

BEFORE THE INVERCARGILL CITY COUNCIL HEARINGS COMMISSIONER

IN THE MATTER OF the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF RMA/2021/48, being a land use consent application to increase the scale of an existing visitor accommodation activity (two visitor units and a residential dwelling) adding an additional three visitor units in the Rural Zone.

BETWEEN **Alan Roy Watson**
Applicant

AND **Invercargill City Council**
Local Authority

**SECTION 42A REPORT OF STEPHANIE ELLIS, PLANNER
ON BEHALF OF INVERCARGILL CITY COUNCIL**

AUGUST 2021

Applicant	Alan R Watson
Application	RMA/2021/48, being a land use consent application to increase the scale of an existing visitor accommodation activity (two visitor units and a residential dwelling) adding an additional three visitor units in the Rural Zone on a site which is 102,105m ² (10.2 ha).
Site	58 Green point Rd, RD11 Invercargill 9877
Legal Description	Sec 69 Blk IV Campbelltown Hundred SO 4216, PT Sec 70 Blk IV Campbelltown Hundred SO 4216
Classification	Rural Zone of the Invercargill City District Plan 2019 (the District Plan)
Activity Status	<p>The operation of a visitor accommodation is a Discretionary activity. This is defined as follows:</p> <p><i>Means the use of land or buildings for the provision of accommodation by fee paying customers for a daily tariff. This includes hotels, motels, hostels, backpackers, and camping grounds, but does not include homestay.</i></p> <p>Overall the application has been assessed as a Discretionary activity.</p>
Process	<p>The application was limited notified under s95B of the Resource Management Act 1991 (the Act).</p> <p>The application RMA/ 2021/48 was received on 11 March 2021. This was applied as a variation of the application RMA/2020/170. On 12 May 2001, the Council's Team Leader – Planning considered the matters of notification and decided that the application required limited notification under section 95B of the Act. This was done as the affected party approval for the neighbouring properties was not obtained or in the case of 50 Green Point Road was insufficient to be accepted as part of the application. The application was notified on 24 May 2021 and one submission were received one of which indicated to be heard.</p>
Issues	The key issue raised in the submission relates to amenity values, specifically privacy and noise. The submitter also referred to traffic and road safety concerns as well as on-site management of the stormwater and effluent.

1. INTRODUCTION

My name is Stephanie Elsie Ellis. I am a planner at the Invercargill City Council, a position I have held since January 2020. I hold a Bachelor's of Environmental Management from the Southland Institute of Technology. I have 1.5 years of experience in district planning working in New Zealand at the Invercargill City Council, with much of my work experience relating to the processing of resource consent applications.

I can confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

This report has been prepared to assist the Commissioner. It contains a recommendation that is in no way binding. It should not be assumed that the Commissioner will reach the same conclusion.

2. APPLICATION DETAILS

Resource consent was granted in 2017 to establish and operate visitor accommodation at the site (RMA/2017/37). That resource consent allowed the construction of a building with a floor area of 88m² consisting of two one-bedroom units for use as visitor accommodation. That accommodation was to be available year-round and was to be run by the occupants of the existing dwelling on the site. The total maximum occupancy of the units was four people. The consent was granted subject to two conditions. One sought consistency with the application, and the second stated that signage on the property was not to exceed 1.5m² in size and a maximum height of 2 metres. That consent has been given effect to.

This application is for land use consent to extend the above visitor accommodation activity operating on 58 Green Point Road. This is proposed to increase from two single bedroom visitor units to five single bedroom visitor units. The additional three units will be within stand-alone buildings. Details of the proposed visitor units and where they are to be located on the site are set out on the Plans included in **Appendix A**.

Following a Project Information Memorandum (PIM), that was applied for in June 2020, the applicant sought resource consent for a range of activities on the subject site, such as a restaurant, cafe, petting zoo and the addition of other forms of visitor accommodation (RMA/2020/170). This application was withdrawn. The scale and scope of the proposal has been reduced to the current scale of activity, in response to matters raised through the application process. The current application is included in **Appendix A** of this report.

It is noted that on Sheet 6 of the site plan provided with the application that there is an area indicated as a "tent site level" and "main RV site". The application itself has not discussed this part of the potential operation. This consent has been assessed on the basis that consent is being sought for the additional units only and does not cover the use of the site as a camping ground. No additional signage has been proposed for the site.

