



Fee-simple Subdivision and Residential Development

Concurrent Land Use and Subdivision Consents

6 Teitei Drive, Ohakune

Assessment of Environmental Effects and Statutory Analysis

5 July 2023

Prepared for:

Kāinga Ora Homes and Communities &
Ruapehu District Council

B&A

Urban & Environmental

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- Appendix 2: Rule, Objectives and Policies and Assessment Criteria Assessment
- Appendix 3: Concept Masterplan and Landuse Consent Package, prepared by Isthmus.
- Appendix 4: Engineering Services Report and Engineering Drawings, prepared by Cheal Consultants Ltd
- Appendix 5: Geotechnical Interpretative Report, prepared by CMW Geosciences
- Appendix 6: Hydrology Assessment, prepared by Cheal Consultants Ltd
- Appendix 7: Teitei Drive Stream Assessment Report, prepared by Kahu Environmental
- Appendix 8: Teitei Drive Ecological Impact Assessment and Wetlands and Stormwater Memo, prepared by Morphum Environmental
- Appendix 9: Preliminary Arboricultural & Vegetation Assessment, prepared by Peers Browns Miller Ltd
- Appendix 10: Integrated Transport Assessment, prepared by Traffic Planning Consultants Ltd
- Appendix 11: Detailed Site Investigation, prepared by Geosciences Ltd

1.0 Applicant and Property Details

To:	Ruapehu District Council
Site Address:	6 Teitei Drive, Ohakune
Applicant Name:	Kāinga Ora Homes and Communities & Ruapehu District Council
Address for Service:	Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Katherine Hu
Legal Description:	Lot 2 DP 54909 (refer to Record of Title as Appendix 1)
Site Area:	9.4536ha
Site Owner:	Ruapehu District Council
District Plan:	Ruapehu District Plan (RDP)
RDP Zoning:	Residential Zone
RDP Precinct:	N/A
RDP Overlays & Controls:	N/A
Designations:	N/A
Additional Limitations:	N/A
Locality Diagram:	Refer to Error! Reference source not found.
Brief Description of Proposal:	Concurrent land use & Fee-simple subdivision creating 46 residential lots, one balance lot (Lot 301), five lots to vest as local purpose reserve and one lot to vest as public road. Other associated works also include earthworks, stream works, supporting landscaping and engineering works
Summary of Reasons for Consent:	RDP: Concurrent land use and subdivision consents for the creation of 46 residential lots, including new roads and local purpose reserves to vest, bulk earthworks, and the construction and installation of reticulated infrastructure

NES-F: Earthworks and vegetation clearance within 10m setback from a natural wetland

2.0 Background

Kāinga Ora & Ruapehu District Council are joint applicants (**the Applicant**) for the proposal.

Following local body elections in 2019, Ruapehu District Council identified housing as a key need for the district, based on community feedback, and developed objectives to address housing supply and affordability issues.

At around the same time, Crown Infrastructure Partners (**CIP**) 'shovel ready' funding was announced. In accordance with CIP requirements, RDC identified two sites in Ohakune as being 'shovel ready', including the Teitei Drive site addressed within.

The Teitei Drive proposal is to be completed in partnership between RDC and Kāinga Ora, in consultation with Ngāti Rangī.

This application addresses the initial stage of the proposal, being a fee-simple subdivision to create 46 residential lots, one balance lot (Lot 301), five lots to vest as local purpose reserve and one lot to vest as public road. The five local purpose reserves will incorporate local open space, stormwater management areas and existing natural features within the site. The application also covers associated earthworks, streamworks, supporting landscaping and engineering works.

Project Vision

For the development to build on and contribute to the vibrant diverse community within Ohakune while maintaining a sense of place and to set new benchmarks for quality, density and diverse urban development with a focus on innovation, affordability and a low climate impact and resilience.

Project Objectives

There are four key outcomes for Stage 1 to deliver:

- 46 build-ready sections, associated reserves, roads, and pedestrian connectivity;
- Trunk infrastructure sized to enable the further development of stages 2 and 3, as much as CIP funding allows;
- A masterplan to establish a framework for further development of the balance of the site;
- Employment and job objectives (circa 50 employment opportunities) associated with this land development project.

The project will also:

- Support the development of housing solutions for whanau and the wider Ohakune community;
- Protect the integrity of the Vision throughout the development processes;
- Delivery of a masterplan and infrastructure strategy to support the entire residential development;
- Reflect Ngāti Rangī values and Crown partnership;

- Align with Ruapehu District Council's 5 Year Housing Strategy & Plan of Action (2021);
- Create local employment opportunities;
- Provision for green open spaces and quality shared amenities;
- Preserve the unique natural features of the site.

3.0 Site Context

3.1 Site Description

The subject site is 6 Teitei Drive, Ohakune and it is located at the southern end of Teitei Drive as shown in **Figure 1** below. It is bounded by Rochfort Park to the west, existing farmland to the south, an established residential area to the east and northeast (known as Turoa Village) and an area comprising an existing watercourse/gully system to the north. There is a paper road designation of Teitei Drive adjacent to the northern boundary of the site, which also overlays part of the existing watercourse/gully system.

The site is contained within the Record of Title WN24D/752, with the legal description as Lot 2 DP 54909, and there is no interest registered under this Title that could affect the future development of the site.

The site is irregularly shaped with a total area of approximately 9.4563ha. With respect to topography, the site consists of a gently sloping country from northeast to southwest. The land is currently all in the pasture with no dwellings and/or associated rural outbuildings.

There are three waterways and several wetlands present onsite which are marked as Waterway A, Waterway B and Waterway C in Figure 1 below. In summary:

- Waterway A – This is part of a functioning wetland but appears to be disconnected hydrologically (in terms of surface water) due to past bunding/spoil placement.
- Waterway B – Bisects the development site and flows from east to west. This is classified as an intermittent stream but could be upgraded to permanent (due to bed type(s) and flow regime) but would need to be assessed in the height of summer.
- Waterway C – Manmade drainage channel, likely functioning as a stream and with potential for restoration and re-naturalisation. Joins Waterway B at the western boundary of the site.

Further details of these natural elements are detailed in **Appendix 7** Streams Assessment Report and **Appendix 8** Wetland Assessment.

Access to the site is through the existing unformed access from Teitei Drive to the north. There is an existing pedestrian accessway running along the northeast boundary (within the site boundary) connecting Snowmass Drive and Teitei Drive.

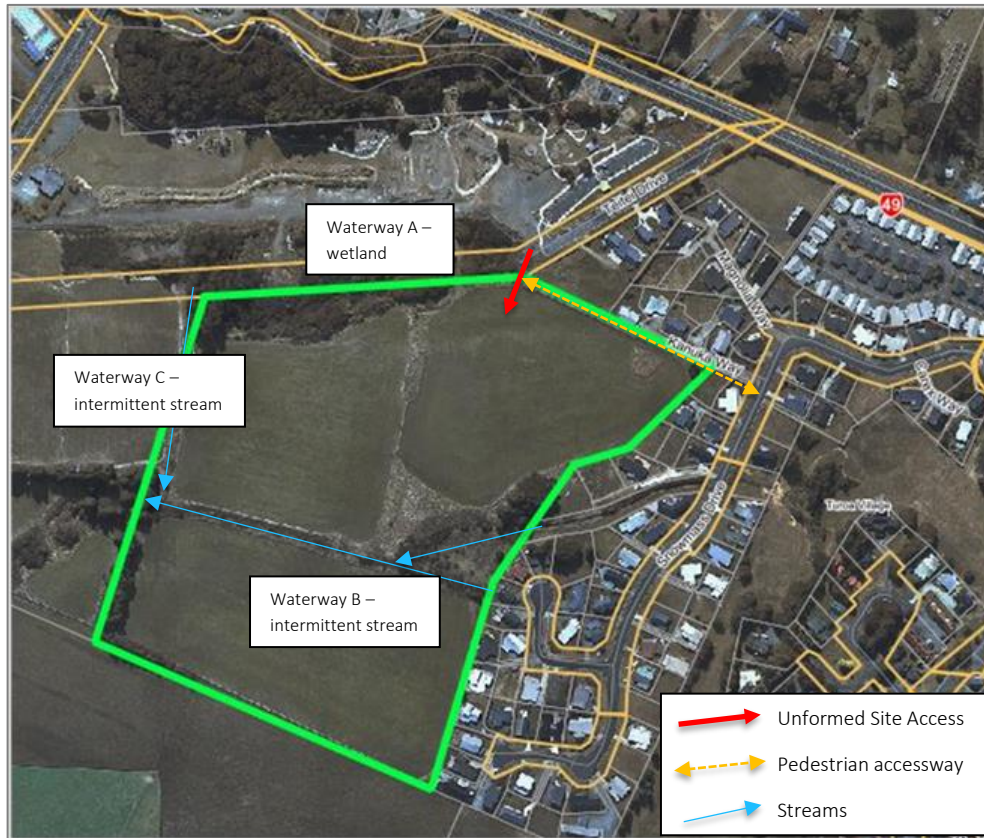


Figure 1: Aerial photo of the subject site. Source: Ruapehu District Council GIS mapping.

3.2 Surrounding Locality

The site to the northeast and east on Teitei Drive, Kanuka Way and Snowmass Drive are zoned as Residential (same as the subject site) and these properties are predominately characterised by single-storey residential dwellings comprising a mix of scales.

The neighbouring site immediately to the west is a Council owned park, Rochfort Park, and it is zoned as Active Reserve. Land adjoining the site to the south is a rural area.

The Ohakune town centre is located to the north/northwest of the site and is a short walk to the subject site (within approximately 400m walking catchment).

