

TO: Hearings Committee

FROM: Jeremy Grey, Planner

DATE: 9 February 2018

SUBJECT: **RESOURCE CONSENT APPLICATIONS SUB-2017-90,
LUC-2017-477 AND LUC-2017-506
20 ROTHESAY STREET AND 11 EDINBURGH STREET
WAIKOUAITI**

INTRODUCTION

- [1] This report has been prepared on the basis of information provided in the applications received on 19 September 2017, along with submissions and technical comments from Council representatives. The purpose of the report is to provide a framework for the Committee's consideration of the applications, however, the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the applications using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

DESCRIPTION OF THE PROPOSAL

- [2] Subdivision consent is sought to subdivide the sites at 119 Edinburgh Street and 20 Rothesay Street, which currently form one composite site. The former site is legally described as Sec 12-22 Blk XLVI SO 14314 Town of Hawksbury, held in Computer Freehold Register (CFR) OT9B/1129, comprising an area of 1.1132 hectares (ha). The latter site is legally described as Sec 6-11 Blk XLVI SO 14314 Town of Hawksbury, held in two CFRs (OT25/120 and OT30/204), comprising a combined area of 6072 square metres (m²). The applicant's existing dwelling is confined to the site at 119 Edinburgh Street, which also contains several accessory buildings, while the site at 20 Rothesay Street contains a shed with associated stock yards.
- [3] Proposed Lot 1 is to contain the existing dwelling, accessory buildings, shed and stock yards on the subject land and will retain legal and physical access from both Rothesay and Dumbarton Streets. Lot 1 will have an area of approximately 1.21ha. Land use consent (LUC-2017-506) has been applied to authorise the existing residential activity on Lot 1.
- [4] Proposed Lot 2 will have an area of approximately 5060m² and have frontage to Dumbarton, Edinburgh and Rothesay Streets. The proposed internal boundary between the two lots is to have a north to south orientation and be approximately 50m from the front boundary to Edinburgh Street. The applicants propose the establishment of a new dwelling and four-bay shed on Lot 2 and have depicted indicative footprints for these buildings on the scheme plan provided with the application. The application plan defines possible building platforms for both the dwelling and shed encompassing the building locations, to allow a degree of flexibility in terms of position and orientation. The dwelling building platform is to be 36.5m in length and approximately 20m from the front boundary with Dumbarton Street, 6m from Edinburgh Street and 45m from Rothesay Street. This building platform will also be approximately 15m from the proposed internal boundary between the two lots.

- [5] The shed platform is proposed to measure approximately 16m by 16m, while the shed itself is to have a height of approximately 3.6m. The shed is to be 1m from the front boundary with Edinburgh Street and approximately 20m from the front boundary Rothesay Street. A vehicle access is proposed to be established from Rothesay Street within close proximity of the intersection with Edinburgh Street. The applicant has provided details of the dwelling design envisaged. This is encompassed by dark-coloured Linea board or brick cladding, with schist and cedar features. Land use consent (LUC-2017-477) has also been applied for to authorise the proposed residential activity on Lot 2.
- [6] Earthworks are also proposed in respect of Lot 2, to enable the establishment of level building platforms for the proposed dwelling and shed. Specifically, this will involve a cut to fill volume of approximately 900m³. The application notes that 75% of the fill will be required for the shed, access and on-site manoeuvring areas, while 25% will facilitate a level platform for the dwelling. It is understood that some fill material will need to be imported onto the site to complete the works. The maximum depth of any cut is to be approximately 0.5m, associated with the dwelling, while the maximum depth of any fill is to be approximately 1.4m, associated with the turning area in front of the shed. The application notes that the earthworks associated with the dwelling will not be closer than 5m from the front boundary with Edinburgh Street, while those associated with the filling of a depression will extend to this boundary to match existing ground levels.
- [7] It is understood that a land use consent (RMA-1983-354272) was applied in 1983 to authorise a second residential unit on the site at 119 Edinburgh Street. This was declined in December 1983, on the basis that the proposal did not represent an exception. Prior to this application being made, the previous owners had amalgamated five underlying CFRs (forming the current CFR – OT9B/1129) and had obtained a building permit to establish the existing dwelling on site that replaced the original dwelling. The current application notes that the existing dwelling was constructed in 1983 and has been inhabited by the applicants since 2002.
- [8] The application document is included as Appendix A, attached to this report.

DESCRIPTION OF SITE AND LOCATION

- [9] As noted, the site is located within the Rural zone, in a semi-rural residential enclave to the east of Waikouaiti, on the eastern side of the Hawksbury Lagoon. The site is bounded by Dumbarton, Edinburgh and Rothesay Streets and shares common boundaries with 40 Cromarty Street. The site is identified on the Council's Hazards Register as being susceptible to a non-specific hazard associated with expansive soils and land stability. Edinburgh Street is classified as a Collector Road within the Operative District Plan Roading Hierarchy, while both Dumbarton and Rothesay Streets are Local Roads. The site has gently undulating topography, but drops relatively steeply downwards at its southeastern corner. The site is approximately 8m to 14m above sea level.

ACTIVITY STATUS

- [10] Dunedin currently has two district plans: The Dunedin City District Plan and the Proposed Section Generation Dunedin City District Plan (the Proposed Plan). The Proposed Plan was notified on 26 September 2015 and is currently proceeding through the public process of becoming the operative plan. Until the rules of the Proposed Plan become operative, the current District Plan remains the operative plan. Where the rules of the Proposed Plan have been given effect, the provisions of both plans need to be considered.
- [11] The relevant rules of the two district plans for this application are as follows:

Operative Dunedin City District Plan

- [12] As previously noted, the subject site is within the Rural zone, identified in the operative District Plan. Any subdivision within the Rural zone that does not comply with Rules 18.5.1(i) or 18.5.1(A) of the District Plan must be assessed as a non-complying activity. As proposed Lots 1 and 2 are less than the minimum site size of 15ha, required within the zone, the proposed subdivision fails to meet Rule 18.5.1(i). Therefore, the subdivision proposal is required to be assessed as a **non-complying** activity, pursuant to Rule 18.5.2 of the District Plan.
- [13] Land use consent for a **non-complying** activity pursuant to Rule 6.5.7(i) of the District Plan is also required to authorise residential activity on Lots 1 and 2, given that the lots are less than 15ha. While the permitted activity standards of Rule 6.5.3 only serve as a guide as to appropriate development in respect of non-complying activities, it is important to note that neither the existing dwelling on Lot 1 nor the proposed dwelling and shed on Lot 2 will entirely satisfy the 20m and 40m front and side yard setbacks, ordinarily required for residential buildings within the zone.
- [14] Additionally, the earthworks do not comply with either of Rules 17.7.3(ii) and 17.7.4(iii) of the District Plan, in respect of the maximum volume of material that can be excavated or used as fill. As such, this element of the proposal is assessed as a restricted discretionary activity, pursuant to Rule 17.7.5(ii). The change in ground level proposed, is otherwise permitted, as this will be less than 1.4m.

The Council's discretion under this rule is restricted to:

- (a) Adverse effects on the amenity of neighbouring properties.
- (b) Effects on visual amenity and landscape.
- (c) Effects on any archaeological site and/or any cultural site.
- (d) Effects on the transportation network, caused by the transport of excavated material or fill.
- (e) Effects from the release of sediment beyond site boundaries, including transport of sediment by stormwater systems.
- (f) Cumulative effects relating to any of these matters.

As the earthworks were not granted an earthworks permit prior to 1 July 2010 and do not form part of a project that was granted building consent on or after 1 July 2010, the Council's discretion will also extend to the following matters:

- (g) Design and engineering of retaining structures and earthworks.
- (h) Effects on the stability of land and buildings.
- (i) Effects on the surface flow of water and on flood risk.
- (j) Effects on underground utilities.

In assessing these effects, the Council will have regard to the matters in 17.8.1 to 17.8.6.