3. SITE DESCRIPTION

The property consists of two lots within one parcel comprising 102,105m² or 10.2 ha. The property is made up of two lots Sec 69 Blk IV Campbelltown Hundred SO 4216 and PT Sec 70 Blk IV Campbelltown Hundred SO 4216 with the proposed activity occurring on the east of parcel Sec 70.

The site has been identified to be within the Rural Zone with a Coastal Environment overlay.

The property is located at the end of Green Point Road. Green Point Road is an unsealed 100 kilometres per hour road. It runs off State Highway 1, which is designated by Waka Kotahi New Zealand Transport Agency.

There are no reticulated Council services in the area. The site currently contains a residence on the most eastern area of the section in the southeast corner. The visitor accommodation consented in RMA/2017/37 is located near this area in addition to accessory buildings such as an office, glasshouse and chicken coop.

The property is located on the side of a hill. Allotment Sec 70 is on a slope with a plateau at the boundary between the parcels moving down to the east.

The site is likely to have had historic use for agricultural activities and section 69 (West lot) is currently used for grazing deer. It is noted that the applicant has created 4 terraces between the proposed visitor accommodation and the Sec 70 boundary approximately 150 meters to the West. The applicant has stated that the earthworks involved are to be completed as a permitted activity (the movement of less than 2,000m³ of soil per year). This earthwork is not part of this consent.

The neighbouring properties consist of two groups: smaller sites operating as rural lifestyle properties under existing use rights to the east and larger sites on all other boundaries. There is a paper road along the south. It can be noted the property 2353 Bluff Highway adjoining the west boundary of the property is utilised for a wind farm with the associated wind turbines. There are three residential activities located in smaller lots to the east in line to the north with the residential dwelling on 58 Green Point Rd.

4. PROCESS

The original application RMA/2017/37 for the existing two visitor accommodation units was applied for on 5 April 2017 and granted on 5 May 2017: subject to conditions. That consent was processed with no affected party approval requested due to the scale of the proposal at that time.

A Project Information Memorandum for the original proposal PIM/2020/3 was applied for on 5 May 2020. Matters regarding the non-compliance of the activities with the District Plan was noted. Land use consent RMA/2020/170 for the initial development was applied for on 1 October 2020. This was placed on a section 92(1) hold for more information. The information required was as follows:

- Revised plan and description- This was requested to provide more clarification and detail of the plans and description.
- Written approval from New Zealand transport agency
- Evidence and plans showing compliance with onsite service management
- The affected party approval of 1, 4, 11, 17, 22, 26, 29, 31, 37, 38, 40, 40/1, 45, 46, 49, 50, 55, 83 *Green Point Road*.

Due to the inability to gain affected party approval from all neighbouring properties listed, this application was withdrawn, to be revised.

The current land use consent RMA/2021/48 was applied for as a standard application received on the afternoon 11 March 2021. The application was placed on a section 88E(4) hold on 29 March 2021. The applicant sought that the application be processed using the

limited notification processes on 16 April 2021. A notification decision was made by Council on 12 May 2021. On 24 May 2021, notice was served on the following parties:

Louise Antionette Fowler and Ronald William Sasse	40 Green Point Road, INVERCARGILL	40 Green Point Road, RD 11, INVERCARGILL 9877
Corey David Brett and Alana Jean Brett	46 Green Point Road, INVERCARGILL	46 Green Point Road, RD 11, INVERCARGILL 9877

The submission period close on 21 June 2021.

One submission was received for the proposed as part of the notification process from 38-40/1 Green Point Road (contiguous ownership).

4.1 Bluff Community Board Comment

With any land use applications relating to Bluff, a comment is requested from the Bluff Community Board. In this respect, as a part of the initial application, RMA/2020/170, the Council informed the Bluff Community Board Chair about the consent proposal. In response to proposal RMA/2021/48, it was noted in June 2020 that the Bluff Community Board *is supportive of this application and have no concerns.*

5. PLANNING FRAMEWORK

As discussed, the application is located entirely within the Rural Zone as identified in the District Plan. The introduction to the Rural Zone within the plan states that:

The Rural Zone provides for rural activities such as agriculture, horticulture and forestry and residential activities on larger land allotments that are of sufficient size to effectively deal with the disposal of wastewater on-site, and give a character of openness to the zone. As such it comprises a dynamic working environment within which productive primary use is the dominant land use.