4.0 Proposal

The Proposal for this application is known as Stage 1 and it primarily involves a subdivision of 46 residential lots and associated public roads and reserve areas to vest. The majority of work for Stage 1 is located in the northeast portion of the site, with additional works associated with Waterway B. The extent of work relating to Stage 1 is shown in Figure 2 and Figure 3 below.

A summary of the key elements of the proposal is set out below. More detailed descriptions of particular aspects of the proposal are set out in the specialist reports and plans accompanying the application.



Figure 2: Extent of work for Stage 1. Source: Engineering Service Report – Proposed Cuts & Fills Plan.

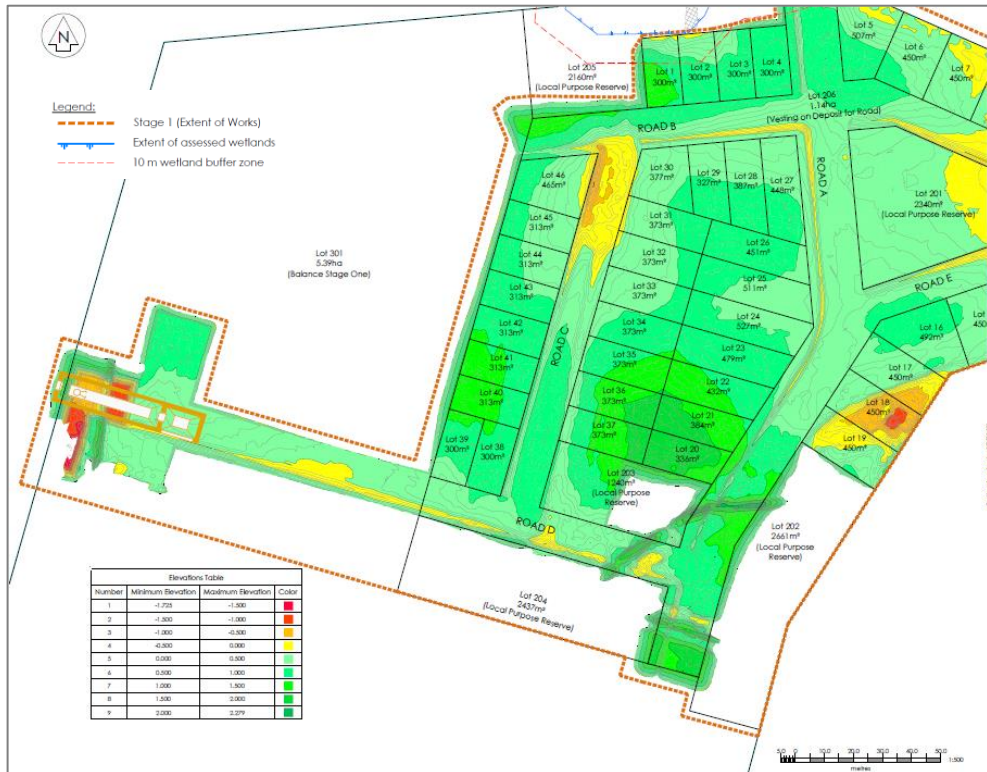


Figure 3: Extent of work for Stage 1. Source: Engineering Servicing Report – Proposed Cuts & Fills Plan.

4.1 Earthworks

The proposal includes bulk earthworks across the northeast portion of the site and within the proximity of the existing stream in accordance with the extent of works showing under the Engineering Cut & Fill Plan, as well as additional earthworks to create level building platforms for the 46 residential lots. In summary, the proposed earthworks will involve:

- Approximately 16,450m³ of fill and approximately 2,015 m³ of cut over an area of approximately 37,960m².
- Approximately 215m² of earthworks over an area of approximately 639m² within the wetland and within the 10m of wetlands for the establishment of access and four residential lots (being Lots 1 – 4).
- Fill depths of up to approximately 2.3m are proposed within the low-lying parts of the site and cut depths of up to approximately 1.7m; and
- Erosion and sediment control measures in accordance with the Erosion and Sediment Control Plan ('ESCP') included in the Engineering Services Report, including clean water diversion bunds, sediment retention ponds, decanting earth bunds, and silt fences.

The proposed earthworks will be carried out in accordance with the relevant best practice guidance, such as the Waikato Regional Council Erosion and Sediment Control 'Guidelines for Soil Disturbing Activities'. Any cut-to-waste material will be removed from the site and all sediment control devices will remain in place until the site is fully stabilised. A geotechnical engineer will ensure the stability of the works and the safety of the surrounding land, buildings, and structures. The Applicant also proposes to offer an Accidental Discovery Protocol condition as below, or in similar wording, which is to ensure that the potential unearthing of archaeological material is protected and it will recognise the best practice in accordance with the Taiao Management Plan.

Where, during earthworks on the site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed:

- a. Ngāti Rangī be contacted immediately;*
- b. work will cease until permission is given by Ngāti Rangī; and*
- c. an archaeological assessment will be undertaken by an archaeologist approved by Ngāti Rangī.*

Regarding the vegetation removal and enhancement planting for the wetland and stream onsite, Peers Brown Miller Ltd undertook a Preliminary Arboricultural & Vegetation Assessment (**Appendix 9**) which made recommendations on vegetation clearance, tree management and pest plant control. Whilst such recommendations (limited to the area for Stage 1 work) will generally align with the Proposal, I note these recommendations are subject to review and input from the ecologists and/or wetland/riparian specialists (as noted and recommended by Peers Brown Miller Ltd). Therefore, appropriate condition of consent to detail the vegetation removal and enhancement planting onsite, by the way of a Detailed Landscaping Plan or Ecological Planting Plan prepared by a suitably qualified and experienced ecologists and landscape architects, are anticipated and endorsed by the Applicant.

4.2 Contamination Remediation

Detailed Site Investigations (‘DSIs’) have been prepared by Geosciences Ltd, and included in **Appendix 11**. The DSIs confirm that:

- The site has been maintained predominately under pastoral grazing for its discernible history, with a short period of rotational cropping;
- There is no identified human health or environmental discharge risk identified;
- The NES-CS regulations and contaminated land provisions of the Horizons Regional Council One Plan are not applicable to the proposal;
- Standard earthworks health and safety procedures are sufficient to manage soil disturbance risks and soil onsite may be disposed of as cleanfill; and
- No additional work regarding actual or potential soil contamination is required.

4.3 Stream works and Wetlands

As detailed in the Teitei Drive Stream Assessment Report (**Appendix 7**) and Teitei Drive Wetlands and Stormwater Memo (**Appendix 8**), several natural waterbodies have been identified within the site (refer to Figures 4 and 5).

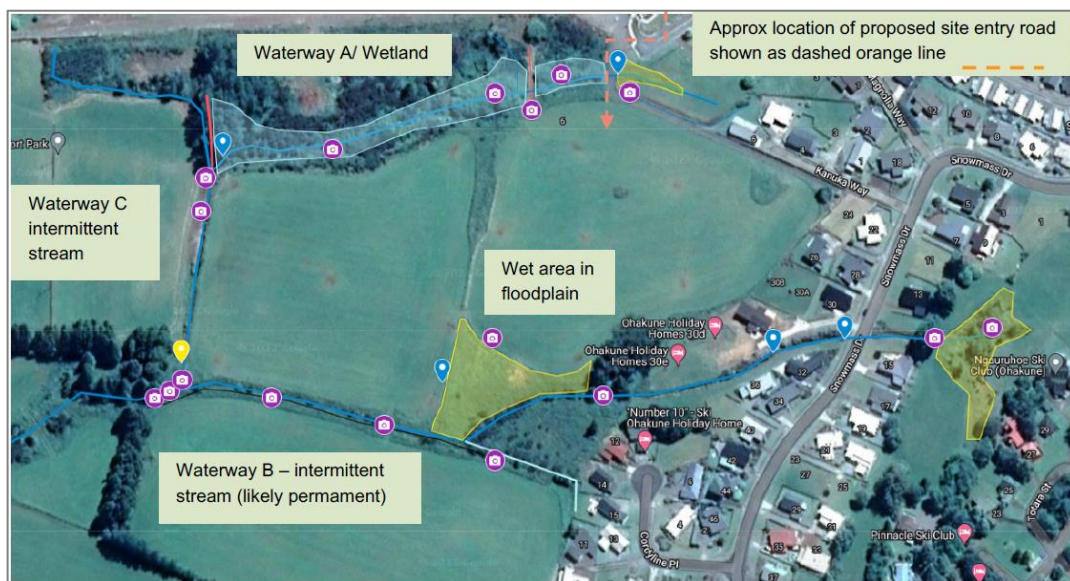


Figure 4: Map of identified waterways and potential wetlands. Source: Teitei Drive Stream Assessment Report.



Figure 5: Map of assessed wetland area onsite. Source: Teitei Drive Wetlands and Stormwater Memo.

As part of the application, the following works are proposed in relation to the waterways and wetlands on site:

- Culverting at Waterways A and B to facilitate the construction of new roads within the site and for access purposes. The proposed culverts will be designed and constructed to comply with the relevant standards under the Horizon Regional Council and regulations under Clause 70 of the National Environmental Standard for Freshwater 2020 ('NES-F').
- Earthworks within the existing delineated wetland are located adjacent to the proposed access. Figure 6 shows the extent of earthworks in relation to the wetland area. More specifically, these works include:
 - Forming access from Teitei Drive into the site – this will require earthworks both within the wetland and within the 10m setback from the wetland for the purpose of culverting under the new road (Teitei Drive extension) through the very top of the wetland area.
 - Earthworks within 10m of the wetland to create three residential lots (Lots 1 – 3) adjacent to the wetland.
- Weed species removal and control, replanting and enrichment planting within riparian and wetlands.

