

**PLANNER'S HEARING REPORT**  
**(under s42A of the Resource Management Act 1991)**

**Report prepared by: Rachael Symons, Senior Environmental Planner**

**LAND USE CONSENT APPLICATION LUC18/47237–  
PROPOSED TOURIST CABINS AND SHED AT 828 DOVER ROAD, NEW  
PLYMOUTH**

<b>Consent Application:</b>	LUC18/47237
<b>Applicant:</b>	Andrew Gillham and Louise Bain
<b>Site Address:</b>	828 Dover Road, New Plymouth
<b>Legal Description:</b>	Lot 2 DP 413786
<b>Site Area:</b>	6.8511ha
<b>District Plan Overlays:</b>	None
<b>District Plan Environment Area:</b>	Rural Environment Area
<b>Proposal:</b>	To construct four tourist cabins while exceeding the permitted number of habitable buildings within a rural site and to construct a shed closer than the permitted side boundary setback
<b>Activity Status:</b>	The tourist cabins are a Discretionary Activity under Rule Rur12 and the shed is a Restricted Discretionary Activity under Rur18 of the New Plymouth District Plan (2005)
<b>Notification:</b>	The application was limited notified to the owners of 852 Dover Road on 23 October 2018
<b>Submissions Received:</b>	One in opposition
<b>Hearing Date:</b>	29 March 2019
<b>Hearing Location:</b>	Waitara Room, New Plymouth District Council

## **1.0 INTRODUCTION**

- 1.1 The applicants are proposing proposing to construct four self-contained tourist cabins and associated infrastructure within native bush in the western portion of their property at 828 Dover Road, New Plymouth. They will be in addition to the existing dwelling of the applicants, for a total of five habitable buildings within the one rural property. Each cabin will sleep up to four people.
- 1.2 The applicants are also proposing to erect a three-bay shed within 8m of the southern side boundary adjoining 852 Dover Road. The shed will be for farm, storage and workshop purposes for use by the applicants.

## **2.0 PURPOSE OF REPORT**

- 2.1 I, Rachael Symons, Senior Environmental Planner at the New Plymouth District Council ('the Council' or 'NPDC') have written this Hearing Report under section 42A of the RMA to assist the Independent Hearings Commissioner in his consideration and determination of the above resource consent application. It is not a decision and my recommendation should not be construed as such.

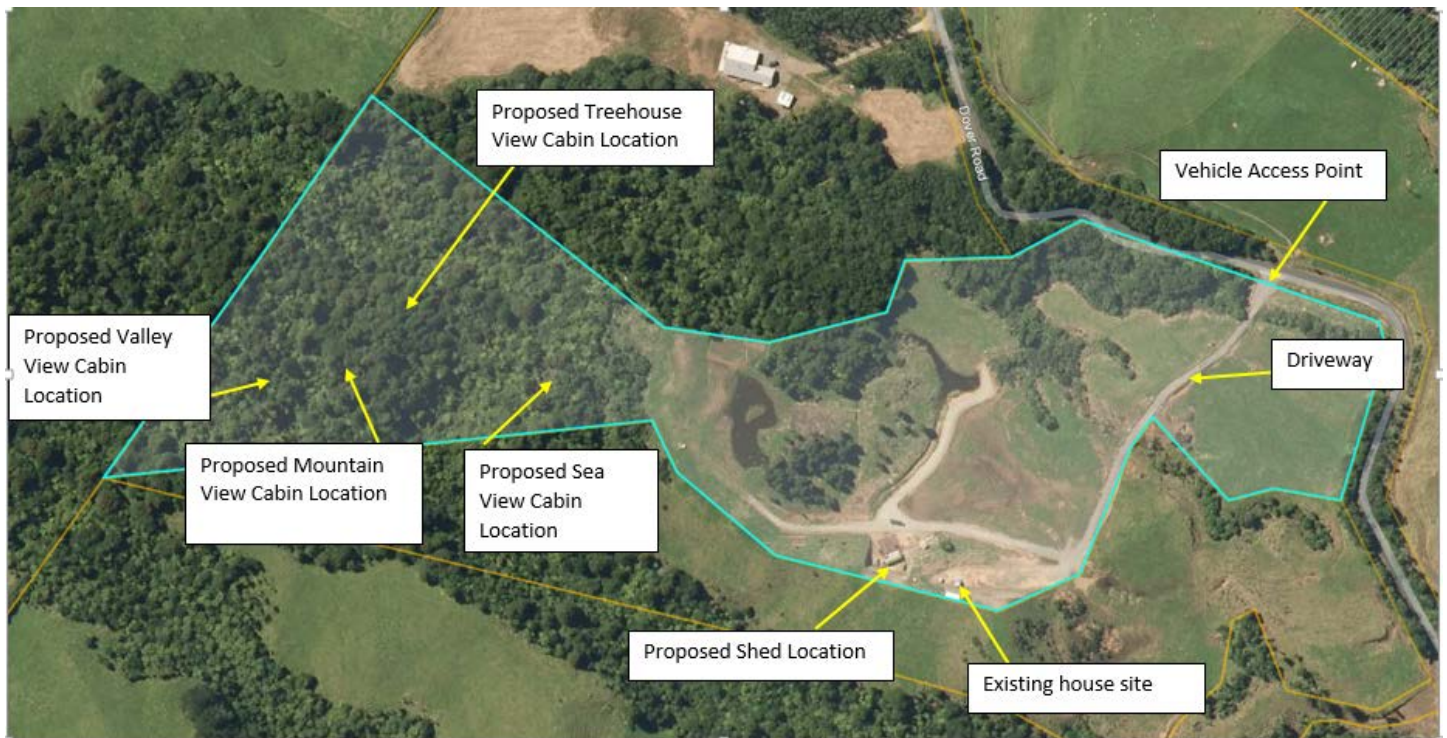
## **3.0 STATEMENT OF EXPERIENCE**

- 3.1 I hold a Bachelor of Arts degree (majoring in Geography), completed in 1998, and a Master of Resource and Environmental Planning, completed in 2001, both from Massey University. I am a Full Member of the New Zealand Planning Institute.
- 3.2 I have 15 years' experience working as a planner in the U.K. and New Zealand. I have worked for a county council and a planning consultancy in the U.K, and have been employed at the New Plymouth District Council since February 2006 as both an Environmental Planner and Recreation Planner. During this time I have undertaken a wide range of planning activities including: submitting, assessing and reporting on resource consent applications; parks policy work; and contributing to District Plan policy projects.

## **4.0 DESCRIPTION OF SITE AND SURROUNDING ENVIRONMENT**

### **Site Description**

- 4.1 I carried out a site visit on 29 March 2018. I also undertook a site visit with Ms Martha Dravitzki, Council's Landscape Architect on 11 September 2018. At this later site visit a site meeting was undertaken with the applicant, Andy Gillham, and his planner, Mr Ralph Broad and Landscape Architect, Richard Bain from bluemarble Landscape Architects.
- 4.2 The site is an irregular shaped rural property measuring 6.8511ha off the southern side of Dover Road, approximately 600m west of the Dover Road/Carrington Road intersection at the western edge of the Pouakai Ranges within Egmont National Park. An aerial photo of the site with elements of the proposal are shown in Diagram 1 below:



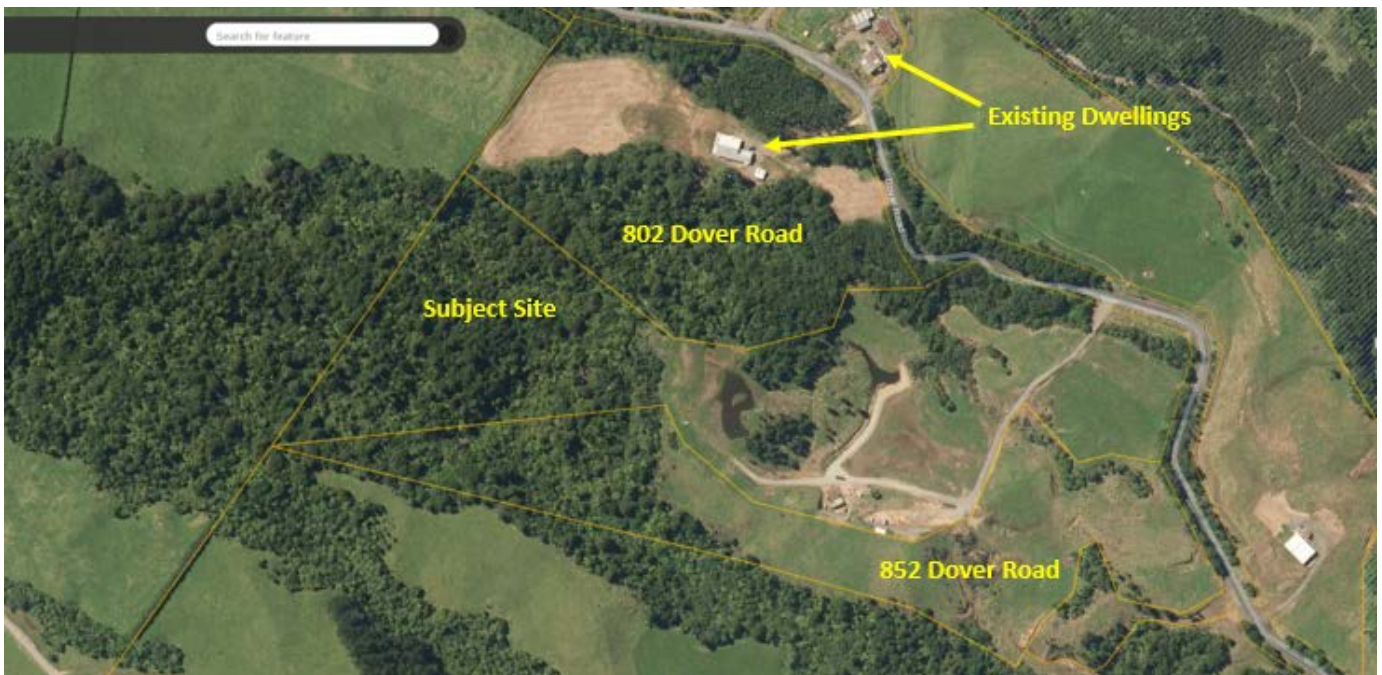
**Diagram 1: Aerial Photo of 828 Dover Road**