The Rural Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options open for productive rural activities.

Non-rural land use activities are not always compatible with rural primary production activities and can give rise to reverse sensitivity effects and limit the productivity of rural land.

Greenfield residential development in the Rural Zone can lead to a demand for extensions to urban services that can be expensive to provide and need to be carefully considered. Instead urban development should be encouraged to locate within the existing built up environment and where provision is made for large lot housing.

The southern parts of the zone contain nationally significant landscapes and include the Awarua wetlands.

The application site can be found on Map 26 of the Invercargill City District Planning Maps and the corresponding Hazard Information map. This site is not identified to have any archaeological or historical significance aside from being located in the Coastal Environment, as shown within the District Plan.

The assessment of environmental effects (AEE) submitted with the application identifies the provisions in the District Plan and the proposal's non-compliance.

The activity fits within the scope of visitor accommodation, defined within the District Plan as follows:

Means the use of land or buildings for the provision of accommodation by fee paying customers for a daily tariff. This includes hotels, motels, hostels, backpackers, and camping grounds, but does not include home stay.

Visitor accommodation is listed under RURZ-R2 *Discretionary Activities*; Because of this, land use consent is required.

Overall, this Resource Consent is considered to be a **discretionary** activity. The status “Discretionary Activity” means that Resource Consent is required.

6. SUBMISSIONS

A copy of the submission received is attached as **Appendix B**. The submission is summarised below:

Submitter	Summary of Submission and Relief Sought
Louise Fowler	<p>The submitter is the owner of 38, 40 and 40/1 Green Point Road.</p> <p>The submitter is concerned regarding the following:</p> <ul style="list-style-type: none"> - rural amenity – noise, lighting, waste management, fencing - Drainage - the safety and integrity of the road

A number of matters raised in the submission are outside the scope of what can be considered under the Act. This includes disputes over the location of the boundary and the state of the boundary fencing. The historic movement of gravel is an unrelated resource management matter. Drainage concerns as a result of those earthworks are also not related to this proposal.

7. PLANNING ASSESSMENT

Section 104(1) sets out the matters which the Council must have regard to when considering an application for resource consent:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of -*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

7.1 Part 2 of the Resource Management Act 1991

Section 104 of the Act directs that the consideration of an application for resource consent and any submissions received is subject to Part 2 of the Act. Part 2 of the Act sets out its purpose and principles, primarily being the sustainable management of natural and physical resources.

I note that there is case law that has determined that it is not necessary to refer to Part 2 when evaluating the merits of a resource consent application, unless there is incomplete coverage or uncertainty of meaning in the District Plan (*Environmental Defence Society Inc v The New Zealand King Salmon Company Inc* [2014] NZSC 38). Instead, the assessment should be guided by the provisions of the District Plan itself, which is considered to be the local interpretation and implementation of the purpose and principles. It is my opinion that there is, therefore, no need to carry out a comprehensive Part 2 assessment for this application as I consider that this assessment was carried out in the recent development of the District Plan and that the matters to be considered in Part 2 have been reflected within the provisions of this Plan. It is my opinion that the District Plan is not incomplete or uncertain in terms of the matters being considered and that assessing this application against the provisions of the District Plan is all that is necessary.

The applicant did not carry out a Part 2 assessment.

Part 2 of the Act sets out its purpose and principles. The purpose of the Act is described in Section 5 as *to promote the sustainable management of natural and physical resources*.

Sustainable management is defined in the same section of the Act as:

managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being while:

- (a) *Sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 lists the matters of national importance that need to be recognised and provided for when making decisions under the Act, while Section 7 lists other matters that particular regard is to be given to, and Section 8 requires the principles of the Treaty of Waitangi to be taken into account.

In Section 6 the matters of national importance that I consider to be relevant to this application are:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

As is discussed in the coastal environment section of the assessment of Environmental Effects below, provided mechanisms are put in place via conditions of consent to ensure the mitigation planting is carried out appropriately and ongoing maintenance of the site is undertaken, it is considered that the abovementioned section 6 matters will be adequately provided for.

The matters in Section 7 of the Act that I consider to be relevant to this application are:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*
- (g) any finite characteristics of natural and physical resources:

The effects of the proposal on amenity values and the character of the Rural Zone are discussed in the sections below.