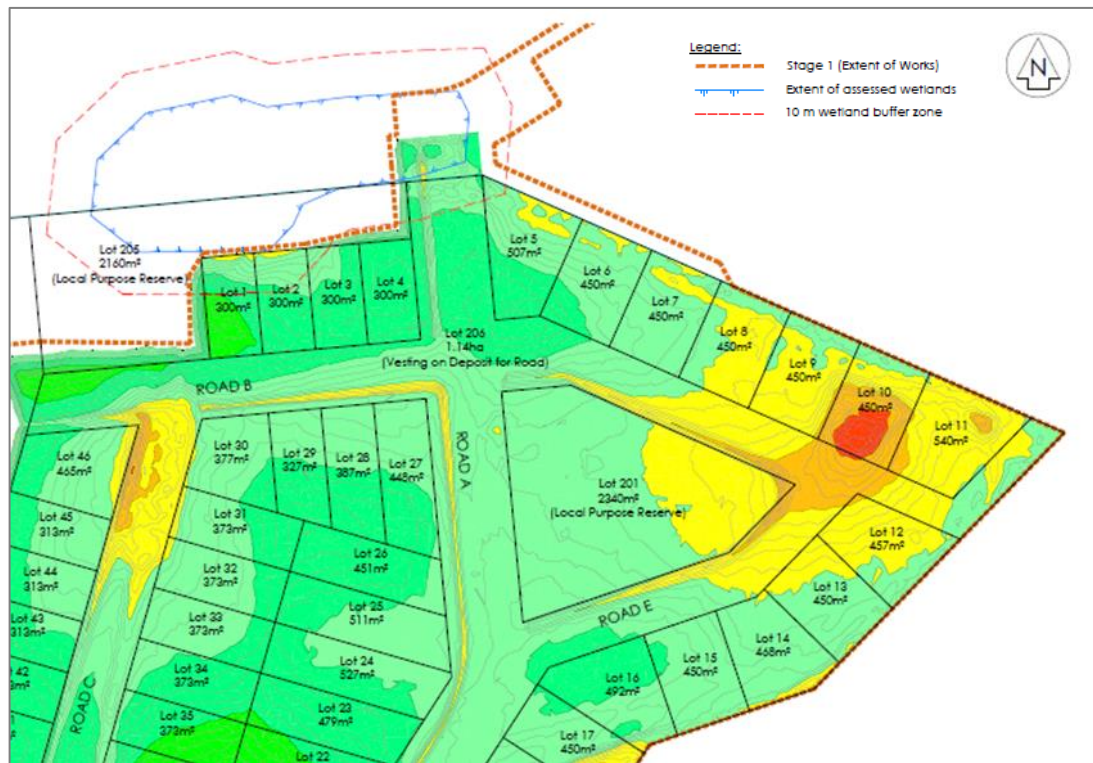


Figure 6: Proposed cuts/fills in relation to wetland onsite. Source: Engineering Services Report.

To mitigate the potential effects, the following mitigations are proposed as part of the Proposal:

- Ecological restoration of up and downstream of the impact site.
- Adding large woody debris to recreate meanders and flow diversity.
- Follow industry best practice standards to maintain and unchange the flow of the waterways.
- Active fish and kōura salvage immediately prior to, or when installing culverts.
- Retain native tree species where possible.
- Installation of larger diameter culverts, embedded by 25-50% of culvert height with appropriate water depths (150mm for native fish passage) and with elements (such as baffles) to provide flow diversity within the culverts according to the New Zealand Fish Passage Guidelines.
- Planting enhancement with ecosourced natives along all riparian areas onsite to a buffer width of at least 10m on each bank for the remainder of Waterway B, upstream and downstream (approx. 250m total).
- Achieve no net loss of wetland extent: Wetland extent maintained through increasing and enhancing area immediately downstream.
- Achieve net gain of wetland value: enhance the quality of the remaining extent of wetland downstream through weed species removal and control, replanting with appropriate wetland plants and establishing a regular maintenance programme. The regular maintenance programme will be undertaken by Ruapehu District Council as part of its reserve management functions.

- All new culverts will meet fish passage standards and will be installed using best practice guidelines and culvert(s) installed to form the entry road do not alter the hydrology of the wetland.
- Best practice methods and specifications used for sediment and erosion control, and earthworks in and around waterways and wetlands.

4.4 Residential Subdivision, Staging and Land Use

It is proposed to carry out a fee-simple subdivision to create 46 residential lots and one balance lot (Lot 301) in accordance with the proposed Scheme Plan as included in **Appendix 4**.

The subdivision will also create five lots to vest as local purpose reserve (Lot 201, Lot 202, Lot 203, Lot 204 and Lot 205) and one lot to vest as public road (Lot 206). The five local purpose reserves will incorporate local open space, stormwater management areas and existing natural features within the site.

The proposal also involves roads to vest and the establishment of four local purpose drainage reserves which incorporate local open space, stormwater management areas and existing natural features within the site.

Of the 46 residential lots, 20 of them will have a net site area of 450m² or more and 26 of them will have a net site area ranging 300m² – 448m², as detailed below:

- Lots 1 – 4, Lots 38 and 39 = 300m² (150m² less)
- Lots 20 = 336m² (114m² less)
- Lot 21 = 384m² (66m² less)
- Lot 22 = 432m² (18m² less)
- Lot 27 = 448m² (2m² less)
- Lot 28 = 387m² (63m² less)
- Lot 29 = 327m² (123m² less)
- Lot 30 = 377m² (73m² less)
- Lots 31 – 37 = 373m² (77m² less)
- Lots 40 – 45 = 313m² (137m² less)

No residential dwelling is proposed as part of the proposal, however, given the minimum density requirement for fee-simple subdivision in Residential Zone is 450m². A set of conceptual land use plans have been provided in **Appendix 3** to demonstrate how these lots could be developed in the future with a range of residential typologies in a range of sizes.

To avoid doubt, the Applicant does not seek any specific dwelling design and/or the establishment of residential dwellings for any resident lots in this application. The proposed land use consent is sought for those under-sized lots to establish residential dwelling development.

4.5 Transport and Rooding

The rooding and access are detailed in the Concept Masterplan (**Appendix 3**) the Engineering Servicing Report (**Appendix 4**) and the Integrated Transport Assessment (**Appendix 10**). By way of summary, the following key features are proposed.

4.5.1 Rooding

The proposal includes the creation of five new local roads to vest (Road A to Road E), consistent with the rooding layout shown in the Concept Masterplan and proposed Lot 206 under the subdivision scheme plan.

The new roads proposed will be formed with a typical road reserve width of 12 – 18 metres. Each new road generally has a straight alignment with bends included along Road A and Road E. The proposed development has adopted the following road design principles:

- Road A within the site will be two-way, with a typical road reserve width of 18.0 metres and a carriageway width of some 7.0 metres;
- Road B, Road C and Road D within the site will be two-way, with a typical road reserve width of 14.0 metres and a carriageway width of some 6.0 metres;
- Road E within the site will be two-way, with a typical road reserve width of 12.0 metres and a carriageway width of some 6.0 metres.

In addition, all the local roads will include footpaths with a minimum width of 1.5 metres whereas typical cross-sections for the public roads will include back berms to optimise sight lines between drivers reversing out across the footpath and pedestrians.

All proposed roads in the development will be formed and designed with the best practice standards for residential development and will have slopes no steeper than 1 in 8 (12.5%). All proposed roads will also be sufficient for Fire Services and at each new intersection, 10.3m refuse trucks can make the turn. In addition, all new intersections can accommodate a delivery van while another van is turning.

4.5.2 Access and intersections

Access to the site will be provided from Teitei Drive with a new intersection at the western end of Teitei Drive through Road A. All formed intersections will be designed to meet the relevant engineering requirements.

4.5.3 Parking

A minimum of two residential parking spaces can be provided onsite for each residential lot as illustrated in the Concept Masterplan.

4.6 Infrastructure and Servicing

The servicing design of the proposed development is described in the Engineering Services Report prepared by Cheal Consultants Ltd, included in **Appendix 4** and summarised below.

- **Stormwater:** Management of the stormwater runoff within the site will be via a Primary Reticulation System for a 10-yr ARI storm and Secondary Overland Flow for a 200-yr ARI storm as per NZS 4404:2010, RDC and HRC guidelines.

- **Wastewater:** There is sufficient capacity for the proposed subdivision of Stage 1 as per confirmation with Ruapehu District Council. A gravity-reticulated wastewater network is proposed and will provide each residential lot with a wastewater connection. The wastewater reticulation is proposed to discharge to a new pump station that will be constructed to the southwest corner of Stage 1.
- **Water Supply:** A reticulated potable water network is proposed to provide connections to every residential lot. It is proposed to connect the site to the existing 100mm uPVC watermain in Teitei Drive. The potable water network will provide for adequate flow rates and pressures for domestic use and firefighting including provision for fire hydrants.
- **Power and Telecommunications:** Letters from the power and telecommunications companies have been sought confirming capacities to service the subdivision, with detailed designs to be provided prior to Engineering Approval application.

4.6.1 Stormwater Management

The stormwater management principles and approach for the proposal are detailed in the Engineering Servicing Report (**Appendix 4**). The approach is in keeping with the most recent national policy standard, national environmental standard and Horizon Regional Council standards and guidelines.

