

ATTACHMENT F
MILBROW ESTATE – ASSESSMENT OF ADVERSE EFFECTS

Introduction

The proposed subdivision will lead to an increase in the number of house sites beyond the scale which might otherwise be anticipated in the Rural 1 Zone, where rural production activities and scattered buildings are more typical of the working rural environment. While up to 18 lots could result from subdivision provided for in the Rural Zone, through the use of the discretionary activity provisions for nutrient reduction and gully retirement, up to 91 house sites (including two existing houses) could result.

The potential effects of increased density of development potentially relate to landscape, visual change, traffic generation and visual change.

Landscape Values

In a report prepared by Boffa Miskell in October 2012, Rotorua Caldera Rim – Caldera Rim Rural Character Design Guideline, the subject site is located in Landscape Character Area 10 Lower Plateau Slopes. The report refers to a number of proposals for further residential and rural development. This includes an extension to the Hamurana Rural Residential Extension which is identified as:

This area adjoins an existing rural residential development along the Lake edge. It is located outside the Caldera Rim Sensitive Rural Area. Rural Residential Development is dominant in this area and is bounded by the change in landform. Development should be responsive to the rural amenity values and the natural patterns of this landscape.

And:

As a result five Sensitive Rural Areas were identified with the remaining areas in the Caldera Rim identified as Less Sensitive Rural Areas having no special rural landscape value. Both the future growth area and areas eligible for transferrable development rights (to improve lake water quality) as identified in the proposed District Plan, are located within the less sensitive rural area.

While only four are numbered on the Map of Areas for Proposed Development, the subject site is located within the area circled as a Proposed Development Area. The potential development is therefore signalled although has not as yet been carried into statutory documents.

Boffa Miskell prepared a document entitled “*Milbrow Estate, A Landscape and Visual Assessment of Rural Residential Subdivision, prepared for Caland Holdings Ltd, 22 August 2022*” which informed the design and layout of the subdivision. The report evaluates the existing environment and its character as well as the relevant statutory provisions under the RMA.

The Boffa Miskell report concludes in relation to Landscape Values:

Overall, the direct landscape effects will be of the highest degree of change attributed to the change in rural open space with the balanced integration of rural housing amongst enhanced natural patterns.

Earthworks which have been minimised through the careful placement of dwellings using the natural topography. Converse to the adverse effects of earthworks and dwellings, there are also positive effects by way of the biotic enhancement proposed as part of the overall proposal which are critical to the visual integration of the subdivision into the landscape.

With the design response and recommended design measures for the subdivision, recognising the approach to integrating with the rural residential and surrounding rural character, the potential adverse landscape effects will be moderate in degree reducing to moderate-low over a 10 year period as the mitigation measures become effective. It is recognised the cultural values are not expressed in this assessment and would require further consideration in the response when they are made available.

Visual Effects

Visual amenity is a component of visual effects and comprises the effects that bulk, scale, reflectivity, location, form, privacy and shading have upon the amenity values of a particular viewing audience. The potential effect of the subdivision will result in an opportunity for additional dwellings to be constructed, in addition to the two dwellings that already presently exists on the property.

The house sites have been specifically chosen to minimise visibility between dwellings both internally and externally to the site. The spacing of the house sites, topography of the property and location of current and proposed native planting work together to ensure visual impacts within the site and to the surrounding area are less than minor.

The Boffa Miskell report concludes that:

Overall, the visual effects represent those sensory values attributed to the experience of the proposed subdivision in this landscape. The potential adverse effects are focused to the immediate neighbouring properties to the north, east and west, associated dwellings and road corridors, with a potential for moderate adverse visual effects.

The design response seeks to maintain the rural landscape characteristics of the broader landscape and the natural patterns, whilst integrating a change in land use. The medium to long term effects will gradually reduce from moderate to moderate-low.

Middle distant and distant viewing audience appreciate the landscape patterns and the wider Hamurana landscape. The sensory cohesion of the site will be retained and enhanced with housing set amongst the landscape patterns and features with a clustering of the proposal in the broader landscape to the land use patterns of Hamurana. The protection of the escarpments, gully systems and the open plains to the north are important components of the overall integration of the subdivision into the broader landscape.