No particular cultural matters under Section 8 arise in the consideration of this proposal.

While the proposal is not specifically provided for within the District Plan and will be developed in a way outside the norm of the Rural Zone, the nature and scale of the proposed is unlikely to result in significant effects outside of what can be operated as a permitted activity on the site, with appropriate sit management.

As set out in my assessment of effects and consideration of the relevant District Plan Objectives and Policies below, I have reached the conclusion that this land-use proposal will promote the sustainable management of Invercargill's physical resources.

7.2 National Environmental Standards, National Policy Statements And Other Regulations

Regard has been given to all existing national environmental standards, national policy statements and other regulations. It is considered that there are no standards, policy statements or other regulations relevant to this application.

7.2.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

The National Environmental Standards apply to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require Resource Consent.

The application documents indicate that neither the property owners nor Environment Southland (ES) have any knowledge or records of hazardous activity on the subject property including the use or storage or disposal of hazardous substances. Invercargill City Council database does not have any records of hazardous activity in the site either.

Based on the above-mentioned information, it is considered that the NES regulations do not apply to this application.

7.2.2 Southland Regional Policy Statement 2017

When developing the District Plan, there was a requirement to give effect to the operative Regional Policy Statement, and to have regard to any proposed Regional Policy Statement. When the District Plan was reviewed, both the previous Regional Policy Statement and the current Southland Regional Policy Statement 2017 (RPS) (then proposed) were considered and I am of the opinion that the resulting provisions of the District Plan are consistent with the current RPS. This resource consent application is not an opportunity to relitigate the provisions in the District Plan and because the provisions of the Plan give effect to the RPS,

a detailed assessment of this application against the specific provisions of the RPS is unnecessary.

The RPS provisions in **Appendix C** are what I consider to be the most relevant to this application.

7.2.2.1 Rural

The Rural provisions within the Southland Regional Policy Statement 2017 detail the need to protect the natural amenity, environment and characteristics of the Rural Zone. The provisions specifically provide for appropriate onsite management of water and effluent, as well as soil management to ensure that the activity occurring does not adversely affect the quality of the soil and the lay of the land.

The scale of the development is such that the amenity values of the Rural Environment will largely be maintained. The visitor accommodation activity applied for will allow for the remainder of the site to be used for agricultural purposes or to at least be left as open space consistent with the wider rural environment. The applicant has stated that in their opinion this area has poor soil quality and is not ideal for raising cattle or sheep. A number of deer are raised on the land at the west of the site. No soil composition evidence was provided with the application. On the site visit, my observations were that the visible soil appeared to contain gravels and rocks varying in size. This is consistent with the soil types of the Bluff area. The application states that the development will comply with the provisions relating to the management of water and effluent. However, a complete plan and information on the existing operation of these services and future were not supplied. This can be managed under the Building Act.

The operation and development of this site, although, requiring resource consent, could be considered in accordance with Policy RURAL.1. This results in an outcome that allows for the potential to propose an activity that is not permitted but hold effects that are minor or what could be expected for this site; meeting the amenity provisions of the area.

7.2.2.2 Coast

Being located within the Coastal Environment, the Coastal Environment objectives and policies listed within the RPS are relevant to this proposal. The application proposes for the visitor accommodation to be located in an area that holds minimal visibility to the street, as stated in the application. The intention is to design and plan the units in a manner that allows for open access to the views of the coastal area, without impeding on the natural landscape. The Bluff areas have hills providing higher vantage points than most of the Invercargill City District area. The site it is located in a cluster of existing residential buildings with the units adding to this rather than being spread over the site creating a scattered appearance and disturbing areas of relatively natural open space. From afar, the structures proposed will form part of the existing built-up environment and not create an additional built area. The vegetation along the east boundary allows for coverage to a neighbouring property and the surrounding area. The development will allow visitors to be immersed in the vegetation within the coastal zone.

7.2.3 Invercargill City District Plan 2019

Copies of what I consider to be the most relevant Objectives and Policies from the District Plan are set out in **Appendix D**.