In summary, the proposal includes:

- Water quality – minimise the generation of contaminants as far as practicable or, alternatively, use green infrastructure to treat contaminants close to the source;
- Hydrological mitigation for streams – minimise a change in hydrology (runoff volumes and peak flow rate) via retention and detention;
- Hydrological neutrality for wetlands – maintain water balance to existing wetlands, achieve ‘no-net-loss’ for the extent of the wetlands and ‘net gain’ for the value of the wetlands;
- Conveyance – protection of downstream receiving environments from erosion; and
- Flood management – Overland flow through the site will primarily be via the proposed roading network. In a 200-year storm event or greater the site will form one catchment with overland flow paths (OLFP) exiting the site via the outlets from the detention basins and primarily from Road D, into the existing central drain.

The ways in which the stormwater management strategy will be implemented are described in the relevant sections of the Engineering Servicing Report (**Appendix 4**), and a high-level summary is provided as follows:

- **Public road corridors:** All public roads will use swales for stormwater which will address water quality treatment. All swales will have minimum section slopes of 1V:5H and be designed to convey the 1 in 10-year ARI storm event, they will also be suitably grassed/vegetated;
- **Drainage reserves:** A detention will be provided at the southwest corner and be integrated with flood detention. This detention pond will have an approximate dimension of 50 m long x 20 m wide x 1.5 m deep to limit off-site discharge to a predevelopment rate.

4.6.2 Natural Wetlands and Streams

As previously discussed, there is an existing natural wetland located within the northern part of the site and three streams. Both the wetland and streams will be retained within three proposed drainage reserves (Lots 202, 203, 204 and 205).

The proposal will maintain wetland hydrology, as set out in the relevant sections of the Engineering Services Report (**Appendix 4**), Hydrology Assessment (**Appendix 6**), Teitei Drive Stream Assessment Report (**Appendix 7**) and Teitei Drive Wetlands and Stormwater Memo (**Appendix 8**).

4.7 Other Consent Requirements

The Proposal will also require resource consents under the Horizon Regional Plan, including the abovementioned work on the streams and wetlands will require consent the provisions of the National Environmental Standard for Freshwater 2020 ('NES-F') as follows:

- The proposal involves vegetation clearance within and within a 10m setback from a natural inland wetland. This is a restricted discretionary activity under regulation 45(C).
- The proposal involves earthworks or land disturbance within and within a 10m setback from a natural inland wetland. This is a restricted discretionary activity under regulation 45(C).

These matters will be addressed within the resource consent application to Horizon Regional Council.

5.0 Consultation

For the purpose of the resource consent application, there is no requirement for consultation under the relevant District Plan, Regional Plan and RMA for this application:

- The site is not subject to any features or overlay of historic heritage significance, natural landscape significance or cultural significance under the RDP or HRP;
- There is no mandatory requirement for consultation with adjoining or adjacent neighbouring properties.

Nevertheless, the Applicant set an overall development kaupapa to align with tangata whenua values and engagement with Ngāti Rangī has been carried out throughout the development of the proposal. Most recently, an on-site hui was held with representatives from Ngāti Rangī, representatives from the Applicant (Kāinga Ora and Ruapehu District Council) and key consultants from the Applicant's project team to specifically discuss this proposal, including the proposed enhancement of the streams and wetland onsite and the proposed stormwater management approach. Ongoing discussions will continue as detailed designs being developed.

The existing iwi management plan, Taiao Management Plan 2014, has been considered with relevant commentary on the Proposal provided in Section 14.2 of this report. As detailed in Section 14.2 of this report and throughout the AEE, engagement with Mana Whenua will be ongoing to ensure the development aligns with Mana Whenua values, particularly with regards to natural resources and vegetation clearance. It is expected that consultation will continue in parallel with the application being processed and following consent approval (if consent is granted) and construction works.

Project partners have consulted with local infrastructure providers and have held one formal pre-application meeting with officers of the District Council’s resource consent team to obtain feedback on the proposal.

Furthermore, the proposed development layout for Stage 1 and a drafted Integrated Transport Assessment has been sent to Waka Kotahi for comments. Correspondence with Waka Kotahi is ongoing, however, it should be noted that the proposal will not result in any new access off State Highway 49, therefore consultation with Waka Kotahi is not mandatory. We do acknowledge the site is in proximity to Waka Kotahi’s network, hence our proactive engagement discussed above.

Finally, joint applicants Ruapehu District Council and Kāinga Ora, with the support of Ngāti Rangī, have commenced active engagement with the local community, including boundary neighbours to introduce the community to the proposed development plans and seek feedback. This engagement will be ongoing for the duration of the project.

6.0 Reasons for Consent

A rules assessment against the provisions of the Ruapehu District Plan (‘RDP’) is attached as **Appendix 2**. The site is within Residential Zone under the RDP and it is not subject to any overlay and features. The proposal requires consent for the matters outlined below.

6.1 Ruapehu District Plan

Residential

- The proposal will result in a total of 26 of the 46 residential lots (being Lots 1 – 4, Lots 20 – 22, and Lots 27 – 45) with a net site area of less than 450m², which cannot comply with General Condition RE 3.3.2(a) Residential Density. Therefore, consent is required for those lots does not comply with Condition RE 3.3.2 Density as a Non-Complying Activity.

Subdivision

- The proposed subdivision will result in a total of 46 residential lots and 26 of them (being Lots 1 – 4, Lots 20 – 22, Lots 27 – 45) will have a net site area of less than the minimum lot size requirement of 450m². Any subdivision within any other Residential Zone within Ohakune that cannot comply with the minimum lot size requirement is a Non-Complying Activity under SU 3.5.4 (b).
- Consents are required for residential lots (being Lots 1 – 4, Lots 20 – 22, Lots 27 – 45) that cannot accommodate the required shape factor under General Condition SU 3.6.1.

Transport, Infrastructure and Car Parking

- The proposed subdivision will result in new public roads to be vest to Council. The formation of new roads is a Discretionary Activity under TI 3.2.3.
- Consents are required for the compliances in relation to complying with the General Conditions TI 3.3.1 (a) and (b) as detailed in Appendix 2.

6.2 Activity Status

Overall, this application is for a **non-complying activity** under the Ruapehu District Plan.

7.0 Public Notification Assessment (Sections 95A, 95C and 95D)

7.1 Assessment of Steps 1 to 4 (Sections 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

7.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.

7.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the applicable rules do not preclude public notification, and the proposal is not a controlled activity or boundary activity. Therefore, public notification is not precluded.

7.1.3 Step 3: If not required by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As described below, it is considered that any adverse effects will be no more than minor.

7.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or

- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

The proposal includes the fee-simple subdivision of 46 residential lots and public roads and local reserves to vest, as well as associated earthworks, infrastructure, as well as streams and wetlands works. The proposal will facilitate the development of the site for residential activities in accordance with the Residential Zone and the anticipated outcomes of the Ruapehu District Plan. The proposed scale of construction activities is not considered to be out of character for a site zoned as residential.

It is considered that there is nothing noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

7.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed in section 7.3 below.

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded.

In this case resource consent is required for any subdivision within the Residential Zone under Ruapehu District Plan. It is therefore considered that there is no permitted baseline that can be usefully applied to the proposal.

- Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

- The adverse effects on those persons who have provided their written approval must be disregarded.

No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95D, including the identification of adjacent properties, and an assessment of adverse effects.

7.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **Figure 7** below, and include:

- RDC owned properties:
 - Section 35 Block VIII Makotuku SD (adjoining to the west)
 - Teitei Drive ‘paper road’ (adjoining to the northwest)
- Lot 12 DP 4250 (adjoining to the south);
- The residential properties immediately adjoining the northeast and eastern boundaries, including:
 - 1/4 – 4/4 Teitei Drive;
 - 1 – 6 Kanuka Way; and .
 - 24, 26, 30B, 30C, 58, 60, 62 and 63 Snowmass Drive;
 - 9, 10, 11, 12, 14 and 15 Cordyline Place; and
 - Lot 2 DP 562583 and Lot 3 DP 562583



Figure 7: Adjacent properties in relation to the subject site. Source: RDC GIS Map.

7.4 Assessment of Effects on the Wider Environment

The following sections set out an assessment of the wider effects of the proposal, and it is considered that effects in relation to the following matters are relevant:

- Earthworks and construction:

- Character and amenity:
- Ecological values:
- Infrastructure and servicing;
- Transport:
- Stormwater and flood management:
- Cultural values:

These matters are set out and discussed below.

7.5 Earthworks and Construction

7.5.1 Silt and Sediment Control

As set out in Section 3.1, the proposal involves bulk earthworks across a total area of 37,960m² and approximately 215m² over an existing wetland. During construction, it is proposed to install sediment and erosion control measures to avoid any adverse sedimentation effects. An infrastructure report with bulk earthworks and erosion and sediment control plans has been prepared. All proposed sediment and erosion control measures will be designed in accordance with Waikato Regional Council Erosion and Sediment Control '*Guidelines for Soil Disturbing Activities*'. Key elements of the sediment control plans include the use of clean water diversion bunds, sediment retention ponds, decanting earth bunds, and silt fences.

In addition, earthworks in the vicinity of NPS-FM qualifying natural inland wetlands and streams will be carefully designed to ensure that there is no uncontrolled sediment release to the streams and wetlands.

On the basis of the above, it is considered that any adverse effects associated with silt and sediment runoff (and effects on water quality) will be appropriately avoided or mitigated to be less than minor.