- 4.3 The site is accessed via a vehicle access point off Dover Road near the north eastern corner of the property. The access leads to a long approximately 4.5m wide gravelled driveway which runs from the northern road boundary across the site to the southern boundary where the existing dwelling is located. Approximately 20m to the west of the dwelling is a flat area that has been excavated to provide a building platform for the proposed shed. The floor level of the shed building platform is seven metres below the southern boundary of the site shared with 852 Dover Road.
- 4.4 There is some mature vegetation in the north of the property near the road boundary, however most of the eastern half of the site is grassland for grazing as well as the dwelling, shed location, driveway and access point. The applicants have planted native trees along the driveway and southern boundary to the existing dwelling and east of the driveway. These have not yet reached mature heights. The eastern third of the site is undulating in topography and largely grassland.
- 4.5 The driveway branches off to the west in front of, though at a lower level than, the existing dwelling to lead first to the proposed shed's location, before it then turns north into the middle of the site. The middle of the site includes small lakes, a vegetable garden with greenhouse and shed, a mix of native and exotic trees, grassed areas and paths. This portion of the site is relatively flat.
- 4.6 The western third of the site, approximately 2.5ha, is native bush except for footpaths and 20m diameter areas cleared in preparation of construction of three of the tourist cabins and an information shed. The bush varies in topography with some steep slopes. Following an ecological assessment by Wildlands Ecologists, the Council is proposing to include the bush (excluding the cleared areas) as part of a Significant Natural Area (SNA) under the new New Plymouth District Plan. This Plan is currently in draft form and has no legal status. I have confirmed with the Taranaki Regional Council that this

bush meets the criteria to become a Key Native Ecosystem (KNE). QEII have confirmed the bush with the proposed tourist cabins does not meet the criteria for a QEII covenant.

### Immediate Environment

- 4.7 The land within the immediate environment of the site is undulating in topography with a mix of grassed farmland generally on the flatter and higher elevations with native bush typically in the gullies. Like the bush within the subject site, most of the native bush within properties adjacent to the site are proposed to become Significant Natural Areas under the new District Plan. The neighbouring properties are of differing lot sizes and range from small lifestyle lots to larger farm properties.
- 4.8 Currently the house at 802 Dover Road, approximately 110m to the north of the subject site, is the closest dwelling to the subject site. It is screened from the subject site entirely by native bush between the building and the boundary with 828 Dover Road. The adjoining property to the south of the subject site at 852 Dover Road has a three bay farm shed (not shown in the photo). The notification report incorrectly shows a building report platform for a dwelling within this site, however this has not yet been determined by the landowners (see their submission).



**Diagram 2: Aerial Photo of Immediate Environment Around the Subject Site**

### Surrounding Environment

- 4.9 Diagram 3 below shows the location of the subject site in relation to its wider environment.



**Diagram 3: Wider Environment Surrounding the Subject Site**

**4.10** The site is approximately 600m from its closest point to the north western side of the Pouakai Ranges within Egmont National Park (along with Mt Taranaki and Kaitake Ranges). Egmont National Park is an Outstanding Landscape in the District Plan. The south eastern end of Dover Road where it intersects with Carrington Road is on the edge of the National Park. Dover Road then runs approximately 7km north west to intersect with State Highway 45 (SH45) near the village of Okato. SH45 continues in a north east direction towards the coastal village of Oakura. The coast is approximately 12km to the north north west of the site on the other side of the State Highway.

**4.11** As described in the Bluemarble Landscape and Visual Assessment, the landscape of the wider area around the site *‘is dominated by the heavily forested Egmont National Park. Beyond the park, the landscape is a mix of bush and farmland that transitions to less bush and more farmland as elevation drops. Much of the native bush... is protected by QEII covenant and the like. Farmland is generally located on broad ridges with the deeply incised gullies filled with native bush. This creates a landscape that is an identifiable mix of openness and enclosure – open ridges and enclosed gullies, creating a ‘fingerlike’ pattern as this land cover pattern extends from the National Park to the coast’.*

## **5.0 DESCRIPTION OF THE PROPOSAL**

**5.1** The owners/occupiers of 828 Dover Road are proposing to construct four self-contained tourist cabins within native bush in the western portion of their property. These are each classed as ‘habitable buildings’ under the District Plan. They will be in addition

to the existing habitable building on the southern boundary being the owner's residence, for a total of five habitable buildings within the one rural property. Each cabin will sleep up to four people.

- 5.2 The cabins will range from 25m<sup>2</sup> to 48m<sup>2</sup> in floor area, including outdoor verandahs for two of the cabins, and be 3.6m to 6.4m high including poles for three of the cabins. The application states they will be constructed of '*natural cladding and natural palette Coloursteel*'. Specific materials/colours have not yet been decided, although the applicant has confirmed they are willing to implement the recommendations in the 'Landscape and Visual Impact Assessment' by Bluemarble Landscape Architects submitted as part of the application. This includes '*all new buildings (habitable and non-habitable) clad with materials (other than naturally weathered timber) should have a light reflectance value (LRV) or less than 20%. This includes guttering/downpipes, and window joinery*'.
- 5.3 The areas for the cabin sites have been cleared of bush and no further large trees will need to be removed unless they encroach upon the building envelope as they grow or unless they are deemed dangerous to the buildings or guests. Viewing shafts from the cabins will need to be maintained through regular pruning.
- 5.4 Services will need to be provided individually for each cabin. A water tank will be located outside the bush area with pipes laid on the ground within the bush to gravity feed to each cabin. Saplings and seedlings may need to be removed if a pump is required to obtain water from a creek within the site, which will be undertaken in line with Taranaki Regional Council (TRC) requirements. Stormwater will be directed into creeks, also in accordance with TRC requirements. The applicants propose an above ground aerobic wastewater treatment system for each cabin. Cables will be attached along the timber edging of the paths to the cabins to supply electricity and internet connections to the cabins.
- 5.5 Bulky materials to construct the cabins and for services will be brought by helicopter to the site.
- 5.6 Associated with the cabins, paths within the bush will be metalled and saplings and seedlings will need to be removed to keep paths clear. These will be transplanted with the site where possible. Lighting, on a timer, will be provided for guests walking through the bush at night to and from the cabins. Continued removal of seedlings and saplings will be required to allow for clearance around the wastewater systems
- 5.7 The applicants are also proposing to erect an information shed within the bush near the entrance to provide information on the bush and area for guests. Four Ponga trees as well as seedlings and saplings may need to be removed. They will be transplanted within the site where appropriate. There is little fencing in the bush between the applicants' and neighbouring property at 852 Dover Road. The applicant is proposing to erect 'keep to the track' signs within the bush to prevent guests from entering the neighbouring property. They state they will also state this in a welcome pack for guests and in the information shed.
- 5.8 The applicants are also proposing to erect a shed within 8m of the southern side boundary adjoining 852 Dover Road. The shed will be for farm, storage and workshop

purposes for use by the owners. It will be a three-bay shed of a lean-to building shape up to 7.1m high and measuring 152m<sup>2</sup> in floor area. It will be constructed of coloursteel or similar and in a dark, natural colour, likely to be either ironsand (dark grey) or a dark green in colour (which would meet a light reflectance values of less than 20% as discussed in para. 3 above). The building platform for the shed has already been prepared and is 7m lower than the southern boundary to the rear.

- 5.9 Access from all new and existing buildings to the site will be via the existing 12m wide vehicle access point and 3.6m wide driveway off Dover Road. The driveway will continue to be maintained as a metalled track. The applicant states that traffic generation will not exceed permitted District Plan limits i.e. 50 Vehicle Equivalent Movements (VEMs) per day or 30 VEMs per day on average over a seven day period. A carparking area for six vehicles will be provided for people staying in the cabins along the southern boundary near the entrance of the bush in the western part of the property.
- 5.10 The applicants have planted along the driveway and the southern boundary up to the existing house. They are proposing additional native tree planting (Griselina Littoralis (Kapuka) or Phormium Tenax (NZ flax - Harakeke)) along the southern boundary behind the shed and westward to the edge of the native bush in the western portion of the site. I understand that the applicant will also be presenting further planting plans at the hearing.