Proposed Second Generation District Plan (2GP)

- [15] The 2GP was notified on 26 September 2015, after the application was lodged. Section 88A of the Resource Management Act determines that the activity status of the application remains unaltered from the non-complying status under the operative District Plan.
- [16] It should be noted that pursuant to section 86D of the Act, the Environment Court has ordered that the minimum site sizes relating to subdivision rural zones, contained under Rule 16.7.4 of the 2GP, have immediate legal effect from the date of notification. In this instance, the subject sites are located within the Rural Residential 1 zone of the 2GP, for which, no rules are currently operative or have legal effect.
- [17] As noted above, the zoning of the site under the 2GP is Rural Residential 1, within which, the minimum site size for any new resultant site is proposed to be 2ha, pursuant to Rule 17.7.5. Any resulting site that does not comply with this minimum

site size is assessed as non-complying, except in the following circumstances, when the activity status is discretionary, pursuant to Rule 17.7.5.2:

- a. all resultant sites are at least 75% of the minimum site size; and*
- b. a minimum of 50% of the resultant sites are not less than the minimum site size; and*
- c. the average area of the resultant sites is not less than the minimum site size.*

- [18] In terms of land use, while the minimum site size per residential activity is 2ha, a single residential unit may be erected on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and a single residential unit may be erected on a site created by Rule 17.7.5.2 as long as all other performance standards can be met.
- [19] In respect of earthworks within the Rural Residential 1 zone, a maximum change in ground level of 2m is permitted as of right. The maximum volume of combined cut and fill is a function slope and site area, varying from 5m³ per 100m² (26°, but less than or equal to 35°) to 30m³ per 100m² (less than or equal to 12°).
- [20] It should be noted that in terms of the land use component of the proposal, there are also no rules under the 2GP that are currently operative or have legal effect.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

- [21] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies 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.
- [22] The applicant applied for a HAIL search in respect of both 20 Rothesay and 119 Edinburgh Streets (HAIL-2017-68). Based on this search, along with a search conducted by the Otago Regional Council, the applicant's agent has indicated that it is more likely than not, that no activities have been undertaken on the site that are identified on the HAIL. As such, the National Environmental Standard is not considered to be applicable to the proposal.

Planning Status

- [23] Overall, the subdivision and each of the land use consent applications are assessed as **non-complying** activities under the Operative District Plan.

NOTIFICATION, SUBMISSIONS AND WRITTEN APPROVALS

- [24] The application was publicly notified in the Otago Daily Times on 9 October 2017. Copies of the application were sent to those parties whom the Council considered to have an interest in the proposal. Submissions closed on 6 November 2017.
- [25] One submission was received by the close of the submission period, which is summarised in the table below. A Full copy is attached in Appendix B of this report.

Name of Submitters	Support/ Oppose	Summary of Submission	Wish to be heard?
Anthony Parata	Oppose	- Submission pertains to both land use and subdivision applications; - Considers residential activity on such an under-sized site is not minor and will create a precedent; - Considers the proposed activities are not consistent with the District Plan Requests: - That the applications are rejected.	Yes

- [26] It should also be noted that the applicant has obtained and provided a number of written approvals from owners and/or occupiers of properties in the vicinity of the subject sites. A table of these can be found on Page 12 of the application document, attached to this report as Appendix A. In accordance with section 104(3)(a)(ii) of the Resource Management Act, the Council cannot have regard to the effects of the activity on these parties. Further, the applicant has obtained the written approval of the New Zealand Fire Service, now known as Fire and Emergency New Zealand (FENZ). FENZ provided written approval, subject to a number of conditions, which the applicant has accepted. This written approval, including its conditions, is attached to this report as Appendix C.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [27] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in section 3 of the Act as including-
- a) *Any positive or adverse effect; and*
 - b) *Any temporary or permanent effect; and*
 - c) *Any past, present, or future effect; and*
 - d) *Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration or frequency of the effect, and also includes –*
 - e) *Any potential effect of high probability; and*
 - f) *Any potential effect of low probability which has a high potential impact.*
- [28] The starting point for the assessment of effects is to consider whether or not the "permitted baseline test" needs to be applied: section 104(2) of the Act provides the Council with discretion to disregard the effects of an activity on the environment if the District Plan permits an activity with that effect.
- [29] Notwithstanding the subdivision component of the proposal, the permitted baseline in regard to land use, in this case, is limited to the existing residential activity, farming activity and accessory farming buildings that comply with rural yard set-backs. Non-fanciful considerations of such activity would include grazing for livestock, and buildings for storage of plant and produce associated with farming activity, such as implement sheds. Some effects arising from such structures may be comparable to the bulk of residential buildings, although are likely to be of a different visual

character. In terms of earthworks, there are thresholds controlling the maximum change in ground level and maximum of excavation and/or fill of 2m and 200m³, respectively. It should be noted that such earthworks could be carried out regardless of any underlying activity. However, there is no baseline in respect of subdivision in this instance, given that both of Lots 1 and 2 are less than the required 15ha minimum site size, which is not anticipated within the Rural zone.

- [30] In my opinion, there is not a particularly compelling permitted baseline on which to assess the application, given that any land use outcome is contingent on the granting of a subdivision.
- [31] Overall, the proposal is assessed as a non-complying activity. As such, the relevant assessment matters of the District Plan provide a guide to the assessment of the application, but are not an exhaustive list. The assessment matters of the Rural, Earthworks and Subdivision sections of the District Plan have relevance in this instance. Having regard to the application, reports from Council departments (refer Appendix C) and a site visit, I consider that the matters listed below require assessment.
- [32] Accordingly, an assessment is made of the following effects of the proposal:
- Sustainability;
 - Bulk and Location, Amenity Values, Visual Impact and Landscape, Lot Size and Dimensions, and Physical Limitations;
 - Noise, Glare and Lighting;
 - Water and Effluent Disposal, Infrastructure;
 - High Class Soils;
 - Residential Units, Conflict and Reverse Sensitivity;
 - Easements;
 - Hazards and Earthworks;
 - Transportation;
 - Cumulative Effects.

Sustainability

- [33] The District Plan seeks to enhance the amenity values of Dunedin and to provide a comprehensive planning framework to manage the effects of use and development of resources. One means by which the District Plan seeks to achieve sustainable development is through zoning and density provisions. The District Plan also seeks to avoid the indiscriminate mixing of incompatible uses and developments and sustainably manage infrastructure.
- [34] Proposed Lots 1 and 2 are to be approximately 1.21ha and 5060m² in area. Under the relevant District Plan provisions, not less than 15ha is required in for any new resulting site, in respect of the establishment of residential activity, as of right. As such, the proposed lots, importantly Lot 2, are well below the minimum site area anticipated by the District Plan for residential activity.
- [35] A greater level of residential density has the potential to adversely affect the sustainability of the Rural zone and the amenity values and rural character of the surrounding area. However, it is important to note that the proposed lots are located within a small cluster of existing residential activities. Furthermore, the subdivision application does not involve the creation of any additional sites. Rather, the proposed subdivision essentially represents a boundary adjustment between two existing sites, whereby the corresponding lots will be of a similar size. It is acknowledged, however, that the lot containing the existing dwelling (Lot 1) will be of a more regular shape. As such, the proposal does not involve the creation and development of any isolated rural sites. While the establishment of another dwelling and shed in the area will add to the number of built structures, the proposed dwelling will be experienced in the context of

existing dwellings, such that the amenity values and character of this portion of the Rural zone will not be significantly detracted from.

- [36] Further, given the small size of the existing CFRs that comprise the existing sites and proposed Lots 1 and 2, it is arguable as to whether they could be used sustainably for any permitted rural activity such as farming or forestry, particularly as the District Plan prescribes 15ha for rural sites. In this respect, the sites would likely need to be incorporated with a larger site to ensure some viability as a productive rural unit. However, this is made difficult by presence of streets and the small size of the existing sites, making the creation of any meaningfully-sized sites unviable. Therefore, the productive capacity of the site is limited and it is not anticipated that the proposed development will significantly inhibit peoples access to natural and physical resources.
- [37] As there is no provision by the Council for wastewater disposal services in the area, the proposal does not represent the unsustainable expansion of such infrastructure. As discussed further, below, the Council's Water and Waste Services Department (WWS) has not raised any concerns in regard to an additional application for a water connection to the Council water supply main located in Edinburgh Street. Water supply mains are also located in Dumbarton and Rothesay Streets.
- [38] Therefore, it is my opinion for the reasons given below, that the proposed development represents the sustainable development of the City's natural and physical resources.

Bulk and Location, Amenity Values, Visual Impact and Landscape, Lot Size and Dimension, Lot Size and Dimensions, and Physical Limitations

- [39] The Resource Management Act 1991 defines 'amenity values' as:

"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".