Overall, the potential adverse visual effects on this viewing audience will be moderate-low for the middle distant and very low for the distant viewing audience.

Recommendations are made for the development of the sites and preparation of a Landscape Management Plan by a registered Landscape Architect in order to ensure the landscape values and outcomes assessed are successfully implemented. The Landscape Management Plan is identified as including:

- Identification of community enclave areas and individual property requirements

- Detailed landscape planting implementation and maintenance requirements
- Identification of public and private realm vegetation management.
- Identification of building and site design controls for each community enclave and individual properties.
- Inclusion of the following design controls within the LMP.

These recommendations have been adopted by the applicant.

Water Quality

The strong focus of the community, including both the regional and district councils and iwi, is on achieving an identified water quality target for Lake Rotorua. The proposed subdivision of the site will result in a subdivision that is connected to the Council wastewater system, but more significantly reduce the land used for dairy farming use conversion to lifestyle rural residential lots. The retirement and planting of the site will also increase the beneficial effects on water quality arising from the proposal contribute positively rather than increase nutrient loss. The resulting reduction will significantly enhance the cumulative reduction across the catchment.

In addition, the retirement of the gully system leading to the Awahou Stream and Te Puna o Pekehaua is a positive contribution to ecological links and reducing runoff.

Wetlands Values

The NPS Freshwater Management 2020 came into force on 3 September 2020, replacing the former NPS FM 2017.

It provides national direction for the management of freshwater under the NPS-FM 2020. It is divided into several parts, with Part 2 providing the objectives and policies, Part 3 providing actions to give effect to Part 2 and Part 4 setting out the timing and transitional arrangements.

Central to the NPS is Te Mana o Te Wai which is described as:

‘a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.’

The Resource Management Act 1991 (the Act) directs that Regional Councils have until 31 December 2024 to notify regional plans (or plan changes) that give effect to the NPS-FM 2020. These plans are subject to a new streamlined Freshwater Planning process, in accordance with Schedule 1 (Part 4) of the Act.

The single objective of the NPSFM is:

(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.

Subpart 3 Specific requirements sets out definitions relating to wetlands and rivers (3.21). In particular, natural inland wetland means:

a wetland (as defined in the Act) that is not:

(a) in the coastal marine area; or

(b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or

(c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or

(d) a geothermal wetland; or

(e) a wetland that:

(i) is within an area of pasture used for grazing; and

(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless

(iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

It is considered that the waterbodies within the site may reasonably be concluded to be natural inland wetlands.

The NPS-FM/ NES-F require that effects on natural inland wetlands are avoided. There are restrictions on activities within 10m around natural wetlands and activities such as discharge of water or diversion of water are restricted within 100 m of natural wetlands, if that may result in complete or partial drainage of a natural wetland.

As indicated above, the land around the wetlands has either already been retired and planted or will be at the completion of this proposed subdivision. No activities are proposed in the vicinity of the wetlands and no disturbance will result. The design of the subdivision relies on soakage to land and no increase in discharge to or near the wetlands will result. Therefore, the provisions of the NES-F will not be triggered by the proposal and consents are not required under the NES.

Traffic Generation

A Transportation Assessment Report was prepared by Stantec entitled McFetridge Subdivision Transportation Assessment Report prepared for Caland Holdings Ltd, dated October 2021. This report concludes:

Caland Holdings Limited (CHL) proposes to subdivide rural zoned land at 66 McFetridge Drive and 89 Tauranga Direct Road north of Hamurana to create 100 rural residential lots. The concept plans for the subdivision include new roads for the subdivision based on access to Jackson Road via McFetridge Drive

and a potential new intersection on State Highway 36 in the location of an existing paper road and farm access.

The assessment has investigated the effects of the subdivision progressing with and without direct access to SH36. Construction of a new intersection on SH36 represents a Discretionary activity under the District Plan Subdivision rules and will require approval from Waka Kotahi as the Road Controlling Authority. The investigation of the intersection location found that adequate sight distances could be achieved for the operating speed but that this would require control of vegetation outside the road reserve. It has also been identified that the location of barriers on each side of the road will also introduce some complexity into the design for a safe intersection and it is likely to be impractical to form an intersection in the proposed location.