## 6.0 ACTIVITY STATUS

- 6.1 The subject site is located within the Rural Environment Area of the New Plymouth District Plan (2005) and is not currently subject to any overlays. Dover Rd is classified as a Local Road and has a 100 km/h posted speed limit.
- 6.2 The application does not meet the permitted of the following District Plan rules:
- **Rule Rur12** – specifies that one habitable building within a Rural Environment Area property is permitted, or two if certain criteria met. Otherwise the activity will be a fully Discretionary Activity. The proposal is for four self-contained tourist cabins in addition to the existing dwelling. This activity is a therefore a fully **Discretionary Activity**.
  - **Rule Rur18** – specifies that a non-habitable building between 5-10m from a side boundary will be a Restricted Discretionary Activity. The proposal includes a shed to be located 8m from the southern side boundary. This activity is therefore **Restricted Discretionary Activity**.
- 6.3 I do not consider the two above activities need to be bundled as they are separate activities. The tourist cabins are for use of temporary occupants as part of a new commercial accommodation operation and the shed is for use of the applicants as permanent residents of the rural property. However, I will discuss them together under my Assessment of Environmental Effects as the issues to which this application is restricted under Rule Res18 are similar to those to be considered under the fully Discretionary tourist cabins, such as effects on rural character and amenity.

## 7.0 PROCESS MATTERS AND NOTIFICATION DECISION

7.1 The following is a timeline of the application:

<b>Application Received:</b>	15 March 2018
<b>Further Information Request:</b>	5 April 2018
<b>Further Information Received:</b>	7 May 2018
<b>Application on hold:</b>	Application was placed on hold at applicant's request May-October 2018
<b>Notification:</b>	The application was limited notified to the owners of 852 Dover Road on 23 October 2018

7.2 The notification report and decision was made under Section 95 of the RMA and is attached as Appendix One. The application was limited notified to the owners of 852 Dover Road on 23 October 2018 and is attached as **Appendix One**.

## 8.0 SUBMISSION RECEIVED

8.1 One submission in opposition was received from Nathan and Kirstin Foley, the owners of 852 Dover Road. This is attached as **Appendix Two**. The location of the submitters' property is shown in Diagram 2, Section 4.0 above.

8.2 The submitters would like the application declined. The main points in the submission are:

<b>Rural Character and Amenity</b>	<b>Ecology</b>	<b>Conditions, if consent granted</b>
The tourist cabin operation is not in keeping with the rural landscape character	Adverse ecological impacts on native species of proposal including continued removal of seedlings and saplings.	Address consent notices equivalent to QEII covenant conditions
Introduces a commercial development within a rural area;	Clearance of bush at odds with Key Native Ecosystems (KNEs) and neighbouring QEII covenants.	On-going monitoring of the site for protection of the bush
Loss of privacy and security for residents of 852 Dover Road	Introduction of new pests//pathogens from guests and vehicles/machinery	Applicants to meet perpetual costs of monitoring
Increased noise	Damage to bush through installation of	



	infrastructure and services for cabins	
Increased traffic	New planting not in keeping with native species of the surrounding area (ecological effects)	
The shed building being located within 10m of their boundary;	Negative environmental impacts on 852 Dover Road e.g. from runoff and introduction of pests/pathogens	
Effect on character of Egmont National Park		
Views of carparks and amenities from 852 Dover Road		
New planting not in keeping with native species of the surrounding area (landscape effects)		

## 9.0 POST SUBMISSION DEVELOPMENT

- 9.1 The original submission included a letter from QEII, however I have been advised by a subsequent letter from QEII dated 28 January 2019 that this letter has been withdrawn from the submission and I have confirmed this with direct contact with the Foleys. The QEII correspondence is therefore not attached to this report as part of the submission. A later letter from QEII to Council states they *'confirm that QEII National Trust would not consider a covenant over the applicants' property if this development was to go ahead'*.
- 9.2 Since receipt of the submission, Council's Landscape Architect, Martha Dravitzki, who provided comments on landscape matters to assist me in my notification report, has gone on parental leave. I therefore have commissioned Landscape Architect, Renee Davies, 4Sight Consulting, to provide advice on landscape/rural character and visual effects and to assist me in writing this s42A report and to attend the hearing to answer any questions regarding these matters. Given the matters raised in the submission included a number of concerns relating to ecology I also asked Ms Davies provide advice on ecological matters. Ms Davies has experience in this area and also has the opportunity to confer with ecologists within 4Sight Consulting.
- 9.3 Ms Davies undertook a site visit on 2 March 2019 but the day prior I was contacted by the applicant, Mr Gillham, and his planner Mr Broad who advised Ms Davies would be able to visit the site to assess landscape/rural character and visual effects only. I was advised that the applicants would not pay for any ecological assessment to be done on behalf of Council, nor would the applicant provide any ecological assessment if requested in a further information request under s92 of the RMA.

## 10.0 SECTION 104 ASSESSMENT

10.1 A consent authority must have regard to a number of matters under s104 of the RMA when considering an application for resource consent. These considerations include:

- the actual and potential effects of an activity on the environment (s104(1)(a));
- the relevant provision of a National Environmental Standard (s104(1)(b)(i));
- the relevant provisions of a District Plan (s104(1)(b)(vi) (included as **Appendix Three** in this report);
- the relevant provisions of a Regional Policy Statement (s104(1)(b)(v); and
- any other matter the consent authority considers relevant and reasonably necessary to determine the application (s104(1)(c).

10.2 Under s104, any consideration of an application for resource consent is subject to Part 2 of the RMA.

10.3 The following assessment of the proposal has been informed by a review of the proposal carried out by Council's Landscape Architect Martha Dravitzki and Landscape Architect Renee Davies of 4Sight Consulting. These reviews are attached as **Appendix Four**.

## 11.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS (S104(1)(a))

11.1 I consider the actual and potential effects on the environment from the proposal can be categorised as:

- rural character and amenity;
- ecological effects;
- effects on an Outstanding Landscape; and
- other matters raised by submitters.

### Rural Character and Amenity

11.2 The District Plan states '*rural land within the district is an important resource, not only for its productive potential, but also for social, cultural and conservation values*' (p27 of the District Plan). The Rural Environment Area has been developed '*to ensure that the character of the rural environment is maintained both to protect amenity values and to promote the sustainable management of rural resources over the long term*' (p241). This protection of rural character and amenity is expressed through its objectives, policies and rules, including ensuring the subdivision, use and development of land maintains the elements of rural character (Objective 4), controlling the density, scale, location and design of development (Policies 4.2-4.8) in Rural Environment Areas and setting permitted rule standards such as minimum side boundary setbacks.

11.3 However, as a variety of land uses establish and use the rural environment there is the potential for rural character to be lost and subsequently rural amenity values to be reduced. People's appreciation of that rural character is rural amenity. The RMA defines **amenity values** as '*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic*

*coherence, and cultural and recreational attributes*'. The District Plan states that it is important to ensure that the amenity values that determine the character of an area are protected from activities that create effects that may degrade or detract from them (pg 13).

- 11.4 The District Plan states (p241) *'the defining elements of rural character include:*
1. *Spaciousness,*
  2. *Low Density,*
  3. *Vegetated,*
  4. *Production Orientated,*
  5. *Working Environment,*
  6. *Rural Based Industry, and*
  7. *Rural Infrastructure'*
- 11.5 The proposed cabins will be located within the native bush in the western portion of the subject site. One cabin will face north (the 'Sea View Cabin'), one will be nestled within the trees (the 'Treehouse View' Cabin) and two will face outwards south/south eastwards – one over the nearby valley into the neighbouring bush of 852 Dover Road ('Valley View' Cabin) and another over this neighbouring bush towards Mt Taranaki ('Mountain View' Cabin) beyond.
- 11.6 Council's Consultant Landscape Architect, Renee Davies, states that *'one of the main factors that will influence a development's effect on existing landscape/rural character and visual amenity is the visual absorption capability (VAC) of the surrounding landscape/rural area. This is the ability of the landscape to integrate a development, or feature, into its existing visual character without significant change....Factors considered in determining the sites VAC rating include:*
- a) *the degree to which the development is visible;*
  - b) *visual and physical links with other similar elements or activities in the landscape;*
  - c) *the level of modification to the surrounding landscape (short and long term);*
  - d) *appropriateness of size;*
  - e) *distance; and*
  - f) *backdrop.*
- 11.7 Given the landscape surrounding the site includes *'relatively steep slopes, vegetated gullies and bush'*, Ms Davies considers that *'the complex and mixed topography and vegetative patterns of the site result in a landscape that has a moderate to high VAC rating'*. This *'means new elements will mostly have no effect on existing character'*. The applicant's Landscape Architect, Richard Bain, considers the visibility of the cabins will be *'extremely limited and will have a negligible effect on rural character'*. Ms Davies concurs with this view and states *'if there are any views of parts of the cabins it is mostly likely from lights at night seen filtered through the trees and/or very small portions of the cabins that might be visible will be from such a distance as to be hard to discern'*.
- 11.8 Ms Davies considers in terms of the proposed cabins that their *'design is appropriate to the natural character of the bush setting in that they are proposed to be small scale*

*and custom buildings that have a strong link with the surrounding landscape. Their location within existing cleared areas with the bush ensures that the placement of the proposed cabins will have the least impact on natural and rural character as possible'. Given the bush contributes significantly to the natural character of the site and landscape of the area, Ms Davies does recommend conditions to ensure protection of the remaining large trees within the site and to control pruning of vegetation when maintaining the viewshafts from the cabins. These matters can be included in an Ecological Management Plan to be required by condition on consent (discussed in further detail in paragraph 11.42 below).*

11.9 I also consider, that to further ensure the effect of the proposed buildings and associated infrastructure as no more than anticipated that conditions be attached to consent to bind the consent holder to those details specified in the application and those recommendations of the applicant's Landscape Architect which also form part of the application:

- The Valley View, Sea View and Mountain View tourist cabins shall be wholly located within the cleared areas as shown on the survey plan to be submitted to the Council;
- The tourist cabins shall be no greater than 25m<sup>2</sup> in internal floor area;
- No sky dishes, tv aerials or reflective solar panels shall be attached to the roofs of any cabins and shall not exceed the maximum height of each cabin building they are connected to;
- External materials of the tourist cabins, information shed and water tanks, including walls, roofs, doors, window joinery, and guttering/downpipes, shall:
  - be in natural and recessive colours;
  - with reflectivity values of no more than 20%; and
- The farm shed shall be:
  - no greater than 7.1m in height or measuring 152m<sup>2</sup> in area;
  - located no closer than 8.0m to the southern side boundary at any point;
  - on the existing building platform;
  - constructed in coloursteel or similar or of a natural material;
  - either a dark grey or dark green colour with a reflectivity value of no more than 35%.