- [40] As discussed, the application includes an indicative dwelling design. This enables the anticipated effects of development on Lot 2 to be evaluated. The dwelling is to have a single-storey design and is proposed to incorporate materials and colours that are sympathetic to the surrounding environment. Further, it is noted that the dwelling proposed for Lot 2 is to observe a certain degree of side and front boundary set-back, of at least 6m from the front boundary with Edinburgh Street and at least 20m from the front boundaries with Dumbarton and Rothesay Streets. Further, the proposed dwelling is to be at least 15m from the proposed internal boundary. With these set-backs in mind, it should be noted that the immediate area is only semi-rural in character and contains a number of sites that have a more residential or rural-residential appearance. As such, the yard set-backs proposed for the dwelling on Lot 2 are considered to be consistent with others in area. These design and location elements will provide some mitigation of adverse effects resulting from the bulk of the proposed dwelling, on the amenity values of the area. In particular, the proposed single-storey design is considered an important feature in terms of visual mitigation. The application also notes that planting is to be carried out in the area between the proposed dwelling and the front boundary with Edinburgh Street. This will serve to soften the bulk of the dwelling when viewed from Edinburgh Street. It is also understood that landscape planting is to be established between the proposed and the new internal boundary between the two lots. Otherwise, the dwelling building platform will afford a 45m from the Rothesay Street boundary and the bulk of the dwelling will be tempered due to topography when viewed from Dumbarton Street.
- [41] However, I am not as comfortable with the location of the shed. The application plan shows an indicative building platform located approximately 1m from the front boundary with Edinburgh Street. Such a set-back would be considered very close within a suburban residential setting. The character of this area is one of a rural

residential setting and, as such, I consider that a greater set-back would be more appropriate in this instance, of at least that of the dwelling, if not, more. The applicant will likely be in a position to clarify their reasoning behind the shed location. It may be that this is due to topographical practicalities and the minimising the amount of earthworks required. Nevertheless, I consider that a greater set-back would serve to mitigate any adverse effects resulting from the bulk of the shed, particularly given that no meaningful landscape planting could be established between it and the boundary. Such landscape planting is evident on a number of sites in close proximity to the subject site. As such, such screen planting would be consistent with the character of the area. I do acknowledge that the front boundary with Edinburgh Street is approximately 7m from the carriageway of the road, which would give the appearance of a greater set-back. In this respect, a greater set-back would be beneficial when coupled with the 7m verge.

- [42] As the area containing the site is not significantly elevated, the general visibility of the proposed dwelling and shed will be limited to relatively short distances, in the context of the existing dwellings in the vicinity.
- [43] As I have discussed, the bulk and location of the proposed dwelling is not expected to be significant and will not degrade rural amenity to any great extent, particularly given the presence of existing dwellings in the immediate vicinity. Notwithstanding this, appropriate mitigation measures, such as landscape planting, will ensure that any adverse effects will be no more than minor and conditions are recommended in this respect. With regard to the shed, I consider that any adverse effects resulting from its bulk would be better mitigated by way of a greater set-back. Further discussion should be had around this matter.
- [44] Given the small size of Lot 2, relative to the 15ha ordinarily required within the Rural zone, it is difficult to achieve compliance with side and front yard set-back requirements, entirely. However, as discussed above, the area is not of character whereby absolute compliance is expected. The proposed dwelling will observe some degree of set-back, which, as I have concluded, will be acceptable in the context of the surrounding area. Also, there appears to be scope to locate the proposed shed further from the boundary than is proposed, while still achieving the requisite 6m yard required from the proposed internal boundary. As such, while there are some limitations in respect of lot size and dimension in respect of Lot 2, any associated adverse effects are not expected to be significant. No adverse effects are anticipated in terms of Lot 1 given its shape and size, and the distances afforded to side boundaries from the existing dwelling and garage.

Noise, Glare and Lighting

- [45] Noise will be limited mostly to vehicle noise, apart from the construction phase of the proposal. All construction work is expected to comply with the provisions of NZS 6803:1999 Acoustics Construction Noise standard. A condition can be imposed if necessary to require compliance, if consent is to be granted. Any adverse effects resulting from glare and lighting can be appropriately controlled by limiting the lux of light emitted from the site and by requiring shades to be used. The Committee may also consider it prudent to impose a condition around cladding and roof reflectivity limits.

Water and Effluent Disposal, Infrastructure

- [46] As noted, the WWS has assessed the application and has provided the following advice:

Water services

*The proposed subdivision is located within the Rural zone and within the **Waikouaiti Supply scheme** boundary as shown in Appendix B of the Dunedin*

City Council Water Bylaw 2011. 119 Edinburgh Street is currently connection to this water scheme and the connection can be retained for proposed lot 1.

An application may be made to the Dunedin City Council Water & Waste Group for proposed lot 2 to be supplied for water from this scheme. For a new water connection or any change to an existing water connection, an "Application for Water Supply" is required.

Firefighting requirements

All aspects relating to the availability of the water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

Wastewater services

As the proposed subdivision is located within the Rural zone, there are no reticulated wastewater services available for connection. Any effluent disposal shall be to a septic tank and effluent disposal system which is to be designed by an approved septic tank and effluent disposal system designer.

Stormwater services

As the proposed subdivision is located within the Rural zone, there is no stormwater infrastructure or kerb and channel discharge points. Disposal of stormwater is to water tables and/or watercourses onsite, or to suitably designed onsite soak-away stroke infiltration system or rainwater harvesting system. Stormwater is not to cause a nuisance to neighbouring properties or cause any downstream effects.

Private drainage

New lot 1 has an existing dwelling which is serviced with a septic tank for wastewater drainage.

New lot 2 will require a septic tank for wastewater drainage designed by an approved septic tank and effluent disposal designer. Stormwater to the Edinburgh Street water table.

- [47] The WWS department has not sought any conditions for inclusion on the consent certificate, if granted and WWS is amenable to a water services connection for Lot 2. In terms of wastewater disposal, it should be noted that the Regional Plan: Water for Otago allows for the discharge of human sewage through any on-site waste water treatment as a permitted activity, subject to the conditions of Rule 12.A.1.4. The inability to comply with these conditions will require resource consent from the Otago Regional Council. As WWS has noted, any effluent disposal shall be to a septic tank and effluent disposal system which is to be designed by an approved septic tank and effluent disposal system designer.
- [48] As discussed above, the applicant obtained written approval from FENZ, subject to certain conditions. These have been recommended for inclusion on the land use consent pertaining to Lot 2 (LUC-2017-477).
- [49] Overall, I consider that if the Hearings Committee is of a mind to grant consent, any adverse effects relating to these matters will be no more than minor, provided appropriate on-site services are designed, installed and maintained in accordance with the relevant standards.

High Class Soils

- [50] The Council's records do not identify the site as being important in regard to high class soils. Therefore, no adverse effects relating to the loss of any productive potential are anticipated.

Residential Units, Conflict and Reverse Sensitivity

- [51] The site is semi-rural in character and, therefore, any person who wishes to live in the area should be aware of the sounds and sights that can occur within such a setting. The number and proximity of dwellings is readily apparent. The applicants, as potential occupiers, of the proposed dwelling are well aware of this, having lived at 119 Edinburgh Street since 2002. As such, I anticipate that any adverse effects relating to conflict and reverse sensitivity will be no more than minor.
- [52] It is understood that the proposed dwelling will not be overly large and will not result in significant coverage of soil by hard surfaces, relative to the area of the site. Given the proposed sizes of each lot, which are akin to the existing sites that are subject to this application, it is not considered that the productive potential of each lot will be significantly detracted from. As such, it is considered that the proposal would constitute a sustainable use of the site and would not detract from the economic well-being of neighbouring sites.
- [53] If consent were to be granted, it is not anticipated that the proposed residential dwelling would affect the amenity and economic well-being of neighbouring properties to a more than minor degree, particularly given the number of existing dwellings adjacent to the site. In the context of the existing dwellings in the vicinity of the sites, I do not expect the open nature of the environment to be compromised in any significant manner.
- [54] It could be argued that establishing a dwelling on site would be to the detriment of its productive potential. However, given the small size of the site and that it is to be held in a single title, it is difficult to envisage any viable farming activity. The sites are akin to lifestyle blocks where it may be expected a few animals will be kept to graze the paddocks as a part time source of income or hobby, but the principal land use will be residential.

Easements

- [55] The applicant has not proposed any easements and no easements in gross are proposed.