7.2.3.1 Transport

The Transport Objectives and Policies require consideration of the roading hierarchy (TRA-P3), and seek to ensure that development adjacent to transport infrastructure is carried out in such a way as to avoid, remedy or mitigate potential adverse effects. There is the risk that the additional demand as a result of the development will result in requests to upgrade the road. The assessment of the effects on the roading infrastructure, detailed below, is that the scale of this development will require little in the way of mitigating adverse effects on the roading network and it was not identified that the proposal will be inappropriate for the Green Point Road infrastructure.

7.2.3.2 Coastal Environment

As discussed elsewhere the proposal is located within the Coastal Environment. The District Plan Objectives and Policies for the Coastal Environment are therefore of relevance. The proposal will not impede public access to the coast (CE-P3). The area is not within an area identified as having Outstanding Natural features and Landscapes, outstanding natural character or significant indigenous biodiversity. There is indigenous biodiversity on the site, however, the proposal is not intended to adversely impact that area. The proposal is not located in isolation within the environment but is to be located within the context of other buildings and roading infrastructure.

7.2.3.3 Water

The submitter raised concerns about the impact of the development on stormwater flows and relating to the ability to manage wastewater on the site. The on-site wastewater management system is to be developed as part of a building consent process. A condition requiring this has been recommended. It is noted that being on a hill there will inevitably be stormwater run-off from the subject site onto properties below. However, the development should not lead to an increase in stormwater run-off. This is a requirement of all development and can be considered, again, through the building consent process.

The applicant has indicated the plans that a fire fighting water supply will be available to a standard acceptable to Fire and Emergency New Zealand. As there are no reticulated services in this area, the proposal will need to harvest its own water supply and this has been indicated on the application plans. Therefore the proposal will not adversely impact water quality issues.

7.2.3.4 Rural Zone

The proposal is not inconsistent with the Rural Objectives and Policies. It is of a scale that will maintain the general rural amenity of the area. While the activity does not need to be located within the Rural Zone, it will not result in adverse effects that are inconsistent with the function, character and amenity provided for by the Rural Zone. The submitter did comment that in their opinion the activity was not anticipated within the Rural Zone, however, in terms of effects the proposal retains the ability for agricultural activities to be carried out on the site and there are still large areas of open space on the property that are retained. The development will be developed to ensure that there is light and sunlight incidence on the units and the setback from the property boundaries and the layout of the site will ensure that access to this light is not impacted.

7.3 Environmental Effects

The following consideration of effects to the environment has been carried out in accordance with section 104(1) of the Act. As a discretionary activity, the assessment is restricted to all

actual and potential effects of the proposal, with particular consideration given to the guidance consisted in the list of assessment matters detailed in the relevant rules of the District Plan. The main issues relevant to this application relate to the character and amenity values of the Rural zone, the Coastal Environment, and the surrounding area. Each of these matters is discussed in further detail below:

7.3.1 Permitted Baseline

Pursuant to Section 104 (2) of RMA 1991, the Council may disregard an adverse effect of the activity on the environment if a national environmental standard or the District Plan permits an activity with that effect. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the assessment of the environmental effects of the activity.

While the activity of Visitor Accommodation is not a permitted activity under the District Plan, the focus of the permitted baseline discussion is on the scale and number of buildings that the District Plan provides for. This will also determine the scale of transportation effects that the District Plan anticipates within this area of the Invercargill City District.

The property is over 10ha in area. Within the Rural Zone, the residential density provisions allow for up to five residential units. The proposal will have one house and five independent units. This is essentially only one more unit than permitted.

Should these six units be used for activities permitted in the District Plan, I have been advised by Grant Fisher, Council's Senior Policy Planner, that vehicle movements would be similar to those proposed.

It is noted that within the Rural Zone there is no site coverage limit. While it is fanciful to assert that this could mean that the entire site could be covered with buildings, agricultural activities typically involve numerous sheds and storage buildings. The tunnel house referred to by the submitter, for example, is permitted in the District Plan, subject to use. The Rural Zone also has no building setback requirements, unless the site adjoins a residential zone. As this site is enclosed by the Rural Zone, there is no setback requirement. The topography and vegetation on the site limit where the units can be located on the site.

7.3.2 Rural Amenity

The site is located in the Rural Zone close to Bluff Highway and around 3 kilometres to Bluff's urban areas. This Zone contains mainly larger sections operating agricultural activities, with associated residential activities. Lots in the area are typically serviced entirely within the property boundaries, with on-site disposal of wastewater and on-site collection of potable water. While the Invercargill rural environment is predominantly utilised for agricultural activities, the application states that standard agricultural activities are difficult on this site due to different factors including the topography of the site, the general dampness of the area and the poor soil type that make the site non-productive for agricultural purposes. Hence, the application concludes that developing the site for visitor accommodation is an appropriate activity that can generate income.