7.5.2 Dust and Odour

Based on the nature of the proposal no objectionable odour effects are anticipated, and where any dust effects are generated during the earthworks phase, the site will be sprayed with water as necessary to suppress any dust particles. Appropriate conditions of consent to secure these measures are endorsed by the applicant. Accordingly, it is considered that any potential adverse effects in this regard will be avoided or mitigated to be less than minor.

7.5.3 Construction Traffic

It is anticipated a CTMP will be included as a condition of consent and this will suitably manage the traffic effects associated with construction activities. Given the size of the site, there is sufficient space on site to accommodate workers' vehicles and it is not expected that there will be spillover effects to on-street parking during the construction period. Overall, it is considered that traffic effects during the construction period can be appropriately mitigated and managed subject to a condition for a CTMP.

7.5.4 Land Instability

With respect to the suitability of the site for the proposed development, CMW Geosciences have carried out geotechnical assessments of the site, included in **Appendix 5**.

CMW consider that the site is generally suitable for the proposal and there are no significant geotechnical constraints that would preclude the type of development proposed, including the earthworks design across the site, subject to their recommendations being adhered to. It is anticipated that conditions of consent will ensure that the earthworks will be carried out in accordance with the geotechnical recommendations, with appropriate geotechnical supervision and reporting.

In terms of potential land instability effects beyond the site, no significant cuts or fills are proposed with the maximum cut or fill depth proximate to external site boundaries being generally up to 0.5m. No retaining walls are proposed to cater for any level changes.

Having regard to the above, it is considered that any adverse stability effects will be able to be avoided and that the site is suitable for development from a geotechnical perspective

7.6 Character and Amenity

7.6.1 Landscape and Visual Effects

The land has urban zonings of Residential Zone under RDP. Urban development of the land is therefore clearly contemplated under the planning framework in particular. While it is acknowledged that the project will change the physical locality of the project area. However, in our view, it is important that the landscape and rural character effects of the Project are considered *in context*. This context includes:

- The existing environment which includes activities permitted in the Plan, operative planning provisions and approved but unimplemented resource consents that are likely to be implemented;
- The statutory framework of the RDP which includes the urban zonings; and
- The parameters for that urbanisation were determined through the Council's District Plan plan change process and are zoned as Residential Zone as currently that resulted from that process.

In our view, the physical and visual change, and a departure from the current semi-rural or open space character, is clearly contemplated in the planning framework. The Council's RDP has already determined the future environment as being residential in this location and this is now embedded in the RDP by way of the Residential Zone.

In a planning context, the site is not located within any of the outstanding natural features, character or landscape overlays of the RDP, and it is not identified as a high natural character site either. The urban zonings of the land provide for residential activities in this location and the location and type of land uses proposed in this application is consistent with anticipated outcomes planned in the RDP.

Overall, having regard to the above, it is considered that any potential adverse landscape and visual effects on the environment will be appropriately avoided and mitigated to be less than minor.

7.6.2 Subdivision Layout

The proposed subdivision layout of Stage 1 has been developed in accordance with the Conceptual Masterplan of the entire site. In particular, the proposed subdivision layout includes a number of public road connections and predominantly north-south oriented blocks. The proposed site layout, street network, block structure, and open space response have been considered as follows:

- The proposed subdivision enables a block structure where dwellings typically have 'fronts' facing 'fronts' and 'backs' facing 'backs. This enables a positive street frontage that contains clear and legible entrances that result in activation within the streetscape;
- The proposed layout responds well to the existing constraints, including the single access point, the irregular shape of the site and the presence of existing waterbodies and natural features. The provision of a central north-south spine road and several east-west oriented roads enable predominant north-south configured blocks that result in the most optimal configuration for sunlight access;
- The proposed blocks have perimeters typically within the range of 250-500m. The majority of block lengths are also typically less than 200m, and are considered to be of a scale that will result in a good level of walkability; and
- The proposal integrates existing natural features and stormwater management features into a well-connected blue-green network, which will contribute toward the recreational amenity of the wider site, while also providing a physical and visual break in built form and contributing to a greater sense of openness and spaciousness.

Overall, having regard to the above, it is considered that the proposed subdivision layout and design of the proposal are appropriate, achieve key urban design principles, and will have less than minor adverse character and amenity effects on the wider environment.

7.6.3 Built Character and Appearance

The proposal will result in 26 residential lots that are smaller than the minimum lot size standard within the Residential Zone, therefore, the proposal will result in a more intense development compared to what the RDP currently anticipated and provided for. As such the potential effects of building form, massing, built character and visual effects have also been considered and the key conclusions of this assessment are as follows:

- The proposed 'under-sized' lots have a net site area ranging 300m² – 448m², which is of sufficient size to be able to accommodate a range of residential typologies and sizes, including one to two storey buildings across detached and duplex typologies, and in a range of one-, two-, and three-bedroom units, as shown in the Indicative housing topology matrix (**Appendix 3**).
- The Concept Land Use Plans in **Appendix 3** also demonstrated typical examples and layouts for these under-sized lots being developed in the future. It is anticipated that the scale, bulk, and intensity of the proposed residential buildings on these lots will be appropriate as they will be able to comply with the bulk and location standards of the Residential Zone under the RDP.
- The resulting visual changes to the surrounding environment are considered to be appropriate in the context of the urban zoning of the site and immediately surrounding sites.

Overall, having regard to the above, it is considered that the proposal provides for a well-considered design response and that potential adverse visual effects associated with built character and appearance within the surrounding environment will be less than minor.

7.6.4 Open Space and Social Facilities

The Site is highly accessible to open spaces and other social facilities. In particular, the Ohakune town centre, Ohakune Carrot Adventure Park and Rochford Park are within an approximate 5 to 10 minute walking catchment for the majority of the Site, with the remaining southern part being within a 15 minute walking catchment. Existing facilities available within the Town Centre include supermarkets, the Ohakune iSite Visitor Information Centre, Ohakune Public Library. The Ohakune Carrot Adventure Park and Rochford Park include extensive fields for recreational and organised sports.

With respect to open space, the Proposal comprises a total of 0.8ha communal open space, including two reserve areas, with an area of 2340m² and 1240m² respectively, located within Stage 1 to provide recreational uses.

In summary, the surrounding open space, amenities, and social facilities are accessible by active modes of transport and are of sufficient size to cater for the social and cultural needs and well-being of future residents of the Site.

7.7 Infrastructure and Servicing

The provision of infrastructure to service the development is detailed in Section **Error! Reference source not found.** above and has been considered in the Engineering Servicing Report prepared by Cheal Consultants Ltd. Their report and drawings are attached in **Appendix 4** and confirm that the proposed lots can be adequately serviced in respect of stormwater, wastewater, water supply, and other utilities, such that it is considered that no adverse effects will result. It is anticipated that detailed designs for the infrastructure and servicing will be finalised and certificated by RDC staff at Engineering Approval stage.

7.8 Ecological Values

An assessment of the ecological effects of the streams and wetlands has been undertaken, included in **Appendix 7** and **Appendix 8** respectively. The following key points are noted from their assessment.

7.8.1 Stream works

There are a total of three waterways have been identified and the Proposal requires culverting works associated with Waterway B to form the proposed public roads. As part of the Stream Assessment Report, it is concluded that the ecological value of Waterway B is moderate. The proposed culverting has the potential to result in:

- Stream extent loss of approximately 58m and 116m² (based on an average 2m width) for Waterway B and 25m and 37.5m² (based on 1.5m average width) for the small tributary;
- Sediment release due to instream works;
- Changes to stream flows, in-stream and riparian habitat loss, impact on stream life and changes to bed and banks.

As part of the Proposal the proposed mitigations include:

- Ecological restoration of up and downstream of the impact site.
- Adding large woody debris to recreate meanders and flow diversity.
- The flow will be maintained and unchanged according to industry best practice standards
- Active fish and kōura salvage immediately prior to, or when installing culverts
- Retain native tree species where possible.
- Installation of larger diameter culverts, embedded by 25-50% of culvert height with appropriate water depths (150mm for native fish passage) and with elements (such as baffles) to provide flow diversity within the culverts according to the New Zealand Fish Passage Guidelines
- Best practice methods and specifications used for sediment and erosion control, and earthworks in and around waterways.
- Replant with eco-sourced natives along all riparian areas onsite to a buffer width of at least 10m on each bank for the remainder of Waterway B, upstream and downstream (approx. 250m total)

With the proposed mitigation in place, the level of effect with mitigation is considered to be low and potential net gain.

7.8.2 Wetlands works

Apart from the streamworks, in order to form a legal and sufficient access into the Site from Teitei Drive, the Proposal also involves earthworks, access road development, including the replacement of a culvert which is adjacent to the wetland, and wetland reclamation in the extension of the replacement culvert on access way. An Ecological Impact Assessment in **Appendix 8** has been undertaken by Morphum Environmental and the following key points are noted from the assessment:

- The ecological value of the wetland and associated vegetation is considered to be very low due to the dominance of exotics and weeds and its induced formation.
- There is no apparent hydrological connectivity to the other watercourses on the site.
- The potential effects to be associated with the Proposal include erosion and sediment effects from land disturbance and effects on the wetland.
- The culvert proposed is not anticipated to have an adverse effect or drain the wetland. The imbedded culvert will allow for fish passage, however there is a low likelihood of any fish being present due to limited downstream connectivity.
- The magnitude of effect of unmitigated sediment discharge is considered as low; and the expected ecological effects of the proposed activities, prior to implementing any mitigations on the wetland expected to be moderate, and with an assessed ecological value of very low has a resultant level of effect of low.
- The implementation of best practice erosion and sediment control methodologies is considered appropriate to address any potential sediment impacts arising from the Proposal.