Hazards and Earthworks

- [56] As discussed, the subject sites are identified on the Council's Hazards Register as being susceptible to a non-specific hazard relating to expansive soils. This covers the area immediately to the east of the Hawksbury Lagoon, as well as the area encompassing the main part of Waikouaiti Township. Expansive soils are also known as 'shrink-swell' soils and can have implications for building foundations if not constructed appropriately. However, there are a number of methods that can be used to mitigate the effects of expansive soils, including the specific design of building foundations. Provided appropriate steps are taken in this respect, it is expected that any resulting adverse effects will be adequately mitigated. As such, the application was forwarded to the Council's Consulting Geotechnical Engineer for comment. He has provided the following advice:

Hazards

From the Hazard Register, street files, and previously sent emails; for both this title and nearby properties the following hazards have been identified:

- Hazard ID 10108 – Expansive Clays Waikouaiti

Global Setting

The underlying geology consists on Burnside mudstone.

Earthworks / Excavations / Retaining Structures

Earthworks are required to provide a level building platform. The application indicate that the works primarily will involve fill.

Discussion

There are no general potential instabilities of concern

The proposal will not create or exacerbate instabilities on this or adjacent properties

Advice

We recommend that advice be made to the effect:-

- *The cases for seismic loading are normally addressed at building control stage.*
- *The Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.*
- *Underlying ground may include potentially expansive soils. Building Control may require specific engineering design to mitigate this load case.*

Conditions

We recommend that the following conditions be required:-

- *Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.*
- *Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development*
- *Slopes may not be cut steeper than 1:1 (45°) without specific engineering design and construction*
- *Slopes may not be filled steeper than 2h:1v (27°) without specific engineering design and construction*

- [57] I note that the Council's Engineer has recommended that the application not be declined on the basis of known natural hazards, but suggested a number of consent conditions for inclusion in the consent certificate, should the proposal be granted. I generally accept these conditions, however, the first condition recommended is not considered relevant in this instance, as the only boundary that is in close proximity is that to Edinburgh Street. Notwithstanding, no excavation is proposed in proximity to this boundary that would be cause for concern. While fill is proposed close to this boundary, a condition is recommended in regard to the avoidance of sedimentation. Additionally, I consider it prudent to require all earthworks and retaining walls be designed and specified and have their supervised by a suitable qualified person, given the volume of material to be excavated. Given the proximity of the proposed earthworks from external boundaries, it is expected that any adverse on the stability of any adjoining land or buildings will be no more than minor.
- [58] In respect of sedimentation effects, it is important that any sedimentation mitigation is appropriately maintained to ensure that sediment is dealt with effectively on a continuing basis, so that adjoining land remains unaffected. Until an erosion-resistant state is achieved, it considered appropriate that such mitigation should remain in place. If consent is to be granted, a condition should be imposed that requires such mitigation measures be implemented and maintained for as long as necessary. Provided such mitigation is implemented and maintained, it is anticipated that any resulting effects in respect of sedimentation will be no more than minor.
- [59] There are no watercourses running through the subject sites, although the land is somewhat hummocky in terms of topography, such that water may flow in the depressions during rainfall events. However, any flow would be intermittent, minimising any associated adverse effects. Notwithstanding this, steps should be taken ensure sediment does not enter water, if present, in order to limit the sedimentation risk. Otherwise, no significant adverse effects are anticipated on surface water flows as a result of the works and will not likely occur, provided

adequate drainage and sedimentation controls are implemented and are maintained until the site is erosion-resistant. On this basis, it is expected that any adverse effects on surface water flows will be no more than minor and that the earthworks are not likely to exacerbate flood risks.

- [60] The proposed earthworks are associated with the residential activity proposed for Lot 2. However, as noted above, a degree of earthworks could be carried on the site, regardless of any activity it might be associated with. The earthworks will be contained within the subject site and any excavations will be well away from any external site boundaries. Given the location of the proposed earthworks, they will not be particularly visible from surrounding sites. Further, the earthworks will be assimilated into the site once landscaping and the dwelling are established. As such, while the earthworks will be noticeable during the construction phase, any associated will ultimately be no more than minor.

It is expected that there will be noise effects associated with the construction of any development. In regard to the proposed construction activity, if consent is to be granted, construction should be limited to the times set out below and shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999:

Time of Week	Time Period	Leq (dBA)	Lmax (dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0730	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0730	45	75
Sundays and public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0730	45	75

The discharge of dust is not permitted to cause a nuisance and must be mitigated accordingly. As such, a condition would be prudent requiring the dampening of any loose soil to prevent dust escaping from the property boundary.

- [61] There is no indication that the site has any specific archaeological and cultural significance. Notwithstanding, if consent is to be granted, it is recommended that an accidental discovery condition is imposed on the consent, to ensure proper protocol is followed, should an item of interest be uncovered at any point.

Transportation

- [62] Council's Transport Department Planning Officer has considered the application and provided the comments below. This evidence is included in Appendix D attached to this report.

Access: *Vehicle access to the existing dwelling within Lot 1 will remain unchanged as a consequence of the proposed subdivision, which is acceptable.*

While a proposed vehicle access location to Lot 2 is shown on the application plans, it is considered more appropriate to delay formal approval of a vehicle access to this site until the time of a future resource consent/building consent application being submitted. As a side note, the proposed vehicle access location appears to breach the minimum separation distance requirement with respect to the Edinburgh Street/Rothesay Street intersection, and is therefore unlikely to be approved in that location.

Parking/Manoeuvring: *There is considered to be ample space within Lots 1 and 2 to accommodate the on-site parking and manoeuvring requirements of the existing and proposed residential activities.*

Generated Traffic: *Traffic generated by the proposed subdivision and development of the site is unlikely to have significant adverse effect on the safety/efficiency of the transport network.*

Conclusion: *Transport considers the proposed subdivision and development of the site to be acceptable in terms of impact on the transport network.*

Advice note:

- (i) *It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.*

[63] The Planning Officer is generally accepting of the proposal. However, he has concern in regard to the proximity of the vehicle access to the intersection between Edinburgh and Rothesay Streets. Consideration should be given to an alternative access point. As is noted above, the Planning Officer will have the opportunity to consider this matter in future, when building consent is sought for the dwelling and shed on Lot 2. However, I also recommend that if consent is to be granted, any vehicle access formation condition should require a minimum width of 4m, as prescribed by the Fire Fighting Code of Practice. A hard stand area would also need to be established. Given that a residential development has been detailed in regard to Lot 2, the above advice note has been altered to reflect this. On this basis, I anticipate that any transportation-related effects will be no more than minor.

[64] The proposed earthworks are to be contained within the site. While there will be some movement of heavy traffic associated with the earthworks, these are not expected to be significant and are likely to occur with any building project. As such, given the scale and duration of the earthworks, the proposal is unlikely to have a significant effect on the transportation network.

Cumulative effects

[65] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".

[66] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impacts on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.

[67] The above assessment of effects has been guided by the assessment matters contained within Sections 6.7 (Residential) and 17.7 (Earthworks) of the District Plan.

[68] In respect of the adverse effects, in this instance it has been assessed that these will be no more than minor and can be mitigated by appropriate conditions of consent, particularly in regard to amenity and landscape values. Provided satisfactory visual mitigation can be achieved and consent conditions are complied with, it is expected that any cumulative effects will be no more than minor.

Proposed Second Generation District Plan

- [78] As discussed above, the rules applying to subdivision, land use and development activities in the Rural Residential zones are not operative and do not have legal effect. This situation varies from the Rural subdivision rules, which do have legal effect under section 86D of the Act, which occurred at the date of notification of the 2GP.
- [79] However, the application must be considered under both the operative District Plan and 2GP, and be weighted accordingly. While the application was lodged after the 2GP was notified, it is difficult to attribute any meaningful weighting to these rules, particularly given that Council has not yet issued any decision on the matter.