11.10 In addition because the driveway, together with the vehicle crossing, is the one built element of the proposal that is visible from outside the site, i.e. to motorists travelling past on Dover Road, it is considered reasonable to restrict its construction to that typically found in rural areas and be constructed of gravel with a grey coloured stone chip only and no greater than 4.0m wide at any point.

11.11 Overall, I conclude that the landscape surrounding the site will absorb any buildings or infrastructure associated with the proposal. In addition, the cabins are of a design and scale in keeping with the landscape and will be barely discernible within the landscape, if visible at all. I believe the effects on rural character, with recommended mitigation measures, will be less than minor.

### *Traffic Generation – Effect on Rural Character and Amenity*

11.12 Council’s Development Engineer, Ms Debbie Taplin, has advised that the last traffic count along Dover Road was 31 vehicles per day was in 2004. They do not consider traffic volumes have changed much since then along this section of Dover Road. The applicants’ are not proposing to exceed more than 30 Vehicle Equivalent Movements (VEMs) per day, as permitted by the District Plan. This will however double the existing figure of traffic movements along Dover Road. I do not consider though that the total traffic volume, even with the cabins at full occupancy, are still very low and in keeping with the rural character of the area. I therefore consider any effects on the existing rural character of the area will be less than minor and that rural amenity will subsequently also not be significantly affected.

### *Submitters*

11.13 The submitters describe the land use on Dover Road as consisting of *‘agricultural business (dairy farming) and lifestyle blocks, with very low traffic volumes and with no commercial enterprise’*. Therefore they consider *‘the proposed commercial building (4 independent “motels”) have no relationship to the existing land use of the Dover Road area, being that of farms and lifestyle blocks of a rural nature’*. This non-rural type of activity could be considered out of keeping with the rural character, however with the activity not being overtly visible from outside the site I consider the effects on rural character being no more than minor, as discussed above.

11.14 The submitters consider some of the planting undertaken by the applicant, such as Eucalyptus, Japanese Cedar (*Cryptomeria Japonica*) and trimmed hedging plants, is not in keeping with the native vegetation of the area, in terms of both altitude, being at approximately 360m above sea level, and natural distribution. I consider it reasonable to require that the additional planting required by consent conditions, as discussed above under paragraph, can be required to be of native species only in keeping with the Egmont Ecological District.

### Effects on Rural Amenity of Submitters

11.15 The applicant’s Landscape Architect considers the visual effects, and therefore any effects on character and amenity, on any neighbouring properties will be negligible. Specifically in terms of 852 Dover Road, Bluemarble consider *‘views are limited to the eastern part of the site that contains the existing dwelling and driveway. There are no views into the cabin areas. This receptor will see vehicle movements only (until existing boundary planting is taller). The proposed carpark will also be visible...’* (pg 15).

11.16 I consider that from their property, the owners of 852 Dover Road may potentially see the ‘Valley View’ and ‘Mountain View’ Cabins from grassed areas slightly elevated above the bush within this site as the cabins will be facing the direction of this part of the neighbouring property. They may also be able to see lighting from the cabins at night and people within the cleared areas around the cabins. The carpark for six vehicles for people staying at the cabins will also be visible from within this property with the carpark being along the southern boundary – the boundary shared with 852 Dover Road.

- 11.17 However, as previously mentioned, I do consider the cabins will be set into, and not protrude above or out from the bush and be constructed of materials and colours that have low reflectivity value so as not to stand out in this natural landscape. Ms Davies, considers effects from the cabins on any viewing audience to be low-moderate to very low as the proposal stands.
- 11.18 Ms Dravitzki considered the effects on the submitters directly to the south of the subject site will be minor. Ms Davies considers *‘the most visible element of the proposal is the proposed carpark area that will create a new element within the landscape, but one that is not unexpected within such a landscape and as they are cleared spaces only, will have only a low-moderate visual effect in the short term during construction, and once mitigation planting is established will have a low minimal visual effect on rural character’*. I believe these comments are particularly relevant to the submitters as the carparking area is proposed to be located near their northern boundary.
- 11.19 With the proposed mitigation planting and further planting that can be required by consent condition, Ms Davies considers that in the medium to long term (once plants have matured) that rural character and landscape effects will reduce to *‘low or very low’ (which could be considered the equivalent of insignificant or negligible’*. I therefore consider effects on the rural amenity of the submitters in this regard will also be low if further planting is installed. I therefore recommend additional planting shown on a landscape plan be required by conditions on consent that is:
- comprising of native species consistent with the Egmont Ecological District;
  - a minimum height of 2.0m at the time of planting;
  - located:
    - in between the proposed carparking area and the southern boundary of the site;
    - in between the proposed farm shed and the southern boundary of the site;
    - within the grassed areas adjoining the east and west of the proposed carparking area;
    - within the grassed areas adjoining the east and west of the proposed farm shed; and
    - in between the land between the driveway and the neighbours boundary to the east where the driveway adjoins the boundary; and
  - with a programme of establishment and post establishment protection and maintenance.
- 11.20 The submitters state *‘the purchase of a rural property was appealing, away from the traffic and noise of town’* and are now concerned they will experience a loss of privacy and increase in noise with a commercial business next door. The commercial accommodation operation will create associated traffic movements and an increase in people within the subject site. Both these elements generate additional noise through movement of vehicles, car doors opening and closing, and people talking. This will particularly be the case as the driveway and carpark will be along the Foley’s boundary. The submitters have not decided upon a final location for their future house site, although given their generally elevated ground level above the subject site, it is possible they will have views from their house onto either the driveway or the carpark, both being along their boundary.

- 11.21 The level of density of development will increase which will in turn reduce the sense of isolation, tranquillity and peacefulness that I consider would be afforded to the owners of 852 Dover Road.
- 11.22 Their privacy will also be reduced as people travelling along the driveway into the subject site and parking in the carpark and walking across the grassed area to and from the bush will have views into the Foley's property, particularly as this neighbouring property is approximately 20m in places above the applicant's property and is therefore visible above the landscape of the subject site.
- 11.23 The submitters point out that the nature of the business, a commercial accommodation operation, will mean guests, i.e. guests, will be within the subject site 24 hours a day, seven days a week when the cabins are occupied. This means the effects on their rural amenity do not ease at certain times e.g. in the evenings or weekends when privacy and quiet are particularly appreciated. In addition, the submitters do not believe the existing vegetation and screening mitigate impacts on their property, particularly as the carparking area for the cabins is adjoining their boundary. I agree these matters may affect the submitters' amenity but consider that additional planting between the submitters' boundary and the carparking area, and farm shed closer to their boundary, can be required by condition consent by way of a landscape plan to reduce the effects of this element associated with the tourist cabins and the shed in close proximity to the boundary.

#### Farm Shed

- 11.24 The submitters do not believe the proposed farm shed has to be located within 10m of their boundary given the subject site has a land area of over 6.8ha. They are also concerned about erosion of the cut along their boundary necessary to create a flat building platform for the shed as no planting or retaining on this 7m high cut has been put in place. I have walked along the top of the cut, in a narrow strip along the applicant's land adjoining the boundary with 852 Dover Road. The cut occurred a number of years ago, with the applicant intending to install the shed at that time. This has not eventuated and the cut remains, though it has re-grassed to some extent and has not caused erosion for the neighbouring property in that time. The cut does not meet the definition of a 'building work' and therefore is outside the scope of the requirements under the Building Act 2004. From my on-site observations I do not consider the excavation breached any rule of the District Plan. Should erosion occur within the neighbouring property as a result of this cut this would become a civil matter.
- 11.25 I believe the roof of the shed will be the predominant built form visible from the Foley's property, particularly if a house was built in close proximity on the highest point of the neighbouring property. The area of the roof will be approximately 152m<sup>2</sup>, in line with the floor area of the shed. It will be constructed of coloursteel or similar and in a dark, natural colour, likely to be either ironsand (dark grey) or a dark green in colour (which would meet a light reflectance values of less than 20%). I consider that given the shed is typical of that found in many rural properties and if consent conditions required it to be in a dark colour with low reflectivity so that the colour and reflectivity values were in keeping with the nearby vegetation, effects from the shed on rural amenity of the neighbours will be acceptable.