- The loss of extent of the partially induced wetland can be addressed through increasing the wetland extent on the southwestern edge of the wetland, which is on the subject property. There is ample room in this location to address any potential loss and it is contiguous with the lost area. The area of wetland extension should equal or be greater than that lost as measured on the completion of works.
- The low effect on biodiversity, dominance of exotics and isolated nature suggest there is a low likelihood of native fish and therefore fish salvage is not expected to be required.
- The small loss of wetland habitat is unlikely to alter the wetlands underlying character and composition, and it is considered that there would be no residual adverse effects. For this reason, and given the post- management magnitude of effect, it is not considered that any offsetting or compensation would be required for the loss of habitat.
- With the water quality and water quantity within the wetland unchanged, native planting in the wetland, and potential to retain extent, it would not be expected that the access way and subdivision development would substantially alter the current ecological values of the wetland. Accordingly, the post-management magnitude of effect for the wetland has been assessed as low to very low.

7.8.3 Summary

Overall conclude that the level of potential effect on stream values will be low with the potential of net gain, and the level of potential effect on wetland values to be very low.

Regarding the vegetation removal and enhancement planting for the wetland and stream onsite, Peers Brown Miller Ltd undertook a Preliminary Arboricultural & Vegetation Assessment (**Appendix 9**) which made recommendations on vegetation clearance, tree management and pest plant control. Whilst such recommendations (limited to the area for Stage 1 work) will generally align with the Proposal, I note these recommendations are subject to review and input from the ecologists and/or wetland/riparian specialists (as noted and recommended by Peers Brown Miller Ltd). Therefore, appropriate condition of consent to detail the vegetation removal and enhancement planting onsite, by the way of a Detailed Landscaping Plan or Ecological Planting Plan prepared by a suitably qualified and experienced ecologists and landscape architects, are anticipated and endorsed by the Applicant.

We accept the findings of the assessments and on this basis, it is considered that any potential adverse ecological effects resulting from the proposal will be avoided or mitigated to be less than minor.

7.9 Transport

Transport matters, including traffic, access, and parking, have been considered in the Integrated Transport Assessment prepared (**Appendix 7**). The assessment considers effects with respect to the road network, public transport, safety, trip generation, modelling, parking, servicing, access and construction. The key conclusions with respect to traffic-related matters are as follows:

- The proposed internal vehicle and pedestrian circulating areas are configured to an appropriate standard and will operate in a manner that minimises any potential impacts on safety.

- Based on these rates set out in the Roads and Traffic Authority (RTA), New South Wales – ‘Guide to Traffic Generating Developments’ publication, the proposed development with 46 will generate approximately 39 vehicle trips per peak hour and 354 vehicle trips per day.
- The proposed site has one access option provided via Teitei Drive and will be distributed to the wider transport network through the SH49/ Teitei Drive intersection. As is typical with most residential activities, the predicted origins and destinations of the vehicle trips generated by the proposal have been based on observations of the surrounding area and directional flows on SH49. It has been assumed that 80% of the trips generated would be westbound to/from the site, and 20% of trips generated would be to/from the east.
- The modelling suggests that the proposed site access intersection (SH49/Teitei Drive intersection) is forecast to operate well within capacity during the peak hour with a maximum degree of saturation of 0.098, a level of service of A and a maximum queue of 0.9 metres along Teitei Drive and as such the impact on the performance of the SH49/Teitei Drive intersection is considered less than minor and no major upgrades to the existing wider network are required.
- The proposal includes a number of non-compliances with the proposed separation distance for the intersections and sight distance for the intersection. These intersection locations and the non-compliances have been assessed to be acceptable. In particular, it is noted that:
 - All instances of non-compliance are located on internal local roads that will generally accommodate low vehicle movements;
 - As the roads within the subdivision will be provided with traffic calming the targeted operating speeds are not expected to be greater than 40 km/h and therefore both the intersection separation and sight distance can be less than required under the RDP;
 - The scale and extent of non-compliance are considered to be limited across the development, which includes 46 residential lots. Users of these intersections will be the residents residing within the subdivision and will be regular users who will be aware of the constraints and will exercise caution.

I have reviewed the Integrated Transport Assessment and I accept the assessment. In addition, I noted that the area adjacent to the northwest boundary is currently a largely vegetated wetland and it is part of a ‘paper road’ which is owned by RDC. The closest residential sections onsite will be separated with this paper road, over 15m, by the existing wetland onsite. It is also anticipated that this wetland area will be fully landscaped and planted with relevant appropriate vegetation, which will also provide a certain level of screening and visual softening of the mass and bulk of the future residential dwellings onsite. As detailed in the ITA, it is considered any transportation effects arising from the Proposal will not adversely affect the efficiency and effectiveness of the function and use of the existing transport network. As such, the Proposal will not hinder the development or future upgrade of this paper road.

On this basis, it is considered that any potential adverse transport effects resulting from the proposal will be avoided or mitigated to be less than minor.

7.10 Stormwater and Flood Management

The stormwater management approach and design for the site are detailed in the Engineering Servicing Report included in **Appendix 4**. The following key points are noted from their assessment:

- Management of the stormwater runoff within the site will be via a Primary Reticulation System for a 10-yr ARI storm and Secondary Overland Flow for a 200-yr ARI storm as per NZS 4404:2010, RDC and HRC guidelines;
- The proposed stormwater pond will have a dimension of approximately 50 m long x 20 m wide x 1.5 m deep and will be required to limit off-site discharge to a predevelopment rate;
- It is proposed to construct a stormwater pipe network collecting run-off from roads and lots and convey this stormwater to the stormwater pond.
- Flooding within the site will be generally contained within the proposed drainage reserves;
- Sufficient freeboard can be achieved and all building platforms can be set above the flood levels for the 200-year ARI storm event;
- The proposed development will not exacerbate the risk of flood hazards, and there will be no increase in the duration of flooding for other properties or the creation of new flood hazards;
- Overland flow through the site will primarily be via the proposed roading network. In a 200-year storm event or greater the site will form one catchment with overland flow paths (OLFP) exiting the site via the outlets from the stormwater pond and primarily from Road D, into the existing central drain.

It is anticipated that appropriate conditions of consent to detail the stormwater management design will be imposed and endorsed by the Applicant. Having regard to the above and in reliance on the assessment in the Engineering Servicing Report, it is considered that actual and potential adverse stormwater management and flooding effects resulting from the proposal can be appropriately mitigated and will be less than minor.

7.11 Cultural Value

As noted in Section 5.0 above, consultation for this application is currently underway with Ngāti Rangī who have been involved throughout the discussion of the proposal. As discussed, the site is not identified with cultural, historic and natural landscape significance under the RDP. The proposed streamworks, the maintenance of streams and wetlands within the proposed drainage reserves, and the proposed stormwater management will align with tangata whenua values. Specific consideration of the existing iwi management plan (Taiao Management Plan 2014) against the Proposal is included in Section 14.2 of the report, which in my opinion, demonstrated that the Proposal is generally consistent with the outcomes and objectives sought under the Management Plan. More specifically, the applicant is offering the following Accidental Discovery Protocol condition, or in similar wording, which is to ensure that the potential unearthing of archaeological material is protected and it will recognise the best practice in accordance with the Management Plan.

Where, during earthworks on the site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed:

- a. Ngāti Rangī be contacted immediately;*
- b. work will cease until permission is given by Ngāti Rangī; and*

c. an archaeological assessment will be undertaken by an archaeologist approved by Ngāti Rangī.

In addition, whilst no residential dwelling will be established onsite for this proposal, the proposed 46 residential lots will be ready for development and provide further housing capacity and options for the local community.

7.12 Summary of Effects

Overall, it is considered that any adverse effects on the environment relating to this proposal will be no more than minor.

7.13 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

8.0 Limited Notification Assessment (Sections 95B, 95E to 95G)

8.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

8.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal.

8.1.2 Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

8.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects on persons will be less than minor, and accordingly, that no persons are adversely affected.

8.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 7.1.4 above, it is considered that special circumstances do not apply.

8.2 Section 95E Statutory Matters

If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or national environmental standard (the ‘permitted baseline’) may be disregarded;
- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and
- The adverse effects on those persons who have provided their written approval must be disregarded.

These matters were addressed in section 7.21 above, and no written approvals have been obtained.

Having regard to the above provisions, an assessment is provided below.

8.3 Assessment of Effects on Persons

Adverse effects in relation to residential and visual amenities on persons are considered below.

Wider effects, such as earthworks and construction, character and amenity, ecological values, infrastructure and servicing, transport, stormwater and flood management and cultural values were considered in section 7 above, and considered to be less than minor.

8.3.1 Effects on all adjacent properties

The proposal includes construction activities to form a total of 46 residential lots and associated roading and infrastructure works that will result in visual change within the surrounding environment, as viewed from all adjacent properties. The potential adverse visual amenity effects on all owners and occupiers of adjacent properties are considered to be less than minor for the following reasons:

- The proposal includes fee-simple residential lots that are of a character and scale that is in keeping with the anticipated development outcomes in the Residential Zone. Potential effects associated with building form and massing are assessed in the Urban Design Report included at Appendix 6, which concludes that the proposal is an appropriate design response in the context of the site zoning;
- A good level of open spaces and reserve areas are proposed, which seek to retain existing natural features within the site such as streams and wetlands. A carefully considered landscaping strategy is also proposed (through a condition of consent), which will include streetscape landscaping and riparian planting. It is considered that these factors will mitigate potential adverse effects associated with visual bulk and dominance within the site as a whole;
- All resultant lots will need to comply with the bulk and location standards within the Residential Zone under the RDC at the time they are developed, which one to two storeys buildings are anticipated and will be generally visually integrated with the scales and character of the existing residential dwellings in a sympathetic manner.