Conclusion

- [69] Overall, I consider that any adverse effects arising from the proposal will be no more than minor, particularly in respect of rural character and the immediate amenity of the area surrounding the site. Notwithstanding this, if the Committee is of a mind to approve the proposal, it is recommended that conditions are imposed to ensure the sympathetic development of the site, especially in respect of dwelling design, its colour scheme. This is to ensure that any associated adverse effects are mitigated or avoided.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (section 104D(1)(b))

- [70] Section 104D(b) allows a consent authority to grant resource consent for a non-complying activities only if the effects of that activity are minor, or the application for the activity will not be contrary to the objectives and policies in any relevant plan.
- [71] The following objectives and policies of the District Plan were considered to be relevant to this application:

Sustainability

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 4.2.1	Enhance the amenity values of Dunedin.	It is anticipated that any adverse effects on the amenity values of the Rural zone will be no more than minor, particularly as the residential activity will be perceived in the context of the dwellings that exist in the immediate vicinity of the site. While rural amenity values will not be enhanced by the proposal, they will be maintained. This will be aided by the establishment of proposed landscape planting. The proposal is not considered to be inconsistent with this objective and policy.
Policy 4.3.1	Maintain and enhance amenity values.	
Objective 4.2.2	Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values.	The proposal is considered to be consistent with these objectives and policies. The proposal would be self-reliant with respect to wastewater disposal. Stormwater can be discharged to the road. A reticulated Council water supply main is located within Edinburgh Streets, to which, the Council's WWS Department is amenable to a connection. As such, the proposal is considered to be consistent with these objectives and policies.
Policy 4.3.2	Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Objective 4.2.3	Sustainably manage infrastructure.	
Policy 4.3.5	Require the provision of infrastructure at an appropriate standard.	
Objective 4.2.4	Ensure that significant natural and physical resources are appropriately protected.	As noted above, the land in question is identified as containing High Class Soils. Further, given the

Policy 4.2.4	Provide for the protection of the natural and physical resources of the City commensurate with their local, regional and national significance.	sizes of the proposed lots, particularly Lot 2, it could be argued that they do not lend themselves to viable farming activities, as their sizes limit productive capacity. Also, the sites are not isolated rural properties, but lie within a cluster of residential activities that are more akin to lifestyle blocks. Further, it is important to note that the proposal will not result in the fragmentation of rural land, given that the subdivision proposal is essentially a boundary adjustment between existing sites, whose resulting sites will be similar in size. As such, the proposal is not expected to result in the loss of significant natural and physical resources. Therefore, the proposal is considered to be consistent with these provisions.
Policy 4.3.6	Provide access to natural and physical resources.	The proposal is considered to be generally inconsistent with Policy 4.3.8. While the adverse effects of the proposal are likely to be no more than minor, the proposal will breach the density requirement of the Rural zone for residential activity, such that the use of zoning by the District Plan to control use and development will be detracted from. However, access to natural and physical will not be significantly affected and the proposed residential activity is not considered to be incompatible with the surrounding environment, particularly given the existence of residential activities on other undersized sites in the surrounding area. Therefore, on balance, the proposal is considered to be consistent with Policies 4.3.6, 4.3.7 and 4.3.9.
Policy 4.3.7	Use zoning to provide for uses and development which are compatible within identified areas.	
Policy 4.3.8	Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.9	Require consideration of those uses and developments which: a. Could give rise to adverse effects. b. Give rise to effects that cannot be identified or are not sufficiently understood at the time of preparing or changing the District Plan.	

Manawhenua

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 5.2.1	Take into account the principles of the Treaty of Waitangi in the management of the City's natural and physical resources.	The proposal has been assessed using the protocol established between Kai Tahu ki Otago and the Dunedin City Council. The proposal is considered to be consistent with this objective and policy. Kai Tahu ki Otago did not provide a submission and in this regard it is considered to be in keeping with the policy.
Policy 5.3.2	Advise Manawhenua of application for notified resource consents, plan changes and designations.	

Rural

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective or Policy?</i>
Objective 6.2.1	Maintain the ability of the land resource to meet the needs of future generations.	The proposal will not result in the fragmentation of rural land and involves the reorientation of existing sites that are particularly undersized in a rural context. Consequently, the productive potential of the land is already limited, such that ability of the land resource to meet the needs of future generations will be maintained. As such, the proposal is not considered to be inconsistent with this objective and policy.
Policy 6.3.1	Provide for activities based on the productive use of rural land.	
Objective 6.2.2	Maintain and enhance the amenity values associated with the character of the rural area.	The application notes that the dwelling proposed for Lot 2 will be of a design that is sympathetic to the surrounding environment, and will employ

Policy 6.3.6	Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.	materials and colours that soften its bulk. Further, the dwelling is to be located within a cluster of existing residential activities, such that it is not anticipated to significantly detract from rural amenity values and character. Proposed landscape planting will also afford a degree of mitigation in respect visual impacts. However, as I have noted above, a greater set-back by the shed from the Edinburgh Street from boundary would be of benefit. If this can be achieved, I the proposal is considered to be consistent with this objective and policy, but is otherwise, inconsistent.
Objective 6.2.4	Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.	With regard to the management of the roading network and public infrastructure, both the Transport and WWS departments were generally accepting of the proposal. The proposal will be self-catering with respect to stormwater and wastewater disposal and will not add any undue pressure to the Council reticulated supply. The proposal is, therefore, considered to be consistent with this objective and policy
Policy 6.3.8	Ensure development in the Rural zones promotes the sustainable management of public services and infrastructure and the safety and efficiency of the roading network.	
Objective 6.2.5	Avoid or minimise conflict between different land use activities in rural areas.	As noted above, the environment has more of a lifestyle block-type character, rather than a typical rural area with large sites. As such, the proposal will be consistent with this character, minimising any risk of conflict or reverse sensitivity. Given the presence of other residential activities nearby, the proposal is not considered to be incompatible and will not result in a sensitive land use. Further, the proposal does not constitute the fragmentation of rural land. Therefore, the proposal is considered to be contrary to these provisions.
Policy 6.3.3	To discourage land fragmentation and the establishment of non-productive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural zone.	
Policy 6.3.11	Provide for the establishment of activities that are appropriate in the Rural zone if their adverse effects can be avoided, remedied or mitigated.	
Policy 6.3.12	Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities.	
Objective 6.2.6	Maintain and enhance the life-supporting capacity of land and water resources.	The proposal is considered to be consistent with this objective and policy. The establishment of residential activity on the subject site will not be to the detriment of the maintenance or enhancement of the life-supporting capacity of land and water resources. It should be understood that the relevant provisions of the Regional Plan: Water for Otago must be complied with. The proposal is considered to be consistent with this objective and policy.

Subdivision

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 18.2.1	Ensure that subdivision activity takes place in a coordinated and sustainable manner throughout the City.	The Council's Consulting Geotechnical Engineer has assessed the proposal and has not identified any concerns in relation to the establishment of residential activity on Lot 2. As such, I consider that the proposal is consistent with this objective and these policies.
Policy 18.3.5	Require subdividers to provide information to satisfy the Council that the land to be subdivided is suitable for subdivision and that the physical limitations are identified and will be managed in a sustainable manner.	
Policy 18.3.4	Subdivision activity consents should be considered together with appropriate land use consent and be heard jointly.	The subdivision consent application is being heard contemporaneously with the associated land use consent applications for residential activity. As such, the proposal is considered to be consistent with this policy.
Objective 18.2.6	Ensure that the adverse effects of subdivision activities and subsequent land use activities on the City's natural, physical and heritage resources are avoided,	It is considered that the proposed subdivision will not give rise to adverse effects that are more than minor, given that no additional lots are being created and that any adverse effects resulting

	remedied or mitigated.	from land use activities can be appropriately mitigated. As such, I consider that the proposal is consistent with this objective.
Objective 18.2.7	Ensure that subdividers provide the necessary infrastructure to and within subdivisions to avoid, remedy or mitigate all adverse effects of the land use at no cost to the community while ensuring that the future potential of the infrastructure is sustained.	The applicant proposes that each proposed lot will be self-servicing in respect of water supply, stormwater and effluent disposal, at no cost to the community. I consider the proposal is consistent with this objective and these policies.
Policy 18.3.7	Require the provision of all necessary access, infrastructure and services to every allotment to meet the reasonably foreseeable needs of both current and future development.	
Policy 18.3.8	Control foul effluent disposal and adequately dispose of stormwater to avoid adversely affecting adjoining land.	

Transportation

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective or Policy?</i>
Objective 20.2.2	Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	The Council's Transportation Operations Department are of the opinion that the proposal will have no more than minor effects on the transportation network, provided the vehicle entrance is appropriately distant from the intersection between Edinburgh and Rothesay Streets. As such, the proposal is considered to be consistent with these objectives and policies.
Policy 20.3.4	Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	
Objective 20.2.4	Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.5	Ensure safe standards for vehicle access.	