In terms of the effect of the proposed activity, expansion of visitor accommodation, other factors such as visual amenity, avoiding noise generation, and controlling the light are important factors. As the site is located in Coastal Environment, the effects on this area will need to be considered.

Within the Rural Zone, matters for consideration that potentially affect rural amenities include space around buildings, density, the height of structures, and firefighting provisions. The proposed buildings to be used for visitor accommodation units are consistent with the expectations for the rural environment. In this respect, the application indicates that the proposal will not adversely affect the visual amenity of the area as the proposed cabins have been designed with the following characteristics:

- a) Located on the site, stepped out in a NW-SE alignment from the existing visitor accommodation buildings and north-west of the existing dwelling;
- b) Single storey (max height 3.4m) with conventional low pitched roofs;
- c) A floor area of 56m² each (compared to the existing 88m² building with two units);
- d) Set back between 21m – 33m from the site boundaries;
- e) To be finished in recessive colours;
- f) Not visible from neighbouring properties, Green Point Road or the State Highway.

The following image, provided as a part of the application, indicates only the residential house is visible from the Bluff Highway and the existing cabins and the location of the new proposed cabins are not visible from the highway.



Figure 1: Photo taken from Bluff Highway looking southeast towards the site

Altogether, as the information in the application indicates the proposal should not adversely affect the visual amenity of the surrounding area in terms of built form as the character of the proposed buildings are in compliance with the District Plan rules for the zone and do not introduce a significant change in the area.

Within a rural environment, there is an expectation of higher levels of noise than in a standard residential neighbourhood due to the potential activities undertaken within this

working environment. However, while the noise of tractors and other farm machinery may be anticipated, noise associated with visitor accommodation may not be. The application also states that in order to control the noise effect, the location of the new cabins is proposed to be around 23 metres away from the adjacent boundaries. In addition, the presence of the owner on the site, according to the application, can minimise the possibility of objectionable noise. It has been suggested as a condition for the site management plan to be provided to council and upheld on-site, to include the mitigation of night-time noise on the site. This may involve a restriction on hours – when the office is open, when the gates are shut and when guests' visitors have to leave. This could assist in ensuring that noise is managed appropriately within the environment

Lighting is proposed to be erected in line with Stewart Island Dark Sky Protocol to mitigate light spill to adjacent properties. The vegetation to the east is intended to assist with visual intrusion. A condition requiring all security lighting to be pointed within the site, and for lightspill to meet the District Plan provisions are recommended.

The activity of Visitor Accommodation will result in people coming onto the site that are not familiar with the environment and that may not respect the residential nature of the adjoining neighbourhood. It is recommended that a condition be imposed on this consent to ensure that the visitors are provided with a set of rules or guidelines for behaviour when on the site. It is worthy to note that the owner of the site will be managing the activity and should be accessible to deal with any issues that may arise as well as keep a record of any complaints made.

7.3.3 Solid Waste Management

The submitter raised concerns regarding the management of rubbish from the site. It is expected that the site would be operated in a way that would eliminate this possibility and conditions can be imposed to ensure that the operator is aware of their responsibilities and to also raise awareness with guests. The Litter Act 1979 enables enforcement options should rubbish be disposed of inappropriately. If the neighbouring properties identify an issue, their concerns can be raised with the Council. A condition is recommended that a complaints register be kept so that any concerns raised directly with the operator of the visitor accommodation can be made available to Council.

7.3.3 Coastal Environment

The site is located in the Coastal Environment where visual amenity is of high importance. For the District Plan, the Coastal Environment is characterised in part by special qualities relating to landscape, landform and intrinsic values. In this respect, the subject site itself is not identified to have outstanding natural landscape or features; however, the site's west and southwest are rich in native vegetation. As the site has a higher ground level and elevates into hills, due care is needed in relation to locating any new buildings in a way that does not obscure the outstanding features on adjacent sites. The proposed units have been located on the site close to other building forms and the development retains large areas of open space that are not directly affected by the proposal. As stated above, lighting is proposed to be erected in line with Stewart Island Dark Sky Protocol to mitigate light spill to adjacent properties. The vegetation to the east is intended to assist with visual intrusion.

