LAND USE CONSENT APPLICATION
28 MOCKFORD LANE, ALBERT TOWN

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1.0 Introduction

This application is for landuse consent to construct a new residential unit, which is partly located outside of an approved building platform. The application also requires consent to alter two consent notice conditions.

2.0 The Land

2.1 Location and Legal Description

The site is 1.3713 ha in area and is legally described as Lot 1 DP599020, comprised in Record of Title 1164160.

The site is located at 28 Mockford Lane, Albert Town. Mockford Lane is a private right of way, accessed off Lake Hawea – Albert Town Road. The site is at the top of the Maungawera Hill.

2.2 Site Description

The site is irregular in shape and is undulating in topography. Considerable amenity planting, and mature trees are established on the property. A building platform has been established on the lot, located centrally, and within the open flatter part of the site. There is a stormwater overland flowpath running north south through the property.

2.3 Consent History

The site and 1000m^2 building platform were established via subdivision consent RM220239.

A consent notice (CN) 12927884.8 was imposed on the Title as part of this consent. The CN includes restrictions on building within the platform, maximum height, driveway formation, curtilage area, stormwater disposal, overland flowpath protection, wastewater system design, firefighting water supply, indoor design noise level, fencing, landscaping and water supply.

A previously imposed CN 5370285.2 (part of an earlier subdivision) was partly cancelled in relation to the subject site. The conditions which continue to apply relate to restrictive building areas and landscaping requirements.

3.0 The Proposal

3.1 Building Construction

The applicant proposes to construct a new residential unit, which comprises a dwelling (240m^2 area plus 31m^2 entry), and a shed (240m^2 area) which will contain a small residential flat (67m^2 area). The residential unit is a maximum height of 5.5m above ground level. In order to locate the majority of the building within the platform, and still maintain maximum solar gain and views, there are three small areas where the building will protrude beyond the building platform. These are indicated on the Master Plan, Sheet RC-02, and comprise 3.7m^2, 15.5m^2 and 13m^2 in area. A very

small corner, (refer to where labelled Area B on the Master Plan), also breaches the 15m internal boundary setback, by 450mm. Two water tanks will also be located outside of the building platform, coloured light brown. These are already on the site, in a temporary location at present.

All proposed buildings are contained within the approved curtilage area. The Structural Landscape Plan approved via RM220239 is attached to this application for reference.

The proposed building will comprise the following external materials:
Roof: Corrugated Colorsteel, colour Flaxpod (LRV 7%);
Walls: Corrugated Colorsteel, colour Flaxpod (LRV 7%); and Vertical Cedar Timber.

3.2 Access & Services

It is expected that servicing can be deferred to the Building Consent stage, as this would be the case for a permitted activity residential unit, fully constructed within the building platform. Consent Notice conditions ensure the provision of appropriate servicing for the site, which was investigated in the underlying subdivision process. For completeness however, the following information is provided:

- The site is accessed via a private road (Mockford Lane) and there is an existing vehicle entrance to the lot.

- A connection for power will be made underground from the existing supply at the lot boundary.

- Water supply from a bore was established via a private scheme within the underlying subdivision. Water treatment is to be provided via a Hallett UV Pure 500PN disinfection system.

- Fire-fighting water supply is to be provided within two 30,000 litre on-site tanks, as indicated on the site plan. A hardstand and FENZ connection point/coupling are also shown on the site plan.

- On-site stormwater disposal and wastewater disposal is proposed. Specific designs are currently being prepared by Mt Iron Geodrill. No structures are proposed within the Overland Flowpath Protection Area, as indicated on the site plan.

3.3 Earthworks & Landscaping

The architect advises that proposed earthworks are minor only and will be within permitted activity levels, including for volume, cut and fill heights.

The site is extensively landscaped and no further landscaping mitigation is required or proposed. The applicants seek consent to remove three existing Larch trees (indicated on the site plan) in order to meet FENZ requirements for fire-fighting, and for driveway manoeuvring of the applicants' caravan and boat behind the shed. These trees are located within Area BE, a Tree

Protection Area. Refer to Consent Notice 5370285.2 condition 7 a). This Area BE was created in an earlier subdivision of the land via RM000197. It is understood that the trees proposed to be removed are European larch *Larix decidua* (deciduous conifers). Refer to the photos from winter 2024 attached (Aerial views – Tree Protection Area). It is noted that European Larch is listed in the PDP Chapter 34 as a Wilding Exotic Tree, now prohibited from being planted.

4.0 District Plan & RMA Provisions

4.1 Operative District Plan (ODP)

The land is located within the Rural General Zone in the ODP. Under s86F the rules of the ODP are treated inoperative, and therefore there are no relevant rules in the ODP in relation to the proposal.

4.2 Proposed District Plan (PDP)

The subject site is zoned Rural in the Proposed District Plan (PDP). The proposal requires resource consent for the following:

Rules that are treated as operative under s86F:

- A **discretionary** activity consent pursuant to Rule 21.4.9 for the use of land or buildings for residential activity except as provided for in any other rule; and

- A **discretionary** activity consent pursuant to Rule 21.4.11 for the construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks.