Environmental Issues

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 21.2.2	Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values.	Provided the requirements of the District Plan with respect to noise and glare can be complied with, any adverse effects on other properties will be no more than minor. The proposal is, therefore, considered to be consistent with these objectives and Policy 21.3.3.
Objective 21.2.3	Ensure that the finishing of structures, the construction of signs and the shielding of light sources avoids, remedies or mitigates nuisance glare.	
Policy 21.3.3	Protect people and communities from noise and glare which could impact upon health, safety and amenity.	
Objective 21.2.4	Ensure the disposal of wastes is undertaken in a manner that avoids, remedies or mitigates adverse effects on the health and amenity of people and communities within the City, and on their environment.	Wastewater and stormwater disposal should be undertaken in accordance with the requirements of the Regional Plan: Water for Otago. Provided this is done, the proposal will be consistent with these objectives and policies.
Policy 21.3.6	Manage waste disposal facilities on land in a manner that minimises adverse effects on the health of people and communities, and on amenity values within the City.	
Objective 21.2.5	Have regard to the effects of discharges associated with activities when considering resource consent applications.	
Policy 21.3.8	Avoid where practicable, or otherwise remedy or mitigate, the adverse effects of activities discharging to land, water or air.	

Hazards and Earthworks

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 17.2.1	Ensure that the effects on the environment of natural and technological hazards are avoided, remedied or mitigated.	The Council's Geotechnical Engineer has assessed the proposal and has not raised any issues or reasons as to why the application should not be granted. As such, the proposal is expected to be consistent with this objective.
Objective 17.2.3	Earthworks in Dunedin are undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment.	The earthworks for this development are not expected to create or exacerbate land instability. The proposal is considered to be consistent with this objective and policy.
Policy 17.3.9	Control earthworks in Dunedin according to their location and scale.	

2GP Objective & Policy Analysis

[72] The relevant objectives and policies of the 2GP must be considered alongside the objectives and policies of the operative District Plan. These are assessed below.

Transportation

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 6.2.1	Transport infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel methods while a) minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and b) meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.	No changes are required to the existing roading network in respect of the proposal. The new access is not expected to compromise parts (a) or (b) of this objective. As such, the proposal is considered to be consistent with this objective.
Policy 6.2.1.1	Enable the operation, repair and maintenance of the roading network.	It is expected that the proposal will not hinder the operation, repair or maintenance of the roading network.
Objective 6.2.3	Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.	As noted previously, the Transport Consent Planner has raised concern in regard to the proximity of the access proposed for Lot 2 to the intersection between Edinburgh and Rothesay Streets. He has suggested shifting the access away from the intersection. As such, the proposal is considered to be inconsistent with this objective and these policies.
Policy 6.2.3.3	Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the transport network.	
Policy 6.2.3.9	Only allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant effects on the safety and efficiency of the transport network.	

Public Health and Safety

	Objective/Policy	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 9.2.1	Land use, development and subdivision activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure.	The proposed dwelling will be self-serviced in terms of wastewater and can discharge Stormwater to the road. Further, the WWS Department is amenable to a connection from Lot 2 to the water main located in Edinburgh Street, such that no undue demand will be

		placed on Council infrastructure. There is also no requirement to install any new infrastructure to be vested with Council
		As such, the proposal is considered to be consistent with this objective.
Objective 9.2.2	Land use, development and subdivision activities maintain or enhance people's health and safety.	Appropriate management of stormwater and wastewater will be overseen via any building consent process. Any on-site wastewater disposal system will need to be designed by an appropriately qualified person. Further, the WWS department has not raised any concerns in regard to wastewater disposal. Adequate water supply will also need to be available at all times for fire-fighting purposes. Provided all such systems are appropriately designed and managed, it is considered that the proposal is consistent with this objective and these policies.
Policy 9.2.2.7	Only allow land use, development, or subdivision activities that may lead to land use and development activities, in areas without public infrastructure where the land use, development or the size and shape of resultant sites from a subdivision, ensure wastewater and stormwater can be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites or, if avoidance is not possible, ensure any adverse effects would be insignificant.	
Policy 9.2.2.9	Require all new residential buildings, or subdivisions that may result in new residential buildings, to have access to suitable water supply for fire-fighting purposes.	

Rural Zones

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 17.2.1	The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.	The 2GP requires resultant sites within Rural Residential 1 zone to have a minimum size of 2ha. Neither of the resultant sites will achieve this minimum site size. It should also be born in mind however, that residential activities may established on existing sites of 1 to 2ha. The site at 119 Edinburgh Street, which contains the existing residential activity, would satisfy this rule in its current form. As such, the undersized nature of Lot 1 is somewhat irrelevant under these circumstances. Notwithstanding this, both resultant sites are less than 2ha and, consequently, I consider the proposal to be contrary to this objective and these policies.
Policy 17.2.1.1	Require residential activity in the rural residential zones to be at a density enables lifestyle and hobby farms.	
Policy 17.2.1.2	Enable farming, grazing and conservation in the rural residential zones.	
Objective 17.2.2	Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.	The dwelling and shed proposed for Lot 2 will both satisfy the side yard set-back required within the Rural Residential 1 zone (10m and 6m, respectively). However, the buildings will not satisfy the requisite 12m front yard set-back. As discussed above, any risk of reverse sensitivity is anticipated to be low, given the nature of the surrounding environment. In regard to the proposed subdivision, neither site satisfies the 2ha required within the zone. However, it is not considered that this will occur to the detriment of on-site amenity. Therefore, the proposed residential activity is considered to be inconsistent with this objective and policy.
Policy 17.2.2.1	Require residential buildings to be set back an adequate distance from site boundaries to minimise the potential for reverse sensitivity effects from: a. rural activities such as farming (for example, from noise, dust or odour); and b. existing forestry, factory farming, domestic animal boarding and breeding (that includes dogs), mining and landfills.	
Policy 17.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.	
Policy 17.2.2.8	Require subdivisions to deliver resultant sites that can achieve a high quality of on-site amenity through being large	

	enough and of a shape that is capable of supporting rural residential development.	
Objective 17.2.3	The character and amenity of the rural residential zones are maintained, elements of which include: - a high presence of natural features such as trees, bush, gully systems and water bodies; - a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and - land maintained and managed for farming, grazing, conservation and rural residential activities.	Mitigation measures are proposed as discussed above, which include, dwelling design features and landscape planting. Notwithstanding front yard non-compliance, it is considered that proposed landscaping will afford a good degree of mitigation. However, the proposed is very close to the front boundary with Edinburgh Street and a greater yard set-back would be of benefit from an amenity perspective. As such, it is considered that the proposal is inconsistent with this objective and Policy 17.2.3.1. However, the subdivision will at least maintain the character and amenity of the zone, such that the proposal is considered to be consistent with Policy 17.2.3.5.
Policy 17.2.3.1	Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones.	
Policy 17.2.3.5	Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.	
Objective 17.2.4	The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.	The objective seeks to maintain productivity in the Rural Residential zone. However, the parent sites are already smaller than those anticipated in the zone and do not lend themselves well to farming activity. Further, the land is not identified as encompassing high class soils. As such, the proposal is considered to be consistent with this objective and Policies 17.2.4.1 and 17.2.4.2. In regard to the use of Lot 2, the application notes that some sheep are to be run. However, given the size of Lot 2, the proposal is considered to be inconsistent with Policy 17.2.4.3.
Policy 17.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.	
Policy 17.2.4.2	Only allow land use, development, or subdivision activities that may lead to land use and development, in a high class soils mapped area where any adverse effects on high class soils are avoided or, if avoidance is not possible, are no more than minor.	
Policy 17.2.4.3	Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.	
Objective 17.2.5	Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on: - visual amenity and character; - the stability of land, buildings, and structures; and - surrounding properties.	The Council's Geotechnical Engineer has assessed the proposal and is satisfied that there are no general potential instabilities of concern and that the proposal will not create or exacerbate instabilities on the subject site or adjacent properties. Further, I note that excavations are to be well away from boundaries and fill material be required to be appropriately deposited. Steps should be required to be taken to avoid sediment entrainment. In terms of visual amenity and character, the earthworks will eventually be assimilated into the site. On this basis, it is considered that the proposal is consistent with this objective and these policies.
Policy 17.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: - being set back an adequate distance from property boundaries, buildings, structures and cliffs; and - using a batter gradient that will be stable over time.	
Policy 17.2.5.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: - limiting the scale of earthworks that are provided for as a permitted activity; and - requiring earthworks to avoid sediment run-off, including onto any property, or	

	into any stormwater pipes, drains, channels or soakage systems.	
Policy 17.2.5.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: - adverse effects on visual amenity and character; - adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and - adverse effects on the stability of land, buildings, and structures.	

[73] As the Proposed 2GP is currently going through the submission and decision-making process, the objectives and policies of the operative District Plan have been given more weight than those of the 2GP.