## Design Guidelines

11.26 The submitters have referred to District Plan Policy 4.5 which states development should be considered against ‘*Consistency of any fully discretionary activity with design guidelines*’. The Council’s Rural Subdivision and Development Design Guidelines (May 2012) which provides specific design principles to be considered when undertaking development in the rural area (pg 12): design and layout, building location, landscaping, servicing and building appearance. I consider the proposal is largely consistent with these principles where possible, namely in siting the cabins and majority of the associated services and infrastructure within the bush so views of them are very limited, use of recessive and low-reflective colours on the exterior of the buildings, and proposed additional planting within the wider site.

## Noise Effects

11.27 The submitters’ consider their rural amenity will be adversely affected by the noise by the proposal. The applicant is not proposing to breach permitted District Plan limits in relation to noise, however I do appreciate that there will be noises resulting from the activity that may be discernible from 852 Dover Road. Such noises are likely to include vehicles travelling along the driveway to and from the carparking area, car doors closing within the carpark, and guests to the cabins talking, particularly in the carparking area near the boundary of the submitters’ property.

11.28 However, these are activities that are not unanticipated, including in rural areas. People live, work and visit rural properties. Although guests to the cabins, being commercial accommodation, may be a more frequent occurrence than typical guests, the number proposed, including the associated number of vehicle movements, will not be significant. The capacity of the operation is 16 people at any one time. I do not therefore consider the proposal will generate noise levels that will significantly affect rural character or amenity and do not recommend any mitigation measures in this regard.

## Lighting Effects

11.29 In the original application (para. 10.6), the applicant states: ‘*At night, illumination from human activity on the slopes of the (Egmont National Park) ranges is quite visible. The following measures will manage illumination effects:*

- *at dusk, a low level lighting system will provide lighting to the cabin access tracks and information/storage building. Lighting will be on a timer basis, giving guests a reasonable amount of time to access their accommodation.*
- *Cabin lighting will be seen at night from some distance but it will not be prolific as the cabins are tiny and each faces a different direction. Window coverings will be provided in each cabin to mitigate the effect of light produced on the surrounding environment’.*

11.30 Mr Bain and Ms Davies both recommend all external lighting is downward and hooded to limit light spill. I agree this will help mitigate effects of external lighting on the landscape and recommend these measures are attached as a condition on consent.



- 11.31 I believe that with the above mitigation measures that any effects on rural amenity from external lighting emanating from the proposed development will be no more than minor.

### Summary of Rural Character and Amenity

- 11.32 Overall, given the advice from the Landscape Architects I consider the effects on rural character will no more than minor. However, taking into account the concerns of submitters, I believe that the proposed mitigation measures and those mitigation suggested as being required under consent conditions are reasonable and will reduce effects on the rural amenity of the submitters to acceptable levels that will be no more than minor. In addition, the vegetated element of the existing rural character in this location will be improved through additional planting and retention/protection of existing vegetation - measures that can be required by conditions on consent.

### **Effects on an Outstanding Landscape**

- 11.33 Egmont National Park, encompassing Mt Taranaki, Pouakai Ranges and the Kaitake Ranges, is an 'Outstanding Landscape' under the District Plan. The District Plan (pg 170) defines Outstanding Landscapes as '*Those landscapes within the district having exceptional value or eminence or distinction on a national scale*'. In terms of viewing the proposal against this Outstanding Landscape it is unlikely any element of the proposal will be visible.
- 11.34 In terms of views from Egmont National Park, Mr Bain considers that '*two cabins could be potentially visible – 'Mountain View' and 'Tree-house'. Any such views will be at a considerable distance as views are only possible from the upper reaches of the park. As such, these views will include other buildings and farms adjacent to the subject site. Therefore, the visual impact of the two potentially visible cabins is considered negligible. Night time effects from the cabins are also likely to be negligible, given distance, context (seen within and against lights from other dwellings), and the likelihood of mountain users' viewing the cabins during night time hours. I accept this assessment and given the above, I agree with Mr Bain that the 'change to overall character and amenity on the National Park is... negligible' (pg 14).*

### **Ecological Effects**

- 11.35 The applicant has not provided an ecological assessment as part of the application nor has allowed Council to undertake such an assessment. However, s104 of the RMA requires the consent authority to 'have regard to:
- (a) any actual and potential effects on the environment of allowing the activity;
  - (b) any relevant provisions of—...
  - (v) a regional policy statement or proposed regional policy statement;
  - (vi) a plan or proposed plan; and
  - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.'
- 11.36 I consider there may be actual or potential effects on ecology resulting from this proposal, the Taranaki Regional Policy Statement and operative New Plymouth District Plan both have provisions relating to indigenous biodiversity and vegetation (see

Section 12 and 13 below) and the submitters have raised a number of issues relating to ecology which I consider to be a relevant matter in terms of this application. I have made the following assessment based on the information before me.

- 11.37 As part of work on the new District Plan, currently in draft form, Council commissioned Wildlands Ecologists to undertake ecological assessments of sites that could be considered as a new Significant Natural Area (SNA). A Significant Natural Area is defined by the District Plan as an area of indigenous vegetation or a habitat of indigenous fauna that meets criteria set out in the plan, for example being Ecosystems or examples of an original habitat type. The native bush within the western portion of the subject site was assessed for this purpose. The applicants made Wildlands and Council aware of their plans for the tourist cabins and this current proposal was taken into account in the assessment of whether the bush met SNA criteria.
- 11.38 Wildlands considered the bush '*contains mature regenerating lowland forest, which is a nationally uncommon habitat type*' and '*is part of a much larger area of indigenous vegetation and habitat and provides connectivity between two areas of Egmont National Park*'. It was concluded the bush is 'significant' and is proposed to an SNA in the yet to be notified District Plan. Four circles 20m in diameter have been removed from the proposed SNA to exclude the areas already cleared for the Mountain View, Sea View and Valley View cabins and the information shed.
- 11.39 While I cannot take this proposed SNA into account under s104 of the RMA, given it does not have any legal status as the plan has not yet been notified, I am able to consider the assessment by Wildlands Ecologists. I believe this assessment provides a good indication of the quality of the ecological and biodiversity of this area of native bush within the subject site. As provided in the application, I consider this is also indicated by the Biodiversity Condition Assessment (included as Appendix E in the original application) undertaken by the Taranaki Regional Council (TRC). This Assessment concludes '*The site meets the Key Native Ecosystem criteria dues to the priority land environment and providing connectivity to other KNEs*'. I therefore believe it important any adverse effects on ecology resulting from the proposal will be appropriately mitigated and no more than minor in scale.
- 11.40 The submitters have raised a number of potential ecological effects, namely:
- removal of seedlings and saplings for pipes, tracks and other ancillary infrastructure;
  - new plantings not being consistent with the existing vegetation; and
  - increased risk of pest invasion.
- 11.41 However, no further clearance of large trees is proposed and that the applicants are proposing the measures to improve the ecological values within their property. These measures include:
- relocating seedlings and saplings removed for paths, services and other infrastructure associated with the cabins to other areas of the site;
  - additional planting outside the existing native bush; and
  - pest management.

11.42 The above measures and further measures to mitigate effects on ecology area are able to be required by way of an Ecological Management Plan should consent be granted. Such a Plan can address the following matters:

- no alteration or modification to the indigenous vegetation beyond the cleared areas, except for the removal of weed species, pest control and planting of indigenous plants;
- no further felling of any tree with a trunk over 300mm in diameter;
- details of any further vegetation clearance to minimise vegetation disturbance and further removal of large trees;
- all tree work for trees with over a 300mm diameter trunk, to be:
- carried out in accordance with best arboricultural practice and under the supervision of a suitably qualified and experienced arborist;
  - no disturbance of roots with a diameter of 35mm or greater;
  - cut roots with a diameter of less than 35mm to be cut back cleanly and not exposed for more than 8 hours;
- details of path materials and construction methods;
- details of any additional planting and whether this is consistent with the Restoration Planting Guide for the Egmont Ecological District;
- locations of relocated plants;
- specific pest management measures;
- weed management measures;
- existing and any proposed fencing to limit stock entering the bush area;
- effects on ecology from the proposed wastewater systems;
- restricting guests to formed paths and cleared areas; and
- guests prohibited from bringing animals into the bush.

11.43 Conditions can also be attached to consent to ensure the activity is carried out in accordance with the approved Ecological Management Plan and that all contractors and workers involved in the project are advised of the tree protection measures contained in the approved Ecological Management Plan and that they operate in accordance with them.

11.44 A further condition can require a restoration plan of the site should the activity cease, including:

- removal of all structures and infrastructure and
- replanting of cleared areas; and
- a weed and pest management programme for replanted areas.

11.45 I therefore consider that if all the above mitigation measures were included as conditions on consent that effects on ecology will be acceptable and likely be no more than minor.

### Services

11.46 It is unclear whether the septic systems are within the already cleared areas of bush or not or whether they will be under the canopy of larger trees with saplings and seedlings removed, however the applicant has stated '*no significant large tree will be removed*' (pg 1, first attachment of additional information) for the purpose of installing the septic

systems. The consent condition to prohibit further felling of any large trees, as discussed above, will ensure this is the case.

- 11.47 The submitters are concerned there is potential for run off from storm water and septic systems that will cause erosion on both the applicants' and submitters' properties. The suitability of the proposed storm water and septic systems in terms of their ability to function as intended in the locations proposed will be assessed at the time of building consent.
- 11.48 The submitters have also noted that the distance of any aspect of the proposal to waterways has not been given, and they ask whether any watercourses be affected. I have not been able to obtain any information relating to this matter. In terms of waterways generally this is a matter for Taranaki Regional Council. The applicant is therefore advised, and this could be an advice note on consent if granted, to confirm with the Regional Council to determine if resource consent from them is required.