- A **restricted discretionary** activity consent pursuant to Rule 21.5.1 for setback of any building from internal boundaries. A corner of the dwelling breaches the 15m internal boundary setback by 450mm. Discretion is restricted to: a. rural amenity and landscape character; b. privacy, outlook and amenity from adjoining properties.

4.3 Consent Notice Changes

Consent is requested to change condition 7a) of consent notice 5370285.2 and condition a) of consent notice 12927884.8, as they relate to Lot 1 DP599020. This requires consent as follows:

- A **discretionary** activity pursuant to Section 221(3) of the RMA 1991 for a change of consent notice condition 7a) of consent notice 5370285.2 and condition a) of consent notice 12927884.8, as they relate to Lot 1 DP599020.

Condition 7a) of consent notice 5370285.2 is worded as follows (with suggested changes shown as added text underlined):

7 *To maintain the existing pattern of the land and to create a visually cohesive development and in order to avoid visual distinction of individual lots, the registered proprietors of the lots shall comply with the following guidelines:*

a) Plantings in the areas identified on the annexed plan dated 24th June 2002 as "Greenbelt – trees to be protected" and shown as areas E, X, AD, AE, AF, AG, AO, AP, AR, AS, BC, BD, BE, BF, BG, BH, BI, BP, BQ, CK on DP 310370 shall be retained, with the exception of the three identified trees approved for removal under RM25XXXX.

Condition a) of consent notice 12927884.8 is worded as follows (with suggested changes shown as added text underlined):

a) All future buildings shall be contained within the building platform as shown as Covenant Area S as shown on DP 599020 (Building Platform), with the exception of the development approved under RM25XXXX.

5.0 Effects on Persons

The applicants have Developer approval for the proposal, in relation to the private covenants (refer email attached regarding the tree removal).

The proposed residential unit, aside from the water tanks and several small building portions, is located within an approved platform and therefore the general effects of a residential development on the site have been assessed previously within the underlying subdivision process.

The minor nature of the buildings located outside of the platform is considered to be insignificant in terms of effects on persons. The water tanks are screened from private views by the shed, and the small building protrusions outside of the platform are unlikely to be perceived in the context of the overall development. The very small corner (450mm) which extends into the 15m setback is considered to have nil effects on privacy, outlook and amenity from adjoining properties. It is only relevant to the setback to the internal shared right of way, and unlikely to be perceived by passing residents.

The lot is extensively landscaped and enclosed within the surrounding topography. The proposed removal of three exotic trees (Larch wilding species) will not impact on the overall visual amenity of the site. With the predominant part of the development located in the approved platform, combined with low height, recessive colours and materials, the overall development is considered to be suitable for the site.

Overall, it is considered that any adverse effects on persons from this activity will be less than minor.

6.0 Assessment of Environmental Effects

6.1 Permitted Baseline

Sections 95D(b) and 95E(2)(a) provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'.

All buildings for residential activity in the Rural Zone (including roading or landscaping associated with any building) require resource consent, unless located within an approved building platform and meeting relevant zone standards. One residential unit, which includes a single residential flat for each residential unit, and any other accessory buildings, are permitted within any building platform approved by resource consent. Permitted activities in the Rural zone include activities such as farming, planting, fencing and earthworks, within specific standards.

This application proposes a residential unit largely contained within the approved residential building platform. Small areas of the building protrude outside the platform, and two water tanks are proposed which are not located on the platform.

It is considered that the permitted baseline does have relevance to this application.

6.2 Assessment Matters

The subject site is within the Rural zone, and part of the Rural Character Landscape.

The Rural Character Landscape assessment matters from the **Proposed District Plan** include the following:
21.21.2 Rural Character Landscape (RCL)
21.21.2.1 Landscape character
21.21.2.2 Visual Amenity Values
21.21.2.3 Design and density of development
21.21.2.5 Cumulative effects
21.21.2.6 Landscape assessment methodology
21.21.3 Other factors and positive effects

The above assessment matters, where relevant (and not already addressed in the underlying subdivision), have been considered in the following sections.

6.3 Actual and Potential Effects

The following actual and potential effects have been given consideration in assessing this proposal, as they relate to the assessment matters listed in Section 6.2 above:

- Landscape Character & Visual Amenity
- Cumulative Effects
- Services & Access.

(a) Landscape Character & Visual Amenity

The proposed residential unit, aside from the water tanks and several small portions of the building, is located within an approved platform and therefore the general effects of a residential development on the site have been assessed previously within the underlying subdivision process.

The proposed design incorporates a low overall building height, recessive colours and materials and is located within an extensively landscaped lot. The irregular shape of the building platform (due to site contours, 15m boundary setbacks and overland flowpath location) has limited design options, to locate the majority of the building within the platform, and still maintain maximum solar gain and views. The water tanks have been located at the bottom of the hill behind the shed, and are greater than 20m from the State Highway. They will not be visible from the road in this position, and will be screened from the private Mockford Lane by the shed.

The proposed removal of three exotic trees (Larch) will not impact on the overall visual amenity of the site. There are three trees for removal, in a grouping of six, with a backdrop of further substantial mature planting, which provides screening of the development from the State Highway. Further it is noted that the tree species is now identified in the District Plan as a wilding pest species (refer Sec 3.3 above).

The existing vegetation and surrounding topography contain and mitigate potential adverse effects of the small building encroachments outside of the platform. The proposed building is not prominent in public views from outside the site, where it is unlikely to be visible at all. The proposed breaches of the building platform, and very small internal boundary breach, are unlikely to be perceived from public or private views in the context of the overall development. The proposed development will not break the line and form of the landscape in respect of skylines, ridges, hills and prominent slopes.

Overall, it is considered that the proposal maintains the existing landscape character and amenity of the surrounding rural area.

(b) Cumulative Effects

The proposal is only for one residential unit, largely located in a previously approved building platform. The site development is in keeping with other developments within the vicinity and does not compromise the existing pastoral character of the area. It is not considered that this development leads to adverse cumulative effects.

(c) Services and Access

The access and services were investigated, and consent notice conditions established, within the underlying subdivision consent. The proposal meets all servicing requirements. Effects in this regard are therefore less than minor.

Overall, the residential unit is of an appropriate nature and scale, given the established building platform and permitted baseline, with only small breaches proposed. The site is readily able to absorb the building and activity with less than minor effects on the surrounding environment.

7.0 Section 104 Assessment

7.1 Effects (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 6 of this report.

7.2 Objectives and Policies of District Plan (s104(1)(b)(vi))

Operative District Plan
The proposal is in accordance with the relevant objectives and policies contained within Part 4 (District Wide) and Part 5 (Rural Areas) of the Operative District Plan. The proposal is not highly visible from public places and roads due to the location, topography, recessive colours and extensive planting within the site. The proposed building will have less than minor effects on surrounding landowners and existing rural amenity. Given the weight now afforded to the PDP, no further assessment of the ODP provisions is considered necessary.

Proposed District Plan
In terms of the Proposed District Plan, the application has been assessed in relation to the Policies and Objectives contained within the following chapters:

Chapter 3 (Strategic Direction) & Chapter 6 (Landscapes & Rural Character)

The purpose of Chapter 6 is to provide greater detail as to how the landscape will be managed in order to implement the strategic objectives and policies in Chapter 3. The site is classified as Rural Character Landscape (RCL) and in accordance with Policies under 6.3.4, activities must be managed such that, on balance, they are consistent with the objectives and policies of the Plan. Cumulative effects are to be considered, with development not degrading landscape character and visual amenity values.

Policies under 6.3.2 are also relevant. Assessment undertaken in Section 6 above has addressed visibility and landscape protection, including cumulative effects, and concluded that the proposed residential development can be absorbed by the site and surrounding landscape, and will not degrade the landscape character and visual amenity.

Chapter 21 (Rural)

The policies of Part 21, among other things, aim to allow for a range of land uses, including farming, while maintaining the landscape character of RCL's, and maintaining or enhancing amenity values, and nature conservation values.

Assessment of Policies associated with Objectives 21.2.1 - 21.2.3:
This proposal is largely confined to an existing building platform, with only very small breaches of the platform area. The site is well enclosed and contained by topography and vegetation, where the proposed development is unlikely to be seen in public views. There is no impact on productive potential of rural land. The building has no adverse effects on recreational values, nor nature conservation values, and is well distanced from any water bodies.

Appropriate setbacks are maintained to road boundaries. A very small encroachment into the right of way internal boundary is unlikely to be perceived by any person.

There are no anticipated adverse ecological or heritage effects. The proposal will avoid or mitigate adverse effects on groundwater and surface water quality, with appropriate servicing requirements for stormwater and wastewater.

Overall, the proposed development maintains the landscape character and visual amenity values, given the mitigation measures previously described.

It is considered that the proposed activity is in accordance with the PDP's relevant objectives and policies.

7.3 Part 2 of the RMA

The proposal will promote the purpose and principles of the Act. The development will result in sustainable management of natural and physical resources, whilst avoiding, remedying or mitigating adverse effects on the environment. The development avoids or mitigates adverse effects on the environment through mitigation measures of recessive design, low height, use of topography and vegetation.

8.0 Conclusion

This application seeks approval to construct a new residential unit, which is partly located outside of an approved building platform. The application also requires consent to alter two consent notice conditions. Overall, the residential unit is of an appropriate nature and scale, given the established building platform and permitted baseline, with only small breaches proposed.

The existing landscape character and amenity values will be maintained. It is considered that the proposal can be absorbed into the landscape with less than minor effects on the surrounding environment.



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