[74] While the size of the resulting sites will not meet the density provisions of the District Plan in respect of residential activity within the Rural zone, it is difficult to conclude that the proposal completely offends the key objectives and policies of the Sustainability and Rural sections of the District Plan. This is because the subject sites are located within an area that is characterised by smaller sites, more akin to lifestyle blocks than large, isolated rural sites. The proposal is consistent with this character. In this respect, I consider that this proposal is not incompatible with the existing land uses of the area, however, it is important that proposed mitigation measures implemented and maintained achieve an appropriate outcome.

[75] It must also be reiterated that the proposal will not result in the fragmentation of land in the rural zone or significantly detract from productive capacity of the land, particular as High Class Soils are not identified in respect of the sites.

[76] I also consider the proposal is generally inconsistent policy provisions of the proposed 2GP regarding density of residential activity in rural zones. Overall, the proposal is generally considered to be inconsistent with but not contrary to the key policies that are relevant in both Plans, and consistent with many other policy provisions. In this case, the relevant provisions include those of the Sustainability and Rural sections of the operative District Plan.

Assessment of Regional Policy Statements (section 104(1)(b))

[77] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. It is currently under review and the Proposed Regional Policy Statement was notified on 23 May 2015. The Hearing Panel decisions on the Proposed Regional Policy Statement were released on 1 October 2016. At the time of writing this report, the PRPS is under appeal.

[78] The proposal is considered to be generally consistent with the relevant objectives and policies of the following chapters of the Regional Policy Statement for Otago: 4: Manawhenua, 5: Land, 9: Built Environment, and 10: Biota. However, it is considered that the proposal is inconsistent with Objective 5.4.1 in respect of maintaining or enhancing productive capacity and Objective 9.4.1 in respect of amenity values. It is also considered to be generally consistent with the following relevant objectives and policies of the Proposed Regional Policy Statement:

- Objective 3.1: Otago's natural resources are recognised, maintained and enhanced.

- Policy 3.1.9: Ecosystems and indigenous biological diversity;
- Policy 3.1.10: Natural features, landscapes and seascapes;
- Policy 3.1.12: Environmental enhancement;
- Objective 3.2: Otago's significant and highly values natural resource are identified and protected or enhanced.
- Policy 3.2.2: Managing significant vegetation and habitats;
- Policy 3.2.3: Identifying outstanding natural features, landscapes and seascapes.
- Objective 4.3: Infrastructure is managed and developed in a sustainable way;
- Policy 4.3.1: Managing infrastructure activities;
- Objective 5.3: Sufficient land is managed and protected for economic production;
- Policy 5.3.1: Rural activities.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [79] When considering an application for resource consent, any assessment of the proposal to be made is subject to consideration of the matters outlined in Part 2 of the Act. This includes the ability of the proposal to meet the purpose of the Act, which is to promote sustainable management of natural and physical resources. Other resource management issues require consideration when exercising functions under the Act. The relevant sections are:
- 5(2)(a) *"sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations"*;
 - 5(2)(c) *"avoiding, remedying or mitigating any adverse effects of activities on the environment"*;
 - 7(c) *"The maintenance and enhancement of amenity values"*; and
 - 7(f) *"Maintenance and enhancement of the quality of the environment"*.
- [80] With regard to section 5(2)(a), it is considered that the proposal will sustain the potential of natural and physical resources to meet the needs of future generations, particularly as the site is small and will not detract from the availability of productive land.
- [81] With regard to Section 5(2)(c), it is considered that any adverse effects on the environment relating to the proposal will be no more than minor, particularly with respect to amenity values, subject to proposed mitigation measures.
- [82] With regard to section 7(c), it is considered that the proposal will not compromise the amenity values of the immediate environment, given the location of the sites within an existing area of residential activities that are more akin to lifestyle blocks than large rural farms.
- [83] With regard to section 7(f), it is considered that the establishment of residential activity on Lot 2 is not likely to adversely affect the quality of the environment, provided that mitigation measures are implemented, particularly with regard to dwelling design and landscaping.
- [84] Overall, I consider the proposal to be generally consistent with those matters outlined in Part 2 of the Act.

Section 104

- [85] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development would overall, be no more than minor, subject to appropriate dwelling design features and landscaping.

- [86] Section 104(1)(b)(iv) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report has concluded that the application is contrary to at least one of the key objectives and policies of the 2GP. However, overall the proposal is generally either consistent or inconsistent with objectives and policies of each plan.
- [87] Section 104(1)(b)(iii) requires the Council to have regard to any relevant regional policy statement, regional plan or National Environmental Standard. The proposal is considered to be consistent with the relevant objectives and policies of the Regional Policy Statement for Otago. The proposal is also consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- [88] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. Case law has directed that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [89] Case law has directed that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [90] Therefore, the Committee must consider whether or not, in allowing this activity, an undesirable precedent will be set, such that other parties may expect that similar developments could be undertaken. Before determining whether or not to grant consent to the proposal, the Committee should give consideration to whether the proposal exhibits any aspects which separate it from the majority of sites in the vicinity, or indeed in the Rural zone generally.
- [91] A true exception, it is something that is outside the generality of the provisions of the District Plan and the zone, although the circumstances need not be unique. The Environment Court in its decision on Blueskin Forest heights (ENV-2009-CHC-098) observed that concern with consistent administration is being overstated and needs to be applied with due caution. It is accepted that consideration of this question must be applied with due care, and examined on a case by case basis.
- [92] In respect of the undersized nature of the subject sites, particularly that of Lot 2, which is to contain a new residential activity, is located within an area that is characterised by smaller sites, with clusters of residential activities. The subject sites are located within one of three general clusters of dwellings that exist along the length of Edinburgh Street. These clusters are separated by relatively open areas with noticeably less dense residential activity. The subject sites are located within a block of eight existing dwellings, located on small sites of varying size, with several more located within two blocks. While the proposal would result in one additional dwelling within the cluster, this will not appear at odds with the surrounding pattern of residential development. Further, it should be noted that, notwithstanding the subdivision proposed, this will not result in the fragmentation of rural, which is a key distinguishing feature. There are sites close by that are located on the fringes of clusters that are generally larger than those that contain dwellings. It is conceivable the some may wish to subdivide such sites and establish dwellings on them. However, this would lead to land fragmentation and, in turn, promote the propagation of residential activities away from the existing clusters. If such an application was being considered in this instance, I would be more concerned in respect of the risk to district plan integrity.
- [93] For the above reasons, I consider the proposal will not undermine the integrity of the District Plan and will not lead to an undesirable precedent in respect of the minimum site size pertaining to residential activity in the Rural zone.

Section 104D

- [94] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity that will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan.
- [95] In the assessment of effects I concluded that on balance, any adverse effects resulting from the activity would likely be no more than minor, but that this would be contingent on the mitigation of adverse effects on rural amenity values and character. I also noted that it would be beneficial for the proposed shed to be set back further than 1m from the Edinburgh Street boundary, to aid in mitigating such effects. Further, I concluded that the proposal is generally either consistent or inconsistent with the key objectives and policies of the District Plans, apart from one objective and related policies of the proposed 2GP, with which the proposal is in my opinion contrary. Therefore, based on this assessment, it would seem that the proposal is able to pass both of the gateway tests of section 104D.
- [96] Only one limb of section 104D need be satisfied for Council to consider granting consent. It is, therefore, within the Hearing Committee's discretion to grant consent in this instance.

RECOMMENDATION

- [97] Having regard to the above assessment, I recommend that the applications to carry out a subdivision of land resulting in two undersized rural sites, establish a residential activity on an undersized rural site, and authorise the continuation of an existing residential activity on an undersized site be granted, subject to the conditions set out below.

REASONS FOR RECOMMENDATION

1. Overall, the proposal is deemed to be inconsistent with the key objectives and policies of the Sustainability and Rural provisions of the operative District Plan, as the proposal diverges significantly from the minimum site size required within the Rural zone. In terms of the policy framework of the District Plan, zoning is one of the main mechanisms by which the District Plan uses to safeguard the extent to which land can be used for a particular land use. However, in this instance, the effects of establishing an additional residential activity on an undersized site can be adequately mitigated, particularly within the context of the existing pattern of residential development.
2. The Rural zone rules of the District Plan specify a minimum site of 15ha, with which the proposal falls significantly short. However, in my opinion there are distinguishing factors around the proposal that allay any concerns there may be regarding the risk of setting an undesirable precedent and the consistent administration of the District Plan. Therefore, I do not expect that granting consent to the proposal will undermine the integrity of the District Plan.