### **Other Matters Raised in the Submission (s104(1)(c))**

#### Traffic Generation - Safety and Efficiency of the Road Network

- 11.49 The submitters refer to an '*increased volume of traffic to the predominantly single lane rural road*'. Dover Road is unmarked, as are most rural roads, however Council's Development Engineers confirm it is not a single lane road. The applicant is not proposing to exceed the permitted traffic generation limits in the Rural Environment Area being 50 Vehicle Equivalent Movements (VEMs) per day or 30 VEMs on average per day over a week. I consider this likely will be true in this case as that would require each of the five habitable buildings to generate 10 VEMs in a day, or five cars going in and out of the property. I believe it will be unlikely the cabin guests will generate that many movements and the site is not a working farm with associated large vehicles such as milk tankers and machinery visiting the site on a regular basis. I have consulted Council's Development and Roading Engineers and they consider it likely an additional 30 VEMs per day would be generated by the four cabins if the site is at full occupancy. The Engineers have no concerns with this additional traffic in terms of safety and efficiency of the road network.

#### Vehicle Crossing

- 11.50 The submitters believe '*Dover Road does not have any large open areas for the safe turning of traffic, (and) if the entrance to 828 Dover Road is missed, this will have a detrimental effect to the use of other property entrances*'. Dover Road has a posted speed limit of 100 km/h. The Development Engineer considers the operating speed near the site is approximately 60 km/h and therefore does not consider sight visibility when entering or exiting the site is of concern i.e. motorists will have enough time to see another vehicle at the access. The Engineer does however recommend that the existing vehicle crossing into the site be upgraded to a Type G sealed vehicle crossing as specified by Council standards. This will enable the construction of the access to better cope with the increased vehicle movements and will allow for improved braking should more than one vehicle be using the access at any one time. I therefore recommend this be attached as a condition on consent.

### Clarification of carpark location

11.51 The submitters have asked for clarification on the site to be used for the carpark for cabin guests. The original application, submitted in March 2018, included an indicative area in Appendix A, Map 3, however this has been superseded by the 'Parking Plan (May 2018) provided following my further information request.

### Consent Notices

11.52 The submitters have requested consent notices be attached the title of the property similar to those of a QEII covenant to protect the native bush in perpetuity. However, that is only possible under a subdivision consent (s220 and 221 of the RMA). If granted, this land use consent can include conditions the consent holder will have to comply with and will be monitored by Council. The conditions last for the life of the consent. In this respect such conditions have the same effect as a consent notice.

### Security

11.53 The submitters state the carpark and access to the cabins are all in close proximity to their boundary which is unfenced within the bush. They consider this *'provides a security risk to the property and occupants (of a future dwelling) of 852 Dover Road'*. I have visited the cabin sites on two occasions and given the dense nature of the bush located within the applicants' and submitters' properties and the valley between the cabins and the neighbouring property, I consider it unlikely guests will venture onto the neighbouring property from the cabins. The applicant has stated they will erect 'keep to the track' signs in the bush and will re-iterate this message in the information shed at the start of the bush walks and also include it in a welcome pack for guests. Such measures can also be required to be addressed in the Ecological Management Plan required by consent condition, as discussed above.

11.54 In terms of guests using the existing vehicle access and driveway into the site, the boundary between the two properties is fenced with post and rail fencing and the applicant has planted the length of the driveway near the boundary line. I therefore again consider it unlikely guests will venture into the submitters' property. However, should anyone from 828 Dover Road, residents or guests, trespass into any neighbouring property this is not an RMA matter.

### Relevance of application information

11.55 The submitters have requested various maps and photos within the application to be removed as being irrelevant to the application. The applicants are however entitled to include whatever information they wish in their application and if it was clearly irrelevant I would disregard it as part of my assessment. I do however consider this information does help inform parties about the characteristics of the site which are important in discussing rural character and amenity and other issues relating to this application.

## Summary of Environmental Effects Assessment

11.56 The above assessment has considered the actual and potential effects of the proposed activities, and those effects raised by submitters. Overall, I consider the adverse environmental effects of the proposal will be no more than minor, namely in relation to rural character and amenity and ecology, with the proposed mitigation measures and those required by the recommended consent conditions.

### 12.0 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT (s104)(1)(b)(iv)

12.1 The District Plan contains a number of objectives and policies that directly relate to this application and are listed in **Appendix Three**. I consider the provisions of the New Plymouth District Plan relevant to this proposal can be categorised into four main issues:

- Rural Character and Amenity
- Outstanding and Regionally Significant Landscapes
- Indigenous Vegetation; and
- Infrastructure.

### Rural Character and Amenity

12.2 Under **Policies 1.1 and 1.2**, activities should be located in areas where their effects are compatible with the character of the area and do not diminish the amenity of neighbouring areas, having regard to the character of the area and cumulative effects. Specifically, **Objective 4** seeks to maintain rural character. As discussed in Section 11, I consider the proposal does not adversely affect the existing rural character of the site and wider surrounding environment in more than a minor way. The landscape surrounding the site will absorb any buildings or infrastructure associated with the proposal, and that in any case the cabins are of a design and scale in keeping with the landscape and will be hardly viewed within the landscape, if at all. Submitter's concerns regarding effects on their rural amenity can be mitigated to acceptable levels through the recommended consent conditions, for example additional planting near their boundary.

12.3. **Policy 4.3** seeks to control the density, scale, location (including on-site location) and design of activities via a number of restrictions, including: (d) requiring buildings to be setback from the side boundary to maintain separation between buildings and related activities. The farm shed does not meet the permitted standard in relation to the setback from the southern side boundary. However I believe the proposed mitigation, including dark, natural colours and limits on reflectivity of external materials, will reduce the effects to no more than minor.

12.4 **Policy 4.4** controls the density, height and on-site location of habitable buildings including by: *(a) Allowing additional habitable buildings at appropriate densities and of a size that maintain Spaciousness and a Low Density, Production Orientated environment, while allowing some flexible living opportunities.* I do not consider the proposal meets this policy given the proposal is for five habitable buildings within one

rural site which are not for a rural production purpose. However I believe this matter is outweighed by other factors, particularly that the four tourist cabins will be largely obscured from view within the bush, as well as other mitigation measures proposed.

- 12.5 **Policy 4.5** seeks to ensure that the design of development is sensitive to the surrounding environment by following good design principles, such as:
- (a) *Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.*
  - (b) *Ensure the intensity and scale of the development is in keeping with rural character.*
  - (c) *Ensure that allotments and buildings are in context with the surrounding environment and are positioned to recognise natural features in the landform.*
  - (d) *Ensure that allotments and buildings are sited and designed in a manner that is integrated with the surrounding environment with minimal disturbance to the landform by considering:*
    - (i) *softening with vegetation related to the area and treatment of boundary elements;*
    - (ii) *building design of a form and scale that is in keeping with the landscape;*
    - (iii) *the use of materials, that are in keeping with the environment, including consideration of colour and low reflectivity;*
    - (iv) *low level infrastructure and services that is rural in nature.*
  - (e) *Consistency of any fully discretionary activity with design guidelines.*

- 12.6 I consider the proposal meets design principles within Policy 4.5. As stated in paragraph 11.8 above, Ms Davies considers in terms of the proposed cabins that their *'design is appropriate to the natural character of the bush setting in that they are proposed to be small scale and custom buildings that have a strong link with the surrounding landscape. Their location within existing cleared areas with the bush ensures that the placement of the proposed cabins will have the least impact on natural and rural character as possible'*. The applicant is also proposing the buildings are constructed in natural materials with recessive, low reflective colours and further planting near the southern boundary can be required by consent conditions.

- 12.7 As discussed in paragraph 11.26 above, in relation to the Council's Rural Subdivision and Development Design Guidelines (May 2012), I consider the proposal is consistent with the design principles of the Guidelines, namely in siting the cabins and majority of the associated services and infrastructure within the bush so views of them are very limited, use of recessive and low-reflective colours on the exterior of the buildings, and proposed additional planting within the wider site.

- 12.8 **Policy 4.6** seeks to retain vegetation, particularly indigenous vegetation and require the planting of new vegetation to mitigate the effects of activities. The proposal is not proposing to further remove indigenous vegetation beyond seedlings and saplings in areas already cleared and areas needed for infrastructure and services such as paths and water supply and stormwater/sewage disposal. The applicant has planted and proposes to further plant additional vegetation to mitigate the effects of the proposal. This additional planting is recommended as a consent condition. I therefore do not consider that proposal will result in a level of vegetation loss, including that of indigenous vegetation, that will significantly adversely affect rural character or the rural amenity of neighbouring landowners. The proposal will therefore not be contrary to Policy 4.6.