As shown in the image above, the development is not likely to be highly visible from the state Highway, and therefore will have minimal visual impact

7.3.4 Infrastructure

7.3.3.1 Transport and Roding

According to the Council's Roding Department, Green Point Road is classed as a 100km/h Rural Access road. The site has an existing 9.0 metre gravel accessway in sound condition with good visibility to the northeast and southwest. The crossing width meets the minimum requirement for a rural section. The site is approximately 500 metres from Bluff Highway, also referred to as State Highway 1.

The application proposes to use the same vehicle crossing for the new visitor accommodation development. The Council's Roding Manager considered the application and he did not request any condition to be imposed relating to the vehicle crossing. He advised that the site is located on an unsealed rural road and that dust may be a potential issue at times, but due to the scale of the proposed activity this is not expected to differ greatly from what would be produced by a permitted activity on the site. The Roding Manager noted that the Council has no plan to extend and seal Green Point Road at this point in time.

In relation to the impact of the activity on Green Point Road and wider than that on the State Highway, the application maintains that the effects of adding three more units to the site for visitor accommodation will be marginal. The application details an expectation that the total daily vehicle movements that the development will add to the area is up to 12 movements. Altogether, the application estimates that the total daily movements for the site, both existing and those associated with the proposed three cabins, would be approximately between 24 to 30 movements per day. If the site fully utilises its permitted residential capacity, it can accommodate up to 5 residential units as the site is 10.2105ha, this would hold a similar level of movement. Hence the anticipated traffic movement is comparable to the permitted baseline for fully developed residential activity.

The application also shows that off-street parking for the visitor accommodation will be provided close to each proposed unit. Therefore, the development of the visitor accommodation will not put pressure on public roads for providing parking space. The parking spaces are located between 23 metres and 32 metres from the adjoining properties. This separation will mitigate any potential noise from visitors and their vehicles.

I noted at my site visit on 29 July 2021 and in previous visits by the planners associated with its application, that the road leading up to the property was narrow. There is one specific bend near the end of the road where there are a number of houses that creates a blind spot. The road itself is gravelled and although the speed limit there is 100km/hr it is my opinion that it would be unlikely that either the occupants or someone visiting the site will travel at this speed. Upon my site visit on the 29th, I did successfully pass another vehicle within this road however, it can be noted there are places where this may be difficult.

7.3.3.2 Network Services

The site is situated within the Bluff rural environment for which reticulated water, stormwater and foul sewer facilities are not available.

Water

According to the application, there are two existing 25,000 litre water tanks on the property that serve the existing dwelling and the two existing visitor accommodation units. The application demonstrates that the proposal is to provide additional water tanks to supply the three proposed units. Confirmation from Firefighting Emergency New Zealand (FENZ) provided in the application shows that the FENZ is satisfied with the position and number of tanks for firefighting purposes.

Drainage

The application states that there is an existing septic tank and disposal field on site. The application concept plan proposed that the applicant is to provide onsite disposal of wastewater for the new development. the wastewater system is intended to be evaluated and consented as part of the related building consent.

The Council's Drainage Manager considered the proposal and expected that the applicant provides a newly designed system and requested this information regarding the waste management system be provided. While the applicant detailed on the plans the location of the proposed wastewater treatment system, it is recommended that the applicant provide more detail of the sewerage system as a part of this application.

8 CONCLUSION

The proposal is to extend the existing consented visitor accommodation activity from two single bedroom units within one building to five units within four buildings. The key issues raised through the consideration of this application relates to the potential and actual effects on rural amenity and the coastal environment.

It is recommended on the basis of the information provided with the application and for the reasons outlined above, that the application is granted under sections 104 and 104B of the Act subject to conditions for the following reasons:

- Adverse effects relating to the proposed land use are no more than minor
- The proposal is consistent with the Objectives and Policies of the District Plan
- The proposal represents sustainable management of this part of the District's rural land resource.

I recommend that conditions be imposed on this application predominately relating to the management of the site, the scale of the activity and waste management. Recommended conditions for consideration are included in **Appendix E**. I am willing to reconsider the wording of these suggested conditions and any additional conditions suggested through the Hearing process.