DRAFT RECOMMENDED CONDITIONS: Subject to change.

SUB-2017-90

1. *The proposal shall be in general accordance with the application plan prepared by Terramark Limited entitled, 'Lots 1 and 2 Being a Subdivision of Sections 6-22 Blk XLVI Town of Hawksbury,' and the information submitted as part of Applications SUB-2017-90, LUC-2017-477 and LUC-2017-506, received by Council on 19 September 2017, except where modified by the following conditions.*

2. Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:
 - a) If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.

LUC-2017-477: Earthworks and Residential Activity on Lot 2 of SUB-2017-90

General:

1. The proposal shall be in general accordance with the application plan prepared by Terramark Limited entitled, 'Lots 1 and 2 Being a Subdivision of Sections 6-22 Blk XLVI Town of Hawksbury,' and the information submitted as part of Applications SUB-2017-90, LUC-2017-477 and LUC-2017-506, received by Council on 19 September 2017, except where modified by the following conditions.
2. Prior to undertaking any earthworks or the establishment of any dwelling on the site, the following documents shall be approved by the Resource Consents Manager, Dunedin City Council:
 - An accurately scaled, final site plan showing the location and physical extent of the fill material to be used on Lot 2 and of the dwelling and shed on Lot 2;
 - The final design and colour scheme of the dwelling and shed on Lot 2; and
 - A landscape management plan showing the location of plantings to be established on Lot 2 and details of the species to be planted.
3. All construction noise shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999:

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0730	45	75

Earthworks:

4. All earthworks shall be designed, specified and have their construction supervised by a suitably qualified person.
5. Any earth fill supporting foundations shall be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development. If cut material is used on site for fill purposes then moisture controls may be required to meet this standard.
6. Fill batter slopes shall not be steeper than 2h:1v (27°) unless designed, specified and supervised by a suitably qualified person.
7. Cut batter slopes shall not be steeper than 1h:1v (45°) unless designed, specified and supervised by a suitably qualified person.
8. All measures (including dampening of loose soil) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.

9. *The earthworks shall be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.*
10. *To ensure effective management of erosion and sedimentation on the site, pending an erosion-resistant state, measures shall be taken and devices are to be installed, where necessary, to:*
 - a. *divert clean runoff away from disturbed ground;*
 - b. *control and contain stormwater run-off;*
 - c. *avoid sediment laden run-off from the site; and*
 - d. *protect existing drainage infrastructure sumps and drains from sediment run-off.*
11. *The consent holder shall establish a construction phase vehicle access point to the site and ensure it is used by construction vehicles. The access is to be stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent runoff.*
12. *Surplus material shall be disposed of to an approved facility.*
13. *If excavated material is to be reused on the site, it is to be deposited in accordance with best practice and keyed into any slopes.*
14. *In respect of any on-site stockpiling, all practicable measures shall be used to mitigate any effects in respect of visual impacts, dust or sediment generation.*
15. *If, at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures have been affected or damaged, this shall be remedied to the satisfaction of Council at the expense of the consent holder.*
16. *The consent holder shall:*
 - a. *be responsible for all contracted operations relating to the exercise of this consent;*
 - b. *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and*
 - c. *ensure compliance with land use consent conditions.*
17. *If the consent holder:*
 - (a) *discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:*
 - (i) *notify the Consent Authority, Tangata whenua and Heritage New Zealand Pouhere Taonga Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.*
 - (ii) *stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.*

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work shall recommence following consultation with the Consent Authority, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- (b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance; and
 - (ii) advise the Consent Authority, Heritage New Zealand Pouhere Taonga, and in the case of Maori features or materials, the Tangata whenua, and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall recommence following consultation with the Consent Authority.

Residential Activity on Lot 2 of SUB-2017-90:

- 18. *Any plantings established in accordance with the landscape management plan required by Condition 2 of this consent, shall be managed and maintained on an ongoing basis. Plants that die shall be replaced within the next planting season.*
- 19. *The dwelling proposed for Lot 2 shall be of a single-storey design with a colour scheme that is generally consistent with that depicted in the elevation plans provided with the application. To ensure certainty for both the consent holder and the Council a concept plan for the dwelling shall be provided to the Resource Consent Manager for approval prior to any application for building consent. This is to avoid the need for fundamental changes to the building design when plans are submitted for building consent*
- 20. *The shed shall be clad using dark coloured steel.*
- 21. *Power and telecommunication services to the dwelling and accessory buildings shall be located underground.*
- 22. *At the time the dwelling is erected on Lot 2 of SUB-2017-90, fire fighting storage shall be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve is to be made available in association with a sprinkler system installed to an approved standard. The tank(s) and/or sprinkler system shall be installed prior to occupation of the dwelling.*
- 23. *A fire fighting connection in accordance with Appendix B – SNZ PAS 4509:2008 is to be located within 90 metres of any proposed building on Lot 2. In order to ensure that connections are compatible with the New Zealand Fire Service equipment, the fittings are to comply with the following standards:*
 - (a) *Either: for flooded sources – 70mm Instantaneous Couplings (Female) NZS 4505, or for suction sources – 100mm Suction Couplings (Female) NZFS 4505 is to be provided.*
 - (b) *Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The Fire Service connection points/coupling must be located so that it is not compromised in the event of a fire.*
 - (c) *The connection shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area shall be located in the centre of a clear working space with a minimum*

width of 4.5m. Access shall be maintained at all times to the hardstand area.

- (d) *Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1m above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.*

Note: Fire fighting water supply may be provided by means of other than specified in Conditions 22 and 23 above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

24. *Any water tanks shall be finished in dark colours that blend with the environment.*
25. *The on-site effluent disposal system shall be designed and its disposal field location confirmed by a suitably qualified person.*
26. *Any vehicle access shall have a minimum formed width of 4m and a maximum of 6m. The vehicle access shall be hard surfaced from the edge of the carriageway of the road to a distance not less than 5m inside the property boundary and be adequately drained for its duration.*
27. *There shall be no monumental gates or lighting associated with any driveway.*
28. *Outdoor lighting shall be shielded so the light source is not visible from adjacent sites or roads.*
29. *Light emissions shall be limited to:*
 - *16 lux of light on any other site, measured inside the boundary of that site.*
 - *8 lux of light onto any dwelling on any other site, measured at the windows of the dwelling.*

LUC-2017-506: Continuation of Residential Activity on Lot 1 of SUB-2017-90

1. *The proposal shall be in general accordance with the application plan prepared by Terramark Limited entitled, 'Lots 1 and 2 Being a Subdivision of Sections 6-22 Blk XLVI Town of Hawksbury,' and the information submitted as part of Applications SUB-2017-90, LUC-2017-477 and LUC-2017-506, received by Council on 19 September 2017, except where modified by the following conditions.*

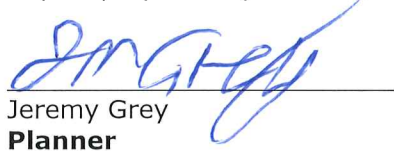
Advice Notes:

1. Transport will assess provisions for access, parking and manoeuvring at the time of any future resource consent or building consent application.
2. All wastewater from within any future building or buildings on the site shall be treated and disposed of within legal boundaries by means of systems which comply with the New Zealand Building Code G.13 and G.14, Australian/New Zealand Standards AS/NZS 1546.1:1998 and AS/NZS 1547:2000, or with Dunedin City Council's "Guidelines to On-Site Wastewater Disposal" 2001.
3. If the designs offered in these publications are not suitable for the site or the proposed use, the system shall be specifically designed by a person with suitable professional qualifications and experience. Reference should be made to engineering manuals such as the Auckland Regional Council's Technical Publication No. 58, "On-site Wastewater Disposal from Households and Institutions", and shall be designed to minimise the risk

of erosion or slippage resulting from the operation of that system. Sufficient information should be provided on the soil profile in terms of soakage capacity and the depth of any impermeable layer or the groundwater table to support the choice of design. It is requested that full details of the proposed system and its location, with all supporting information be supplied with the application for Building Consent for any new dwelling.

4. In addition to the conditions of resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
5. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
6. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
7. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
8. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the Buildings and structures or any works arising from the subdivision.
9. Any on-site effluent or stormwater disposal system is required to comply with the requirements of the Regional Plan: Water for Otago.

Report prepared by:


 Jeremy Grey
Planner

9/2/18
 Date

Report checked by:


 Campbell Thomson
Senior Planner

9/2/18
 Date