- 12.9 I do not believe that the proposed intensity of traffic generation will be of a scale to significantly adversely affect rural character, particularly given the applicant is proposing to keep within District Plan limits. The Plan therefore anticipates the level of traffic generation proposed and therefore the proposal will not be inconsistent with **Policy 4.8**.
- 12.10 Overall, I conclude that the landscape surrounding the site will absorb any buildings or infrastructure associated with the proposal. In addition, the cabins are of a design and scale in keeping with the landscape and will be barely discernible within the landscape, if visible at all. I believe the effects on rural character, with recommended mitigation measures, will be less than minor. Therefore I believe the proposal will not be contrary to **Objectives 1 and 4** or their policies which seek to protect and retain existing rural character.
- 12.11 Under **Objective 2 and Policies 2.1, 2.2 and 2.3** development should not adversely affect amenity values or health through light overspill and glare or noise. The applicant is not proposing to exceed the permitted District Plan limits regarding these matters. However both Landscape Architects have recommended external lights be in a downward direction only and hooded. I believe that if these measures are required by consent condition that this will mitigate adverse effects from light so they will be no more than minor. In regards to noise, I do not believe the activity will generate the type or level of noise that will result in unacceptable effects on the submitters' rural amenity.

### **Outstanding and Regionally Significant Landscapes**

- 12.12 **Objective 15** seeks to protect and enhance outstanding landscapes and regionally significant landscapes within the district and under **Policy 15.1** development should not result in adverse visual effects on these landscapes. I do not consider the proposal will be contrary to these provisions as the activity will be barely discernible from Egmont National Park or be seen against the National Park when looking up towards the ranges.

### **Indigenous Vegetation**

- 12.13 Under **Objective 16** indigenous vegetation and habitats should be sustainably managed, and enhanced where practical, and development should not result in adverse effects on, and should enhance where practical, the quality and intrinsic values of areas of indigenous vegetation and habitats (**Policy 16.2**).
- 12.14 With the proposed mitigation measures relating to ecological protection, such as no further felling of large trees and pest management and those recommended to be required by consent conditions, I do not believe the proposal will be contrary to Objective 16 or Policy 16.2.

### **Infrastructure**

- 12.15 To avoid adverse effects of inappropriate and insufficient infrastructure under **Objective 22, Policy 22.1** requires developers to provide a safe water supply, means for the collection and disposal of stormwater and sanitary sewage disposal. The applicant is proposing to install on-site water supply and sewage disposal. This will be assessed at the time of Building Consent.



## Summary of District Plan Provision Assessment

12.16 I do not believe the proposal will be contrary to the relevant objectives and policies of the District Plan. With appropriate mitigation, as required by consent conditions, the proposal will not result in adverse effects that will be more than minor in relation to the matters addressed under these Plan provisions.

### 13.0 TARANAKI REGIONAL POLICY STATEMENT (RPS) (2010)

13.1 I consider the following provisions of the RPS are relevant to this proposal:

- **UDR Objective 1 & UDR Policy 1** – *recognising that resource use and development can enable social, economic and cultural wellbeing;*
- **BIO Objective 1** - *To maintain and enhance the indigenous biodiversity of the Taranaki region, with a priority on ecosystems, habitats and areas that have significant indigenous biodiversity values.*
- **BIO Policy 2** - *Adverse effects on indigenous biodiversity in the Taranaki region arising from the use and development of natural and physical resources will be avoided, remedied or mitigated as far as is practicable.*
- **NFL Objective 1 and NFL Policy 1** - *To protect the outstanding natural features and landscapes of the Taranaki region from inappropriate subdivision, use and development, and to appropriately manage other natural areas, features and landscapes of value to the region.*
- **AMY Objective 1 & AMY Policy 1** - *recognising the positive contributions of appropriate use and development in terms of providing for the maintenance and enhancement of amenity values while avoiding, remedying or mitigating the adverse effects of inappropriate use and development on amenity values.*

13.2 I do not believe the proposal will be contrary to objectives and policies UDR Objective 1 or UDR Policy 1.

13.3 I do not consider the proposal will significantly adversely affect the landscape of the Outstanding Natural Feature of Mt Taranaki or the Pouakai or Kaitake Ranges. The activity will be barely discernible from Egmont National Park or seen against the National Park when looking up towards the ranges. I therefore do not consider the proposal is contrary to NFL Objective 1 or NFL Policy 1.

13.4 With the proposed mitigation measures relating to ecological protection, such as no further felling of large trees and pest management, and those recommended to be required by consent conditions, I do not believe the proposal will be contrary to BIO Objective 1 and BIO Policy 2.

13.5 The adverse effects of the activity on the environment, including on rural amenity will be mitigated through measures proposed by the applicant as well as conditions on consent to be no more than minor.

## Summary of RPS Assessment

- 13.6 In assessing the proposal against the relevant provisions of the RPS, I conclude that the application is not contrary to these provisions.

## 14.0 PART II OF THE RMA

### Section 5 – Purpose of the Act

- 14.1 The purpose of the Resource Management Act 1991(RMA) is to promote sustainable management of natural and physical resources by enabling people and communities to provide for their social, economic and cultural wellbeing while avoiding, remedying or mitigating any adverse effects of activities on the environment.
- 14.2 As discussed earlier in this report, the adverse effects of the activity on the environment, namely effects on rural character and amenity and ecology, will be mitigated through measures proposed by the applicant as well as conditions on consent to be no more than minor. Overall, I therefore believe the proposal not contrary with the purpose of the RMA.

### Section 6 – Matters of National Importance

- 14.3 Section 6 sets out matters of national importance that shall be recognised and provided for, including:  
*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development: and*  
*(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- 14.4 The outstanding natural feature/landscape of Mt Taranaki and the Pouakai Ranges will not be physically affected in itself, and effects on views to or from Egmont National Park will be negligible. The activity is unlikely to be within view when looking up at the National Park or from the National Park. No further felling of large trees is proposed and a number of consent conditions have been recommended to protect the indigenous vegetation with the site and I consider these will ensure the effects on ecology are no more than minor.

### Section 7 – Other Matters to have Particular Regard

- 14.5 I consider the following matters are relevant to this proposal:  
*(c) the maintenance and enhancement of amenity values:*  
*(d) intrinsic values of ecosystems:*  
*(f) maintenance and enhancement of the quality of the environment:*
- 14.6 As discussed in Section 11, it is considered that with the proposed mitigation measures, such as external materials on buildings being in only natural, recessive and low reflective colours, and recommended consent conditions, such as those requiring further planting effects on rural amenity will be no more than minor. Amenity values will therefore generally be maintained. The intrinsic values relating to the ecology of the

indigenous vegetation within the site can be protected through an Ecological Management Plan required as a consent condition. The quality of the environment will be maintained with additional vegetation and the required measures to protect the ecology of the indigenous vegetation.

### Section 8 – Treaty of Waitangi

- 14.7 Section 8 refers to taking into account the principles of the Treaty of Waitangi while managing the use, development, and protection of natural and physical resources. I do not believe the proposal adversely impacts upon the principles of the Treaty.

### Summary of Part II Assessment

- 14.8 In assessing the proposal against sections 5 to 8 of the RMA, I conclude that the application is consistent with the purposes and principles of the RMA.

## **15.0 CONCLUSIONS**

- 15.1 In this s42A report I have considered the proposed activity against the relevant provisions of the relevant statutory and planning documents and other matters. The activity itself is not precluded from the Rural Environment Area but its effects, namely, on rural character and amenity and ecology, must be avoided, remedied or mitigated adequately to meet the objectives and policies of the District Plan and purpose and principles of the RMA.

- 15.2 One submission has been received in opposition raising a number of concerns with the proposal.

- 15.3 However, it is considered the effects on rural character and amenity will be mitigated largely through the proposed and required landscaping and limits on building materials, external colours and reflectivity. I consider effects on ecology will be no more than minor with the recommended consent conditions.

- 15.4 I consider that with the inclusion of the following recommended conditions, the adverse effects on the environment from the proposed tourist cabins and associated infrastructure and farm shed can be mitigated to the extent they are acceptable.

- 15.5 Overall, I consider the proposed development will not be contrary to the relevant objectives and policies of the District Plan or RPS. I also consider the proposal is not contrary to the purpose and principles of the Resource Management Act 1991 and can be granted resource consent.

## **16.0 RECOMMENDATION**

- 16.1 That consent be granted subject to the following conditions under Sections 104, 104B and 108 of the Resource Management Act 1991:

## SUGGESTED CONDITIONS - LANDUSE CONSENT LUC18/47378

### General Conditions

1. The use and development of the land shall be as described within the application and shall be substantially in accordance with the plans prepared by 4Site Design:
  - *'Site Development – 828 Dover Road, Okato for Andy Gillham and Louise Bain', Job No. 4588, Drawing No. Sch-1, dated 1.09.17;*
  - *'Enlarged Site Plan for Andy Gillham and Louise Bain', Job No. 4588, Drawing No. Sch-2, dated 1.09.17;*
  - *'Mountain View Cabin', Job No. 4588, Drawing No. Sch-3, dated 1.09.17;*
  - *'Sea View Cabin', Job No. 4588, Drawing No. Sch-4, dated 1.09.17;*
  - *'Tree House Cabin', Job No. 4588, Drawing No. Sch-5, dated 1.09.17;*
  - *'Valley View Cabin', Job No. 4588, Drawing No. Sch-6, dated 1.09.17;*
  - *'Entry Unit/Storage Shed', Job No. 4588, Drawing No. Sch-7, dated 1.09.17;*

plans for the farm shed prepared by MiTek New Zealand Ltd:

- *'Plan', Drawing No. PR51047, Sheet 1, dated 15/01/18; and*
- *'Elevations', Drawing No. PR51047, Sheet 2, dated 15/01/18;*

and the *'Parking Plan (May 2018)'* attached as part of further information to the application received by Council 7 May 2018;

2. The consent holder shall notify the Council's Planning Monitoring Planner in writing no less than 48 hours prior to the commencement of earthworks or construction activities on the site. Notification shall include the contact details of the consent holder's representative for all matters relating to this consent.