The analysis of the potential traffic effects of the proposed subdivision on the road network with no direct connection to SH36 has concluded that the additional vehicle movements can be accommodated with little noticeable effects on the operation of roads and intersections. The main effect will be awareness of more traffic because of the very low volumes that are present now. On this basis, it has been concluded that the subdivision could proceed on the basis of all access being via Jackson Road. However, it is recommended that some minor intersection works are undertaken at the SH36 / Jackson Road intersection to create a right turn bay.

Cultural Values

There are no identified archaeological or heritage sites identified in the District Plan for the site. Consultation has been initiated with Ngati Rangiwewehi who were concerned about the potential impact on springs. A cultural impact assessment was initiated but is not yet available.

However, the retirement of the site from dairy farming and further planting of the gully system will provide a more vegetated link down to Te Puna o Pekehaua which are a taonga of Ngati Rangiwewehi. Enhancement to ecological values and to water passing through the site, by retiring and planting the gully, is considered to be a positive contribution to the values attributable to the locality.

Effect on Highly Productive Land

The NPS for Highly Productive Land commenced on 17 October 2022 and applies to land zoned Rural, Land Use Capability Class 1, 2 and 3, and is not identified for future urban development or subject to a Council notified plan change to change the zoning. The land owned by Caland Holdings Ltd and subject to this application falls in part within the definition of Highly Productive Land, as shown below. The affected land is part of Lot 8 DP 39696 and comprises just under 19ha (estimated) of the site. Subdivision of highly productive land must be avoided except as otherwise provided in the NPS.



Class 3 Land

In the case of the lake Rotorua Catchment it is considered that the retirement of land from intensive use such as dairying or reducing the intensity is essential to achieving the improvement in water quality mandated by the BOP Natural Resources Plan. The land has been used for dairy farming to date. Under BOPRC restrictions, there is a requirement to reduce nutrient losses which makes ongoing use for dairy farming no longer viable. A report prepared for the applicant by PerrinAg supports this conclusion.

Therefore, subdividing land to create smaller land parcels for rural lifestyle use is not provided for unless there are exceptional circumstances. In particular it is appropriate to consider specific characteristics of the site and reasonably foreseeable opportunities for using the land for land-based primary production.

As set out in the Urban Economics Report dated 9 December 2022, the proposal is concluded to meet the conditions of Clause 3.10 by the significant social and economic benefits to the Rotorua District and is not considered to reduce the productive capacity of the site. This is confirmed by the PerrinAg report attached which concludes that the requirement of Clause 3.10(1)(b) are met.

Overall, it is considered that the proposal is consistent with the exception provided for in Clause 3.10.

Geotech/Stability

A fault avoidance zone is identified in the Rotorua District Plan as affecting part of the site. GNS undertook further investigation and reported on the Faultline (GNS Letter to Caland Holdings Ltd, Active Fault Investigation for 66 McFetridge Drive, Rotorua, dated 15 July 2022). The investigations

identified that the fault occurrence interval is >8000 years and Fault A is in RI Class IV (>5000 to ≤10,000 years) according to MfE Guidelines for 'Planning for development of land on or close to active faults'. Allowable building standards are applicable and there is no constraint for development proceeding.

Soil Contamination

A report was commissioned from HAIL Environmental to identify whether there was contamination present within the site. The site is not identified on the BOPRC HAIL website but the application of superphosphate fertilisers and associated additives containing pesticides may be considered persistent bulk storage or use (HAIL category A 10).

A Preliminary Site Investigation was undertaken and determined that the site has been used for pastoral farming since at least the 1940s and likely since the land was cleared. Preliminary soil sampling was undertaken to confirm concentrations of cadmium and DDT. It is only in the north-west portion of the site where contaminants may be present, being in the vicinity of the dairy farm buildings. This part of the site is generally excluded from the proposed lots for development, but if further development is proposed in this location then a Detailed Site Investigation would be undertaken.

The balance of the site to be development is concluded to not be a piece of land and hence no level of contamination was identified that would require further investigation at this time or preclude the site from subdivision and development.

Summary

In summary, the key potential adverse effects are concluded to relate to landscape and visual amenity. These effects are concluded to be minor or less than minor. The proposed subdivision is concluded to be consistent with targets for retiring land from the Lake Rotorua catchment and the enhancement of water quality.

Sigma Consultants Ltd
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