Taking into account of the above, it is considered that the proposal will create less than minor adverse visual effects on persons at adjacent properties, particularly when considered in the context of the Residential Zone of the site and surrounding environment.

Other potential adverse effects on persons at the aforementioned properties are considered to be less than minor for the following reasons:

- The infrastructure report confirms that the proposed buildings can be appropriately serviced with less than minor adverse effects on neighbouring properties;
- Potential effects associated with the construction phase of the project will be temporary in nature, and can be effectively managed through conditions of consent, including a construction management plan and appropriate sediment control measures;
- Any flooding, stability or other effects on these properties due to the proposed engineering design are considered to be less than minor; and
- The proposed roading network and access arrangements have been addressed in the Transport Assessment, which concludes that any transportation-related effects will be less than minor and CTMP is proposed as a condition of effect to manage localised transport effects on the immediate environment.

8.3.2 Persons at Lot 12 DP 4250 (adjoining to the south)

Adjacent properties to the south include rural sections that accommodate rural lifestyle living, grazing, and horticulture. The closest dwellings and buildings are located at 1016 – 1020 Raetihi Ohakune Road, approximately 500m from the southern boundary of the site and over 700m from Stage 1 area. Potential adverse visual amenity on owners and occupiers of adjacent properties to the south are therefore considered to be less than minor given the ample separation distances.

8.3.3 Persons at 1/4 - 4/4 Teitei Drive; 1 - 6 Kanuka Way; and .24, 26, 30B, 30C, 58, 60, 62 and 63 Snowmass Drive; 9, 10, 11, 12, 14 and 15 Cordyline Place; and Lot 2 DP 562583 and Lot 3 DP 562583 (adjacent to the northeast and the east)

Adjacent properties to the east include typical residential properties, with an average allotment size of 450m² and one to two storeys in height and consists of detached typologies. As discussed above, while the proposal will result in a visual change within the environment, the scale and intensity of the proposed residential subdivision are considered to be appropriate in the context of the existing zoning and environment. In particular, it is noted that:

- The proposed residential allotments will accommodate residential activities, and will therefore be in keeping with the anticipated residential character of the zone;
- The proposed subdivision has been designed to locate all under-sized allotments towards the centre of the site and be further away from these adjacent properties. Residential lots along the common boundaries with these adjacent properties are all of a size complying with the minimum density requirement within the Residential Zone. This proposed layout has been designed in a way to maintain people's appreciation of the pleasantness and aesthetic coherence of the existing environment on Snowmass Drive and to deliver an expected urban form
- Whilst there is no physical residential dwellings to be constructed as part of this Proposal, as shown in the submitted typical development plans, all residential lots are of sufficient size and shape to accommodate a typical residential property, alongside complying parking and outdoor living spaces onsite.
- It should be noted that any future residential dwellings will be designed and constructed in accordance with the bulk and location standards under the RDP, which will ensure the mass and bulk of these future dwellings is not at odds with the established character of the surrounding environment.
- It is anticipated that any future residential dwellings will be able to be designed and constructed in a way to be visually integrated with the surrounding environment, and therefore the development as a whole will not be out-of-step with the existing and anticipated urban form in Residential Zone at Ohakune.
- Noise and vibration effects to adjacent properties during earthworks can be appropriately managed, and a number of consent conditions are anticipated to ensure all works are carried out in accordance with best practice.
- There is an existing pedestrian connection providing access between Snowmass Drive and Teitei Drive and the surrounding amenities, including the Ohakune Carrot Adventure Park. The majority of this connection is provided via the existing pedestrian pathway located within the Site. The proposed subdivision has been designed to maintain this connectivity for pedestrians

through the proposed public road onsite. As such, the Proposal will not compromise or reduce people's ability and accessibility to such community amenities as they currently enjoy. All public roads will be designed and constructed in accordance with the appropriate Engineering Standards, which will include full sets of relevant street lights, street trees and formed footpaths. These are improvements to the existing unformed pedestrian accessway as it will achieve a safer, more attractive and higher quality pedestrian environment.

8.3.4 Summary of Effects

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor in relation to residential and visual amenities effects. Wider effects, including earthworks and construction, character and amenity, ecological values, infrastructure and servicing, transport, stormwater and flood management and cultural values were assessed in section 7 above and are considered to be less than minor.

It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

8.4 Limited Notification Conclusion

Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

9.0 Consideration of Applications (Section 104)

9.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a non-complying activity, section 104D of the Act states that a council may only grant the application if:

- (a) adverse effects will be no more than minor; or

- (b) the activity is not contrary to the objectives and policies of the relevant plans.

10.0 Effects on the Environment (Section 104(1)(A))

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above that any wider adverse effects relating to the proposal will be less than minor and that no persons would be adversely affected by the proposal. Further, it is considered that the proposal will also result in positive effects and on-site amenity effects.

10.1 Positive Effects

It is considered that the proposal will also result in positive effects including:

- Providing for further housing capacity and choice within Ohakune;
- Create future employment opportunities within the local community;
- The proposed subdivision layout is considered to enable well-designed residential dwellings that will provide future residents with a high-quality on-site amenity;
- The provision of new infrastructure for stormwater, wastewater, and water supply; and
- The provision of riparian planting and planting within existing wetlands, which will restore and enhance ecological values over time.
- Significant ecological benefits through the restoration and enhancement of natural waterways on the site and enhancement of riparian planting.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are less than minor.

10.2 On-site Amenity

While the Proposal does not include the construction of any residential dwelling, however, as detailed throughout the sections above, it is considered:

- The proposed under-sized lots are of sufficient size and scale to comply with the relevant standards for outdoor living space, yard setbacks and service areas, as shown via the typical land use plans within **Appendix 3**. The ability to accommodate these areas will provide the intended on-site amenity outcomes for future residents;
- Each residential lot has been designed with a practical, generally flat and usable building platform, which will ensure the future residential development on site can accommodate a functional and usable private outdoor living space.
- All residential lots have been orientated in a manner that achieves a sufficient level of sunlight access for future development and residents;
- The existing public parks within the close proximity, coupled with the creation of approximately 0.8ha reserve areas within the proposed development, provide plenty of options for future residents for formal and informal recreational and community uses.

- The roading and reserve area layouts integrate with the existing physical and natural elements and enable attractive and safe streets and public spaces.

Overall, having regard to the above, it is considered that the proposal will provide a high-quality on-site amenity for future residents.

11.0 District Plan and Statutory Documents (Section 104(1)(B))

11.1 Objectives and Policies of the RDP

The RDP specifies the relevant Objectives and Policies to be considered in assessing this application for each of the consent matters are assessed and detailed in **Appendix 2**.

These objectives and policies largely cover the same matters that have been discussed and assessed in the above report, pertaining to environmental effects, sufficient infrastructure to service new developments, good design outcomes and ensuring development retains or enhances the distinctive characteristics of the Residential Areas within the District.

In particular, the proposal is generally compliant with the RDP standards for the Subdivision Zone, and where there are infringements to the density standard, the purposes of these standards are met through the demonstration of these under-sized lots can be developed and practically accommodating a reasonable sizes and scales residential dwelling.

Overall, it is considered that the proposal meets the assessment criteria of the RDP for the reasons described in the sections above.

11.2 Objectives and Policies of the NPS-UD

The National Policy Statement on Urban Development 2020 ('NPS-UD') took effect on 20 August 2020 and requires councils to plan for growth and ensure a well-functioning urban environment for all people, communities and future generations. The NPS-UD also provides councils with the necessary policy direction to allow further urbanisation where it may not have previously been anticipated or supported by operative planning frameworks.

The NPS-UD recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- Providing sufficient development capacity to meet the different needs of people and communities.

Key relevant objectives include Objective 1, Objective 4 and Objective 6, and key relevant policies include Policy 1 and Policy 6.

In summary, the proposal is consistent with the NPS-UD because the proposal will:

- Enable the development of a residential zoned site for residential activities in accordance with the underlying Residential zoning of the site thereby providing for development opportunities in a comprehensively planned manner in close proximity to the existing town centre and is located within a part of Ohakune that is earmarked for urbanisation;

- Contribute to future employment opportunities within the local community that is closely located to surrounding residential land uses;
- Provide the development opportunities for 46 future dwellings which will significantly contribute to the local community housing stock and options, and consequently assist with improving housing affordability;
- Provide a variety of density/allotment sizes which enable a range of housing sizes, typologies and prices to the market; and
- Create a well-functioning urban environment due to the comprehensively master planned nature of the development, diversity of allotment sizes, provision of public open spaces, enhanced streams and wetlands and proximity to the existing Ohakune town centre.

11.3 National Policy Statement on Freshwater Management 2020

National Policy Statement on Freshwater Management 2020 ('NPS-FM) requirements include:

- Managing freshwater in a way that gives effect to Te Mana o te Wai;
- Improving degraded water bodies, and maintaining or improving all others; and
- Avoiding any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.

The objective of the NPS-FM is contained in clause 2.1:

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

This is supported by the policies also contained in section 2.1. Key relevant policies include:

- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai;
- Policy 7: The loss of river extent and values is avoided to the extent practicable; and
- Policy 9: The habitats of freshwater species are protected.