### Survey Plan

3. Prior to site preparation works for the tourist cabins commencing, the consent holder shall provide a survey plan to the Council's Planning Lead or nominee showing the exact locations of the areas cleared for the Valley View, Sea View and Mountain View tourist cabins excluded from the Likely Significant Natural Area.

### Landscape Plan

4. A landscape plan shall be submitted to and approved by the Planning Lead to provide vegetative screening of the carparking area for the cabins, the driveway and the farm shed from the neighbouring property the south. This landscaping plan shall be submitted prior to the lodgement of the building consent application for the farm shed or construction of the carparking area for the cabins, whichever is the earlier. The landscape plan shall include, but not be limited to, the following matters:
  - a) all planting to comprise of native species consistent with the Restoration Planting Guide for the Egmont Ecological District;
  - b) plants to be a minimum height of 2.0m at the time of planting;
  - c) a plan of the areas to be planted detailing the species, plant sourcing, plant sizes at the time of planting, plant density and timing of planting. The areas for planting shall be in the following locations:

- i) in between the proposed carparking area and the southern boundary of the site;
  - ii) in between the proposed farm shed and the southern boundary of the site;
  - iii) within the grassed areas adjoining the east and west of the proposed carparking area; and
  - iv) within the grassed areas adjoining the east and west of the proposed farm shed; and
  - v) in between the land between the driveway and the neighbours boundary to the east where the driveway adjoins the boundary; and
- b) a programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poor performing plants, watering to maintain soil moisture, length of maintenance programme).

*Note – existing planting that meet the conditions above may be included in the landscape plan.*

5. The planting shall be carried out in accordance with the landscape plan approved under Condition 4 above before the carpark is utilised by cabin guests or construction of the the farm shed is completed, whichever is the earlier.
6. The planting in the approved landscaping plan, shall be maintained in good condition for the duration of this consent. Any plants or trees that die, are removed, are lost or diseased/defective in any way shall be replaced by the consent holder as soon as practicable.

### **Ecological Plan**

7. Prior to any works commencing the consent holder shall provide to the Council's Planning Lead for approval an Ecological Management Plan prepared by a suitably qualified and experienced ecologist and shall include, but not be limited to, the following matters:
- a) no alteration or modification to the indigenous vegetation surrounding the cabin sites beyond the identified 20m diameter clearance areas around each cabin, including the planting of exotic species, except for the removal of weed species, pest control and planting of indigenous plants consistent with the ecology of the existing bush;
  - b) no further felling of any tree with a trunk over 300mm in diameter, unless first approved in writing by the Council (for example if it was found to be necessary to provide clearance from structures or services);
  - c) details of any further vegetation clearance above ground cover layer to minimise vegetation disturbance and further removal of large trees;
  - d) all tree work for trees with over a 300mm diameter trunk, including pruning of trees to maintain viewshafts from the cabins and excavation and construction activity within the root zone of such trees, shall be:
    - i) carried out in accordance with best arboricultural practice, including tree dismantling procedures which control the fall of stems and branches by approved lowering techniques to avoid damage to understorey vegetation and built structures;

- ii) under the supervision of a suitably qualified and experienced arborist trained in natural target pruning and approved tree climbing techniques;
  - iii) roots with a diameter of 35mm or greater shall not be disturbed, cut or otherwise damaged unless assessed as being necessary by a suitably qualified and experienced arborist and with prior approval in writing by Council;
  - iv) roots with a diameter of less than 35mm, or larger roots approved under iii) above, encountered during excavation which cannot be retained shall be cut back cleanly to the excavation face, not exposed to air for more than 8 hours and shall be protected from direct contact with concrete.
- e) details of path materials and path construction methods, including protection of tree roots and treatment of exposed roots;
  - f) any additional planting, including detailing the species, plant sourcing, plant sizes at the time of planting, plant density and timing of planting, and whether this is consistent with the Restoration Planting Guide for the Egmont Ecological District;
  - g) Locations of plants relocated from the indigenous vegetation areas;
  - h) specific pest management measures;
  - i) weed management measures to ensure areas cleared of vegetation following construction of buildings and infrastructure do not become infested with weeds and allow for natural regeneration of indigenous groundcover species;
  - j) Existing and any proposed fencing to limit stock entering the bush area;
  - k) effects on ecology from the proposed wastewater systems, including installation of these systems and discharge of treated sewage, and measures to mitigate these effects;
  - l) Guests shall not veer off the formed paths or cleared areas within the bush, and measures to prevent this, e.g. signs and tags on trees; and
  - m) Guests shall not bring any animals into the bush area of the site in which the cabins are located.
8. The Consent Holder shall undertake the commercial accommodation activity in accordance with the Ecological Management Plan approved under Condition 7 above for the life of the consent.
  9. The consent holder shall ensure that all contractors, sub-contractors and workers engaged in any activities covered by this consent are advised of the tree protection measures contained in the approved Ecological Management Plan and that they operate in accordance with them.

### **Buildings**

10. The Valley View, Sea View and Mountain View tourist cabins shall be wholly located within the cleared areas as shown on the survey plan required under Condition 3 above.
11. The tourist cabins shall be no greater than 25m<sup>2</sup> in internal floor area.
12. No sky dishes, TV aerials or reflective solar panels shall be attached to the roofs of any cabins and shall not exceed the maximum height of each cabin building they are connected to.

13. Except for naturally weathered timber, external materials of the tourist cabins, information shed and water tanks including walls, roofs, doors, window joinery, and guttering/downpipes, shall:
  - a) be in natural and recessive colours;
  - b) with reflectivity values of no more than 20%.
  
14. The farm shed shall be:
  - a) no greater than 7.1m in height or measuring 152m<sup>2</sup> in area;
  - b) located no closer than 8.0m to the southern side boundary at any point;
  - c) on the existing building platform;
  - d) constructed in coloursteel or similar or of a natural material;
  - e) either a dark grey or dark green colour with a reflectivity value of no more 35%.

### **External Lighting**

15. All external light fittings, including for the cabins, pathways and the carparking area, shall be directed downwards and hooded so that no lamp source is visible.

### **Carparking**

16. The six car parks shall be:
  - a) marked in the location indicated on the plan *Parking Plan (May 2018)* attached as part of further information to the application received by Council 7 May 2018; and
  - b) the construction and design standards set out in Table 23.10 and Diagram 23.11, Appendix 23 of the New Plymouth District Plan.

### **Vehicle Access**

17. The existing vehicle crossing shall be upgraded to a Type G sealed vehicle crossing and shall be constructed to the standard specified in the Council's 'Land Development & Subdivision Infrastructure Standards'.

*Note - For a new vehicle crossing, an application with the appropriate fee is to be made to the Council and upon approval this connection is to be installed by a Council approved contractor at the applicant's cost.*

### **Driveway**

18. The driveway shall be:
  - a) constructed of gravel with a grey coloured stone chip only; and
  - b) no greater than 4.0m wide at any point.

### **Activity Ceasing**

19. The consent holder shall inform the Council's Planning Lead or nominee, as soon as practicable but no later than one month, when the consented commercial accommodation at the site ceases.

## Restoration

20. Within three months of the commercial accommodation operation ceasing, the consent holder shall submit to the Council's Planning Lead for approval a restoration plan for the site. This plan shall include, but not be limited to, the following matters:
- (a) methods and timing of removal of the four tourist cabins and information shed; and
  - (b) time and methods of removal of all infrastructure and services associated with the cabins, including underground services, cables and paths;
  - (c) a replanting plan showing type, number and location of species to replanted within the cleared areas used for the cabins and services and any areas seedlings/saplings were removed for infrastructure associated with the commercial accommodation activity including the area used for the information shed; and
  - (d) a weed and pest management programme for ongoing maintenance of the restoration planting designed to protect the restoration planting from animal or plant pests and to replace any plants that are dead or in poor health as soon as practicable.
21. Restoration planting and other measures shall be carried out in accordance with the restoration plan approved under Condition 20 above.

## Monitoring Costs

22. The consent holder shall pay the actual and reasonable costs for monitoring undertaken by the Council when monitoring the conditions of this consent.

### Advice notes:

*Building Consents will be required for the tourist cabins, including consent for the water, stormwater disposal and wastewater disposal systems.*

*Development Contributions will be payable at the time of Building Consent.*

*The applicant is advised to check if resource consent is required from Taranaki Regional Council for their proposal in relation to earthworks, and the water, stormwater and wastewater systems, in relation to nearby watercourses.*



### Report and Recommendation by:

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*Rachael Symons*  
**SENIOR ENVIRONMENTAL PLANNER**

**Date: 8 March 2019**



Document No.: 7940791

<b>APPENDIX ONE:</b>	<b>Notification Report/Decision</b>
<b>APPENDIX TWO:</b>	<b>Submissions</b>
<b>APPENDIX THREE:</b>	<b>Relevant District Plan Objectives and Policies</b>
<b>APPENDIX FOUR:</b>	<b>Council's Landscape Architect Reviews of the application</b>

**APPENDIX ONE**

**Notification Report/Decision**

## **APPENDIX TWO**

### **Submission**

**APPENDIX THREE**

**Relevant District Plan Objectives and Policies**

**APPENDIX FOUR**

**Council's Landscape Architect Reviews of the application**