- 1) avoids impacts on significant values and features identified in this RPS,
- 2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless there is an operational need for the development to be located in rural areas,
- 3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development, and
- 4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.

Comment:

The site does not contain significant values and features such as ONL/ONF or SNA. Nor it is highly productive soil. Clause 3 can only be given effect following review of District plans when the RPS is given effect so is not relevant at this point. The proposal is consistent with clause 4 as it maintains and enhances the productive capacity and rural character of the site as set out in evidence of Mrs Greenslade and Mr Trevathan. The proposed development will maintain and enhances the resources that

support the existing productive capacity of the subject site through facilitating the ability to upgrade irrigation infrastructure with the realignment of the existing 66kv powerlines currently crossing the site.

The proposed subdivision and shared ownership of the productive allotment help to address the long-term viability of the rural sector and rural communities, who have been identified as requiring more land capacity appropriate for residential activity. This application considers that what has been proposed will allow for a level of appropriate residential activity and continued productive use of rural land within the Tarras Area.