Overall, it is considered that the proposal will be in keeping with the relevant provisions of the NPS-FM. For the reasons set out in Section 7.8, it is considered that the proposal will maintain and enhance the health and well-being of water bodies and freshwater ecosystems. In particular, the proposal is considered to be consistent with the NPS-FM because:

- The proposal avoids reclamation of identified streams and there is no further loss of river extent and values;
- The design and layout of the proposal has been designed to maintain the ecological features identified including natural inland wetlands and streams to the extent there will be no loss of these values, rather these would be protected and enhanced;

- Mana whenua have been engaged in this proposal and recommendations with respect to maintaining and enhancing ecological features have been adopted, which are consistent with the cultural narrative developed for Ngāti Rangī under Taiao Management Plan; and
- Effects on existing aquatic habitats can be appropriately managed through salvage of native eels and fish, and the proposed riparian planting will also provide replacement habitat.

11.4 National Environmental Standards for Freshwater 2020

The NES-F regulate any activities that pose a risk to the health of water throughout the country.

The standards are designed to:

- Protect existing inland and coastal wetlands;
- Protect urban and rural streams from in-filling;
- Ensure connectivity of fish habitats (fish passage);
- Set minimum requirements for animal feedlots and other stockholding areas;
- Help to improve sites poorly implementing the intensive winter grazing of forage crops;
- Restrict further agricultural intensification until the end of 2024; and
- Limit the discharge of synthetic nitrogen fertiliser to land and require such use to be reported.

For the reasons described in Section 7.8 above, it is considered that the wetlands and streams will be appropriately protected.

11.5 Summary

It is considered that the proposed development is generally in accordance with the objectives and policies of the abovementioned documents.

12.0 Relevant Rules and Assessment Criteria

The RDP specifies the relevant assessment criteria to be considered in assessing this application for each of the consent matters are assessed and detailed in **Appendix 2**.

These criteria largely cover the same matters that have been discussed and assessed in the above report, pertaining to environmental effects and the objectives and policies of the RDP.

In particular, the proposal is generally compliant with the RDP standards for the Subdivision Zone, and where there are infringements to the density standard, the purposes of these standards are met through the demonstration of these under-sized lots can be developed and practically accommodating a reasonable sizes and scales residential dwelling.

Overall, it is considered that the proposal meets the assessment criteria of the RDP for the reasons described in sections 6, 7, 9, and 10 above.

13.0 Part 2 Matters

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life-supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. It is considered that the proposed development is complementary to these objectives as it will provide for the social and economic well-being of people and communities by increasing expenditure, employment and income within the local economy and provide 46 residential lots for new, healthy homes to be constructed and assist with housing demand and options. The preceding assessments demonstrate that the development will be appropriately managed and carried out in a manner that will not give rise to significant adverse environmental effects

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. The site is not subject to any Treaty settlement, Treaty claims or any customary title, and there is no wahi tapu on the site. The relevant iwi authorities have been consulted in the development of this project as outlined in Section 5 above. The Proposal has been considered against the Taiao Management Plan and it is concluded that the Proposal, including the proposed site layout, stormwater management and enhancement of existing streams and wetlands, are generally consistent with the outcomes and objectives sought by the Plan. The applicants are committed to working with iwi under the partnership agreement for the duration of the project and with the appropriate methods set out in this AEE and subject to ongoing engagement with iwi, there will be no adverse effects which might impact resources of value to iwi.

Overall, as the effects of the proposal are considered to be less than minor, and the proposal accords with the relevant NPS-UD, NPS-FM and RDP objectives, policies and assessment criteria, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

14.0 Other Matters (Section 104(1)(C))

14.1 Record of Title Interests

The Record of Title for the site are not subject to any interests (refer **Appendix 1**).

14.2 Non-Statutory Documents

Taiao Management Plan 2014

Ngāti Rangī is the local iwi for Ohakune and they have developed a comprehensive iwi management plan, Taiao Management Plan 2014, to provide Ngāti Rangī and others with an understanding of the identity, values and the importance of the relationship with Ngāti Rangī's taiao. The purpose of the Plan is to provide clarity and structure to the Ngāti Rangī approach to environmental management and provide a framework by Ngāti Rangī can actively fulfil their role as tāngata tiaki.

As a holistic document, the Taiao Management Plan covers a broad range of issues and associated objectives, policies and outcomes sought to achieve, including those more than resource management issues under the RMA or the RDP. For the purpose of the Proposal and the purpose of this AEE, the following issues as defined within the Plan are considered the most relevant to the Proposal:

- Te Pou Tuarua: Papa-tū-ā-nuku
 - Subdivision and Development
 - Road works and earth works
 - Erosion and sediment
 - Land use
- Te Pou Tuawhā: Tangaroa-i-te-waimāori
 - Water quality
 - Point and non-point source discharge
 - Stormwater
 - Riparian margin management
 - Culverts, weirs and dams
 - Wetland drainage
 - River and 'drain' clearance
- Te Pou Tuaono : Rūaumoko
 - Management of natural events

The Proposal has considered Ngāti Rangī's approach to environmental management and Taiao Management Plan's visions and outcomes throughout the process, with commencing consultation with Ngāti Rangī at the preliminary concept stage and this consultation process is still ongoing. After reviewing the Taiao Management Plan, it is considered the Proposal is generally aligned with the objectives, policies and rules under the Plan. The most relevant issues to the Proposal have been carefully considered and responded to without compromising the vision and outcomes sought under the Plan. In summary, the Proposal is aligned with the Taiao Management Plan considering:

- Consultation with Mana Whenua is ongoing to ensure the development aligns with Mana Whenua values, particularly with regards to natural resources.
- The Proposal will not put at risk culturally significant areas, or native flora and fauna, in particular, the Site is not subject to any known culturally significant features or overlays.

- The Proposal will enable the comprehensive development of the site for residential activities, and facilitate the efficient use and development of land while integrating with the natural environment through the proposed wetlands and stream network, not compromising the visual amenity of the environment and protecting natural water resources.
- The proposed culverts, works in relation to the stream and wetlands and enhancement of streams and wetlands areas seek to ensure that freshwater, sediment quality and biodiversity are improved and that development is generally in accordance with the Taiao Management Plan. More specifically, terrestrial and riparian planting is proposed, which contributes to the overall ecological restoration and enhancement of the site. The proposal will contribute to improved ecosystem services and indigenous biological diversity values in this part of Ohakune.
- The stormwater management approach for the development has been comprehensively considered to ensure stormwater discharge from the site will not adversely affect receiving freshwater environments (the streams and wetlands).
- The risk of adverse effects arising from natural flooding hazards is managed through the overall layout and design of development and drainage reserves across the site. The development also provides safe and stable building platforms and vehicle access.
- The Proposal will provide for the social and economic well-being of people and communities by increasing expenditure, employment and income within the local economy and provide 46 residential lots, which are of a size for potential 46 new, healthy homes to assist with Ohakune's housing shortage.
- The Proposal has been designed in a way to retain the visual connection towards Mt Ruapehu through the general 'north-south' block and allotment orientation.
- The Proposal includes a carefully designed roading layout that will provide for safe and efficient parking and a safe and low-speed environment for pedestrians. Each proposed road will include pedestrian footpaths, landscape and adequate lighting.

15.0 Section 104D Non-complying Activities

To be able to grant consent to a non-complying activity, a council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan or plan (s104D(1)(b)). This consideration is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under section 104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

In our view, the effects evaluation required under section 104D(1)(a) is to be undertaken on a holistic basis looking over the entire application and the range of effects, not only discrete aspects of it. The adverse effects assessment in the body of this report, supported by the comprehensive suite of technical reporting and analysis accompanying this application, have been undertaken against the relevant statutory framework and it is our conclusion that any actual and potential effects on the environment will be appropriately avoided, remedied or mitigated to be less than minor. Accordingly, this first gateway test is satisfied.

To pass the test under s104D(1)(b), it must be demonstrated that the proposal will not be contrary to the objectives and policies of the RDP. We understand that the evaluation required under s104D(1)(b) is not whether the proposal complies entirely with each and every relevant objective and policy, but rather whether reading the relevant objectives and policies as a whole, it can be said that the proposal is contrary to them. In addition, the absence of support for an activity in the objectives and policies of a plan does not equate with “contrary to”, which requires repugnancy or opposition. The assessments in section 12 of this report conclude that the proposal will give effect to the relevant plans overall and our analysis demonstrates that the proposal will not be contrary to the RDP objectives and policies. Accordingly, this second gateway test is also satisfied.

As such, we find that the proposal satisfies both gateway tests under section 104D of the RMA. The application can therefore be considered under section 104 and a determination made on the application as provided by section 104B.

16.0 Section 106 Subdivision

Under section 106 of the Act, a consent authority may refuse to grant a subdivision consent if it considers that there is significant risk from natural hazards, or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

The site is not subject to any mapped natural hazards under the RDP. As assessed in Section 7 of this AEE, coupled with the Hydrology Report in **Appendix 6**, adverse flooding effects can be adequately managed or mitigated. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision. As such, there are no reasons to refuse to grant subdivision consent under Section 106 of the RMA

17.0 Conclusion

The proposal involves a fee-simple subdivision of 46 residential lots and associated public roads and reserve areas to vest, as well as associated earthworks, streamworks, roading and infrastructure works, at 6 Teitei Drive, Ohakune.

Based on the above report it is considered:

- Public notification is not required as adverse effects in relation to earthworks and construction, character and amenity, ecological values, infrastructure and servicing, transport, stormwater and flood management, and cultural values are considered to be no more than minor. There are also positive effects including the provision of new residential sections which will contribute to housing supply and choice within the local community at Ohakune and the enhancement of existing streams and wetlands within the site;
- Limited notification is not required as no persons are considered to be adversely affected by the proposal;
- The proposal accords with the relevant objectives and policies; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis.